



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Agenda 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, April 25, 2016

6:00 PM

Town Hall, 363 N. Main Street

MEETING CALLED TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

AGENDA REVIEW

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

- 1A. [16-144](#) Presentation of Proclamation Recognizing May 2016 as Mental Health Month

Attachments: [08-2016 Mental Health Month May 2016](#)

- 1B. [16-148](#) Presentation of Proclamation Declaring the Month of May as Poppy Month

Attachments: [09-2016 Poppy Month](#)

- 1C. [16-147](#) Presentation of Proclamation Recognizing May 2 through May 8, 2016 as Rhododendron Week

Attachments: [10-2016 Rhododendron Week](#)

2. STAFF COMMENTS

3. MATTERS FROM COUNCILMEMBERS

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

MANNER OF ADDRESSING THE CITY COUNCIL: Any member of the public desiring to address the City Council shall submit a "Speaker Card" to the City Clerk and proceed to the podium after being recognized by the Presiding Officer. Speakers will be called up in the order the Speaker Cards are received. All remarks and questions shall be addressed to the City Council and no discussion or action shall be taken on any requests, in accordance with Brown Act Requirements. No person shall enter into any discussion without being recognized by the Mayor or acting Mayor.

IF AGENDA PERMITS: A maximum of thirty (30) minutes shall be allotted to receiving public comments at the initial public comment period and, if necessary, an additional 30 minutes shall be allotted to public comments prior to action on the Consent Calendar. Any citizen, after being recognized by the Mayor or acting Mayor, may speak on any topic that may be a proper subject for discussion before the City Council for such period of time as the Mayor or acting Mayor may determine is appropriate under the circumstances of the particular meeting, including but not limited to, the number of persons wishing to speak on a particular topic or at a particular meeting, or the complexity of a particular topic. Time limitations shall be set without regard to a speaker's point of view or the content of the speech, as long as the speaker's comments are not disruptive of the meeting.

BROWN ACT REQUIREMENTS: Pursuant to the Brown Act the Council cannot discuss issues or take action on any requests during this comment period.

5. PUBLIC HEARING

When a Public Hearing has been underway for a period of 60 minutes, the Council must vote on whether to continue with the hearing or to continue the hearing to another meeting.

6. CONDUCT OF BUSINESS

- 6A. [16-115](#)** Receive Report and Consider Rejection of Wylatti Resource Management's Bid Protest and Consider Adoption of City Council Resolution Accepting the Bid of Rege Construction as the Lowest Responsive Bid, Awarding the Contract for the Summers Lane Reservoir Project, Project No. 2016-01, to Rege Construction and Authorizing City Manager to Execute Contract (Amount Not to Exceed \$1,241,779.00; Account No. 651-6001-0731)

Attachments: [Summers Lane Reservoir Construction Award](#)
[Attachment 1: RESO Summers Lane Reservoir Project](#)
[Attachment 2: Summers Lane Reservoir Bid Opening](#)

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

See 4A. above.

7. CONSENT CALENDAR

All items under the consent calendar will be acted upon in one motion unless a Councilmember requests that an individual item be taken up under CONDUCT OF BUSINESS

- 7A. [16-146](#) Adopt City Council Resolution Authorizing Expenditure of Asset Forfeiture Funds and Amending the FY 2015-16 Budget to Purchase Three Fully-Equipped Police Electric Motorcycles (Amount Not to Exceed \$70,000; Account #167-4215-0381)
- Attachments:** [RESO Electric Motorcycle Purchase](#)
- 7B. [16-150](#) Adopt City Council Resolution Amending the FY 2015/16 C.V. Starr Community Center Budget to Include Mid-Year Budget Adjustments
- Attachments:** [RESO CV Starr FY 2015-16 Mid-Year Budget Admendments](#)
[CV Starr FY 2015-16 Mid-Year Budget Report](#)
- 7C. [16-151](#) Adopt City Council Resolution Approving a Professional Service Agreement with SHN Consulting Engineers and Geologists, Inc. for Construction Quality Assurance Inspections for the Summers Lane Reservoir (Amount not to Exceed \$38,850; Account No. 651-6001-0731)
- Attachments:** [RESO SHN Engineers Contract Summers Lane Reservoir](#)
[SHN Summers Lane Reservoir Contract](#)
- 7D. [16-155](#) Adopt City Council Resolution Approving a First Amendment to the 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 \$25,115; Account No. 413-5009-0731)
- Attachments:** [RESO KASL Contract Amendment](#)
[KASL Contract Amendment](#)
- 7E. [16-161](#) Receive and File Minutes from the February 17, 2016 Public Safety Committee Meeting
- Attachments:** [PSCM 2016-02-17](#)
- 7F. [16-160](#) Receive and File Minutes from the February 18, 2016 Public Works & Facilities Committee Meeting
- Attachments:** [PWM2016-02-18](#)
- 7G. [16-159](#) Receive and File Minutes from the March 2, 2016 Finance and Administration Committee Meeting
- Attachments:** [FACM2016-03-02](#)
- 7H. [16-157](#) Approve Minutes of April 11, 2016
- Attachments:** [CCM2016-04-11](#)

8. CLOSED SESSION



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 16-144

Agenda Date: 4/25/2016

Version: 1

Status: Mayor's Office

In Control: City Council

File Type: Proclamation

Agenda Number: 1A.

Presentation of Proclamation Recognizing May 2016 as Mental Health Month

PROCLAMATION

RECOGNIZING MAY 2016 AS MENTAL HEALTH MONTH

WHEREAS, mental health is essential to everyone's overall health and well-being; and

WHEREAS, all Americans experience times of difficulty and stress in their lives; and

WHEREAS, prevention is an effective way to reduce the burden of mental illnesses; and

WHEREAS, there is a strong body of research that supports specific tools that all Americans can use to better handle challenges and protect their health and well-being; and

WHEREAS, mental illnesses are real and prevalent in our nation; and

WHEREAS, with early and effective treatment, those individuals with mental illnesses can recover and lead full, productive lives; and

WHEREAS, each business, school, government agency, healthcare provider, organization, and citizen shares the burden of mental illnesses and has a responsibility to promote mental wellness and support prevention.

NOW, THEREFORE, I, Dave Turner, Mayor of the City of Fort Bragg, on behalf of the entire City Council, do hereby proclaim May 2016 as Mental Health Month in Fort Bragg. As Mayor, I also call upon the citizens, government agencies, public and private institutions, businesses and schools in Fort Bragg to recommit our community to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health, and the need for appropriate and accessible services for all people with mental illnesses at all stages.

SIGNED this 25th day of April, 2016.

DAVE TURNER, Mayor

ATTEST:

June Lemos, City Clerk

No. 08-2016



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 16-148

Agenda Date: 4/25/2016

Version: 1

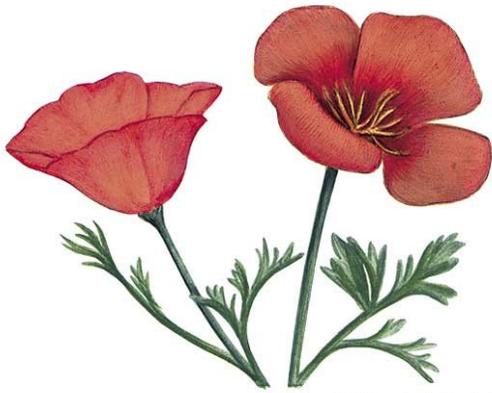
Status: Mayor's Office

In Control: City Council

File Type: Proclamation

Agenda Number: 1B.

Presentation of Proclamation Declaring the Month of May as Poppy Month



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PROCLAMATION

DECLARING

THE MONTH OF MAY AS

POPPY MONTH

WHEREAS, the United States of America is a land of freedom which is preserved and protected willingly and freely by citizen soldiers; and

WHEREAS, millions who have answered the call to service to our country have died on the field of battle; and

WHEREAS, a nation at peace must be reminded of the price of war and the debt owed to those who died in war; and

WHEREAS, the Red Poppy has been designated as a symbol of the sacrifice of the living in all wars; and

WHEREAS, the American Legion Auxiliary has pledged to remind Americans annually of this debt through the distribution of the memorial poppy flower.

NOW, THEREFORE, I, DAVE TURNER, Mayor of the City of Fort Bragg, do hereby proclaim the month of May, 2016, as POPPY MONTH and urge all citizens to pay tribute to those who have made the ultimate sacrifice in the name of freedom by wearing the Memorial Poppy during this month.

SIGNED this 25th day of April 2016.

DAVE TURNER, Mayor

ATTEST:

June Lemos
City Clerk

No. 09-2016



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 16-147

Agenda Date: 4/25/2016

Version: 1

Status: Mayor's Office

In Control: City Council

File Type: Proclamation

Agenda Number: 1C.

Presentation of Proclamation Recognizing May 2 through May 8, 2016 as Rhododendron Week

PROCLAMATION

RHODODENDRON WEEK

May 2 – May 8, 2016

WHEREAS, the Mendocino Coast area, because of its climate and soils, produces more varieties of rhododendrons – including its wild species – than any other area in California; and

WHEREAS, Fort Bragg is famous for its many beautiful rhododendron gardens including the Mendocino Coast Botanical Garden and many rhododendron nurseries; and

WHEREAS, many rhododendrons have been locally hybridized with names such as 'Fort Bragg Centennial', 'Noyo Chief', 'Noyo Dream', 'Pomo Princess', 'Elsie Fry', 'Ruby Bowman', 'Doctor Bowman', 'Fort Bragg Glow', 'Jim Drewry', 'General Braxton Bragg', 'Noyo Charm', 'Mendocino Gold' and 'Mendocino Magic'; and

WHEREAS, 'Noyo Mist' was recently hybridized and registered by Phil & Lucy Johnson, and 'Len's Pacific Foam' by Ken & Nodja Jones, local residents; and

WHEREAS, the mission of the Noyo Chapter of the American Rhododendron Society is to encourage and develop, in all possible ways, interest in the growing and culture of rhododendrons and azaleas; and

WHEREAS, the 39th Annual John Druecker Memorial Rhododendron Show – one of the largest rhododendron shows on the west coast with over 700 entries entered annually – will be held on May 7th and 8th, 2016 at our local Mendocino Coast Botanical Gardens.

NOW, THEREFORE, I, DAVE TURNER, Mayor of the City of Fort Bragg, do hereby proclaim the week of May 2 – May 8, 2016 as:

RHODODENDRON WEEK

SIGNED this 25th day of April, 2016.

DAVE TURNER, Mayor

ATTEST:

June Lemos
City Clerk

No. 10-2016



California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Northern Region
619 2nd Street
Eureka, California 95501
(707) 441-2075
www.dfg.ca.gov

EDMUND G. BROWN, JR., Governor
JOHN McCAMMAN, Director



Items Received at Meeting
During Public Comment

July 13, 2011

Ms. Teri Jo Barber
City of Fort Bragg
416 N. Franklin Street
Fort Bragg, California 95437
tbarber@fortbragg.com

Subject: Draft Lake or Streambed Alteration Agreement
Notification No. 1600-2011-0084-R1
Water Diversion and Sediment Removal; Waterfall Gulch

Dear Ms. Teri Jo Barber:

The Department of Fish and Game (Department) has determined that your project requires a Lake or Streambed Alteration Agreement (Agreement) because it could substantially adversely affect an existing fish or wildlife resource. Enclosed is a draft Agreement that includes measures the Department has determined are necessary to protect existing fish and wildlife resources.

Please be advised that the draft Agreement does not cover on-going water diversion activities at this facility. Based on recent stream flow measurements conducted by Department staff, the City of Fort Bragg's (City) water diversion substantially diverts the natural flow of Waterfall Gulch and therefore will require an Agreement pursuant to Fish and Code section 1602. Accordingly, the City should submit a notification to the Department for the Waterfall Gulch project and all other applicable water diversion activities including those on the Noyo River at Madsen Hole and Newman Gulch.

Within 30 days of receipt of this draft Agreement, you must notify the Department in writing whether the measures to protect fish and wildlife resources are acceptable (Fish and Game Code section 1603). If you agree with the measures set forth in the draft Agreement, you or your authorized representative must return two copies of the draft Agreement with original signatures to the above address.

If you disagree with any measures in the draft Agreement, please contact the Department staff identified below. In the event that mutual agreement is not reached, you may follow the dispute resolution process described in Fish and Game Code section 1603(a), Part III of the "Notification Instructions and Process." If you fail to respond in writing within 90 days of receiving the draft Agreement, the Department may withdraw the draft Agreement.

Please be advised the Department may not execute the Agreement until it has complied with the California Environmental Quality Act (CEQA) (Public Resources Code section

Conserving California's Wildlife Since 1870

Ms. Teri Jo Barber
July 13, 2011
Page 2 of 2

21000 *et seq.*) as the lead or a responsible agency. Please note that the draft Agreement may be subject to change upon receipt and review of the environmental document for the project.

When acting as a CEQA responsible agency, the Department must first receive the following: 1) a certified or approved environmental document prepared in accordance with CEQA; 2) Notice of Determination, if one is filed; 3) CEQA Findings; and 4) proof that the environmental filing fee required under Fish and Game Code section 711.4 has been paid. If the lead agency determined that the project is exempt under CEQA, please provide a copy of the Notice of Exemption or other information that indicates the basis for the exemption.

After you receive a final Agreement executed by the Department, you may begin the project the Agreement authorizes provided you have obtained all other necessary local, state, and federal permits or other authorizations.

For more information on the process described above, please refer to Part IV in the "Notification Instructions and Process" included with your notification materials, which is also available at www.dfg.ca.gov/habcon/1600/notificationpackage.pdf.

The issuance of this Agreement by the Department does not constitute a valid water right. The State Water Resources Control Board must first issue you a valid appropriative water right before you may lawfully divert water.

If you have any questions regarding this letter, please contact Mr. Rick Macedo, Staff Environmental Scientist at (707) 928-4369 or at rmacedo@dfg.ca.gov.

Sincerely,

Tony LaBanca
Senior Environmental Scientist
Coastal Conservation Planning

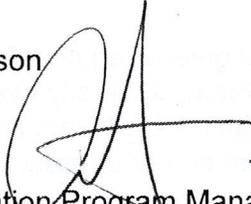
cc/ec: Terra Fuller and Wes Stokes tfuller@dfg.ca.gov, wstokes@dfg.ca.gov

Memorandum

Date: November 25, 2013

To: **Mr. Bill Holmes**, Chief
North Coast Region I Headquarters
Department of Forestry and Fire Protection
135 Ridgway Avenue
Santa Rosa, California 95401

Attention Review Team Chairperson
Mendocino Unit, Willits



T. LABANICA

From: **Curt Babcock**, Habitat Conservation Program Manager
Department of Fish and Wildlife
Region 1 – Northern

Subject: California Department of Fish and Wildlife, Preharvest Inspection Report for the "City of Fort Bragg" Timber Harvesting Plan 1-13-096MEN

Project Overview

Timberland Landowner/Plan Submitter:	City of Fort Bragg, (8-acre conversion)
County and general Project location:	Mendocino County; Mouth of the Noyo River
Sensitive Species and Habitat Specific Impact Evaluation(s):	Northern red-legged frog (<i>Rana aurora</i>), coho salmon (<i>Oncorhynchus kisutch</i>) and steelhead trout (<i>O. mykiss irideus</i>), pygmy cypress (<i>Hesperocyparis pygmaea</i>), Sonoma tree vole (<i>Arborimus longicaudus</i>)
Preharvest Inspection (PHI) Date and Attendees:	<u>October 29, 2013</u> Lee Susan, Registered Professional Forester (RPF); Lou Sciocchetti, California Department of Forestry and Fire Protection (CAL FIRE); Terra Fuller and Angela Liebenberg, California Department of Fish and Wildlife (CDFW), Teresa Spade, City of Fort Bragg Patrick Brand, California Geologic Survey Derek Hoyle, Fort Bragg Planning Commission

This report presents CDFW's recommendations for mitigating effects of proposed operations on fish and wildlife and their habitat. The recommendations are based on review of the timber harvesting plan (THP) and participation in the PHI. CDFW recommendations are predicated on providing adequate short- and long- term wildlife and habitat protection, conservation, and management to achieve sustainable populations.

CDFW used the THP and the Mitigated Negative Declaration's (MND) information, field inspections, and the California Natural Diversity Database (CNDDDB, <http://www.dfg.ca.gov/biogeodata/cnddb/>) to identify and evaluate potential risks to biological resources resulting from timber operations (operations).

Inspection findings and recommendations

The proposed THP is for an 8-acre conversion of mixed evergreen forest for the development of a reservoir. The reservoir footprint will cover 6.5 acres and hold 45-acre-feet of water diverted from Waterfall Gulch. The purpose of the reservoir is increased storage capacity to augment water availability during late summer months and drought conditions, as well as serve new development. Water from Waterfall Gulch is currently stored in the Newman Gulch Reservoir which is adjacent to the proposed site.

Most of the project information above was obtained from the MND. The THP only briefly describes the reservoir project and does not include the entire project description. THPs are regulated by Cal Fire as a Certified State Regulatory Program [Title 14, California Code of Regulations (14 CCR) 15251 (a)] which exempts THPs from the preparation of Environmental Impact Reports or Negative Declarations. THPs are subject to all other provisions in CEQA (14 CCR 15250). Consequently, CEQA requires the "whole" of a project be disclosed and analyzed (14 CCR 15378) and this information would then be included in both the summary and project description (14 CCR 15123 and 15124). Therefore, CDFW is recommending the THP include a project description that is similar to the MND's "Project Parameters and Purpose" (**Recommendation 1**).

Waterfall Gulch Water Diversion

The MND includes information regarding the source water for the reservoir as Waterfall Gulch. Waterfall Gulch is a tributary to Hare Creek, a watershed with populations of both steelhead trout and coho salmon. In 2011, CDFW issued a Lake or Streambed Alteration Agreement (LSA Agreement number 1600-2011-0084-R1) at the Waterfall Gulch diversion site for modifications to the bed and bank, but not for water diversion. The July 13, 2011 cover letter specifically stated the following:

"Please be advised that the draft Agreement does not cover on-going water diversion activities at this facility. Based on recent stream flow measurements

conducted by Department staff, the City of Fort Bragg's (City) water diversion substantially diverts the natural flow of Waterfall Gulch and therefore will require an Agreement pursuant to Fish and game Code section 1602. Accordingly, the City should submit a notification to the Department for the Waterfall Gulch project and all other applicable water diversion activities including those on the Noyo River at Madsen Hole and Newman Gulch."

On multiple occasions CDFW staff monitored flows during late summer and fall at the Waterfall Gulch diversion site and has found estimated diversion rates greater than 76%, and as high as 95%. The MND includes a link to Water Right License 12171 which allows for 0.668 cubic feet per second (cfs) to be diverted. During all of monitoring visits mentioned above, CDFW found the non-diverted, incoming flows to be less than the 0.668 cfs permitted amount.

Off-project water drafting sites (outside of THP boundaries) are routinely included as LSA Agreement notification points in THPs. Without the water diversion, there would be no THP project. Therefore, notification for the water drafting site through the THP process and the Timberland Conversion is appropriate.

CDFW is overall supportive of the City of Fort Bragg acquiring additional storage to augment their water supply. However, we believe the diversion of natural flow at Waterfall Gulch is substantial and jurisdictional pursuant to Fish and Game Code 1600 *et. seq.* and requires notification (**Recommendation 2**).

Vegetation

The 8-acre conversion MND and THP includes language addressing the likelihood of invasive species inoculating the disturbed site by proposing to replant all areas of bare soil around the reservoir with native species and "...all reasonable efforts should be made to control and remove existing or newly established species." These measures as proposed are non-enforceable. CDFW recommends enforceable re-vegetation and invasive species language is included in the THP (See **Recommendation 3 and Recommendation 4**).

The THP proposes to convert the site by permanently removing 8-acres of mixed evergreen forest from the 38.5 acre parcel owned by the city. Species occupying the site are: Douglas-fir (*Pseudotsuga menziesii* var. *menziesii*), redwood (*Sequoia sempervirens*), Bishop pine (*Pinus muricata*), and pygmy cypress. Pygmy cypress has a Global and State rank of G2/S2 which is categorized as imperiled both globally and in California.

This property is on the fringe of dense rural residential development to the south and west. Larger timber parcels boarder it to the north and east. The THP and MND proposes to mitigate the removal of 72 pygmy cypress trees by planting this species along a 10-foot strip (along the property line) and at reservoir margins at a 3:1 ratio. The harvested cypress trees are a part of a forest stand which will be replaced as single-

species landscaping. CDFW does not believe replanting individual cypress trees mitigates the impacts of the removal of the forest stand of which they were a component.

The Fort Bragg City Council recently approved the purchase of the Mendocino Recreation District Hwy 20 Regional Park property (See Figure 1). This property had a 2006 THP-Conversion (1-06-089MEN) where 225.6 acres were proposed for harvesting. Aerial photos show approximately six acres had been cleared prior to the approved THP and thus, the proposed THP (1-13-096MEN) is near two existing cleared areas (1-06-089MEN and the Bark Dump with approximately 18 acres cleared with 59 acres modified). Another 20.7-acre conversion is proposed by the City of Fort Bragg and Mendocino Solid Waste Authority for a Waste Transfer Station (<http://www.mendorecycle.org/RFP/default.html>, (See Figure 1).

Based on these records, CDFW is aware of a number of other conversions nearby; the City will have acquired a 6.0 acre existing conversion as a part of a 225.6 acre THP-Conversion and is proposing an 8-acre and a 20.7-acre conversion within 0.6 -1.0 miles of each other. There may be others of which CDFW is unaware. As required by 14 CCR 898 and the Board of Forestry Technical Rule Addendum No. 2, existing and known future projects are required to be included in the Cumulative Impacts Assessment. The THP needs to examine and disclose this potential (**Recommendation 5**). Furthermore, we believe this project maybe cumulatively considerable in light of past and future projects (14 CCR 15065 (a)(3)).

To reduce the cumulative impacts associated with the past and future projects stated above, the reservoir-conversion should be proposed at the 1-06-089MEN site since it is already cleared, highly degraded, and of appropriate size (See Figure 1). This is a feasible alternative to the proposed project site (14 CCR 21080.5). Conversely, if the 6-acre clearing at the Hwy 20 Regional Park is not selected as the project site, CDFW recommends it should be the site for re-vegetating/restoring mitigation of the removal of the 8-acre mixed evergreen forest with pygmy cypress trees (**Recommendation 6**).

Wildlife

The MND and THP proposes to mitigate potential disturbances to Sonoma Tree Vole (STV) by performing surveys prior to construction, avoiding discovered nest trees to the fullest extent possible, and, if unavoidable, consultation with CDFW. CDFW is unsure how nest trees will be avoided during a conversion, and finds adequate mitigation is not provided in the THP or MND for the impacts to STV habitat removal and/or disturbances to nests. CDFW proposes to mitigate potential disturbances to STV (**Recommendation 7.**)

The MND and THP include mitigation measures for special status herpetofauna, most of which have highly aquatic life history requirements. Although the measures are well-intended, they will likely not address impacts to the appropriate species or result in their detection because most of the work will be timber harvesting and grading in non-wetland habitats. The likely species to be impacted would be northern red-legged frog

and other terrestrial salamanders (for example northwestern salamander (*Ambystoma gracile*), coastal giant salamanders (*Dicamptodon tenebrosus*), Plethodontid salamanders, and others.)

Given these species are considerably more active during wet weather conditions and at night, CDFW recommends modifying the proposed survey language to use night eye-shine surveys with follow-up day time cover object searches (examining areas under woody debris etc.) prior to project activities. Minimally, three day and night visits (with a sample size of at least 6) - covering the entire project area – will constitute an adequate survey. Each visit shall be immediately prior to the start of any habitat altering activities (timber harvesting, stump removal, grading). One visit should occur immediately before the start of grading activities. More surveys may be needed to adequately cover the project area if construction is not completed during one survey season.

Surveys shall be done by a biologist or qualified person with knowledge in identification of local herpetofauna. Individuals species found shall be removed and relocated to the remaining parcel in similar habitat north of Newman pond. Relocating animals north of the pond will reduce the likelihood of re-colonization of the project site during construction activities.

The mitigation proposal in the THP for training the construction staff for incidental sightings is appropriate and should still be included (**Recommendation 8**).

Recommendations

As Trustee Agency for California's fish, wildlife, and native plant resources (Public Resources Code Sections 21000 and 15386, et seq.) and a review team agency (14 CCR 1037.5(a)), CDFW provides the following feasible and project-specific recommendations to avoid or reduce potentially direct, indirect, and potential cumulative impacts to aquatic and terrestrial resources within and downstream of the THP and within the planning watershed to a level below significant.

1. The THP's project description shall include the "whole" project description, similar to what is included in the MND's Project Parameters and Purpose.
2. The City of Fort Bragg shall notify CDFW pursuant to Fish and Game Code 1600 et. seq. for the water diversion from Waterfall Gulch.
3. Re-planting of perennial native species shall meet 80% coverage in 5 years. Monitoring shall occur at year 3 and year 5 with reports submitted within 6 months of each monitoring effort. If the re-vegetation target of 80% in 5 years is not reached, the 5-year report shall propose re-planting. After approval by CDFW, these will be applied and monitored for 2 additional years (totaling 7 years). After year 7 a final follow-up report shall be submitted to CDFW and Cal Fire.

4. Invasive species shall be eradicated and monitored every year for a minimum of 5 years. At year 5 if the 80% native re-vegetation target has not been reached, then eradication and monitoring of invasive species shall extend for 2 additional years (totaling 7 years).
5. The Hwy 20 Regional Park property and the proposed Waste Transfer Station site conversion shall be included in the THP's cumulative impacts analysis.
6. The Hwy 20 Regional Park property shall be included and analyzed in the THP as:
 - a. a potential feasible alternative to the project, and
 - b. a mitigation site for the conversion of the mixed evergreen forest and pygmy cypress.
7. The THP shall include mitigation that assumes presence of STV and include the following mitigation: nearby City of Fort Bragg owned STV habitat shall be protected in perpetuity with a conservation instrument (e.g., a deed restriction or conservation easement) at a ratio of 1:1 to the 8-acre habitat conversion. Property shall be similar to the THP with a Douglas-fir component. The conservation instrument shall require CDFW approval for habitat modifications.
8. The THP shall modify the mitigation measures for special status herpetofauna and include the following:
 - Prior to project activities, surveys consisting of 3-night eye shine visits and 3-day time over object visit shall occur covering the entire project area.
 - More surveys may be needed to adequately cover the project area if not completed during one survey attempt.
 - Each visit shall be completed immediately prior to the start of any habitat altering activities (timber harvesting, stump removal, grading). One visit shall occur immediately before the start of grading activities.
 - Surveys shall be done by a biologist or qualified person with knowledge in identification of local herpetofauna.
 - All species found shall be relocated to similar habitat north of Newman pond.

Mr. Bill Holmes
November 25, 2013
Page 7 of 8

CDFW would like to thank Messrs. Susan, Sciocchetti and other PHI participants for their assistance during the PHI. Please direct questions or correspondence regarding this memorandum to Ms. Terra Fuller at (707) 964-1980, or Mr. Jon Hendrix at (707) 964-1691.

ec: Department of Forestry and Fire Protection
Leslie Markham, Santa Rosa Resource Management
Review Team Chair, Mendocino Unit, Resource Management,
Lou Sciocchetti, Charlie Martin, Shailyn Brewer, and Janet Riggs
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lou.sciocchetti@fire.ca.gov, shailyn.brewer@fire.ca.gov, janet.riggs@fire.ca.gov

Lee Susan - RPF
summit@mcn.org

Fort Bragg City Planner
Teresa Spade
tspade@fortbragg.com

Division of Water Rights
Angela Nguyen-Tan
anguyentan@waterboards.ca.gov

Department of Fish and Wildlife
Brad Valentine, Jon Hendrix, Nicholas Simpson, Richard Macedo, Sharon Hope, Sue Sniado, Simona Altman, Janelle Deshais, Angela Liebenberg, Jane Arnold, Randi Adair, and Terra Fuller
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angela.liebenberg@wildlife.ca.gov, jane.arnold@wildlife.ca.gov,
adair.randi@wildlife.ca.gov, terra.fuller@wildlife.ca.gov

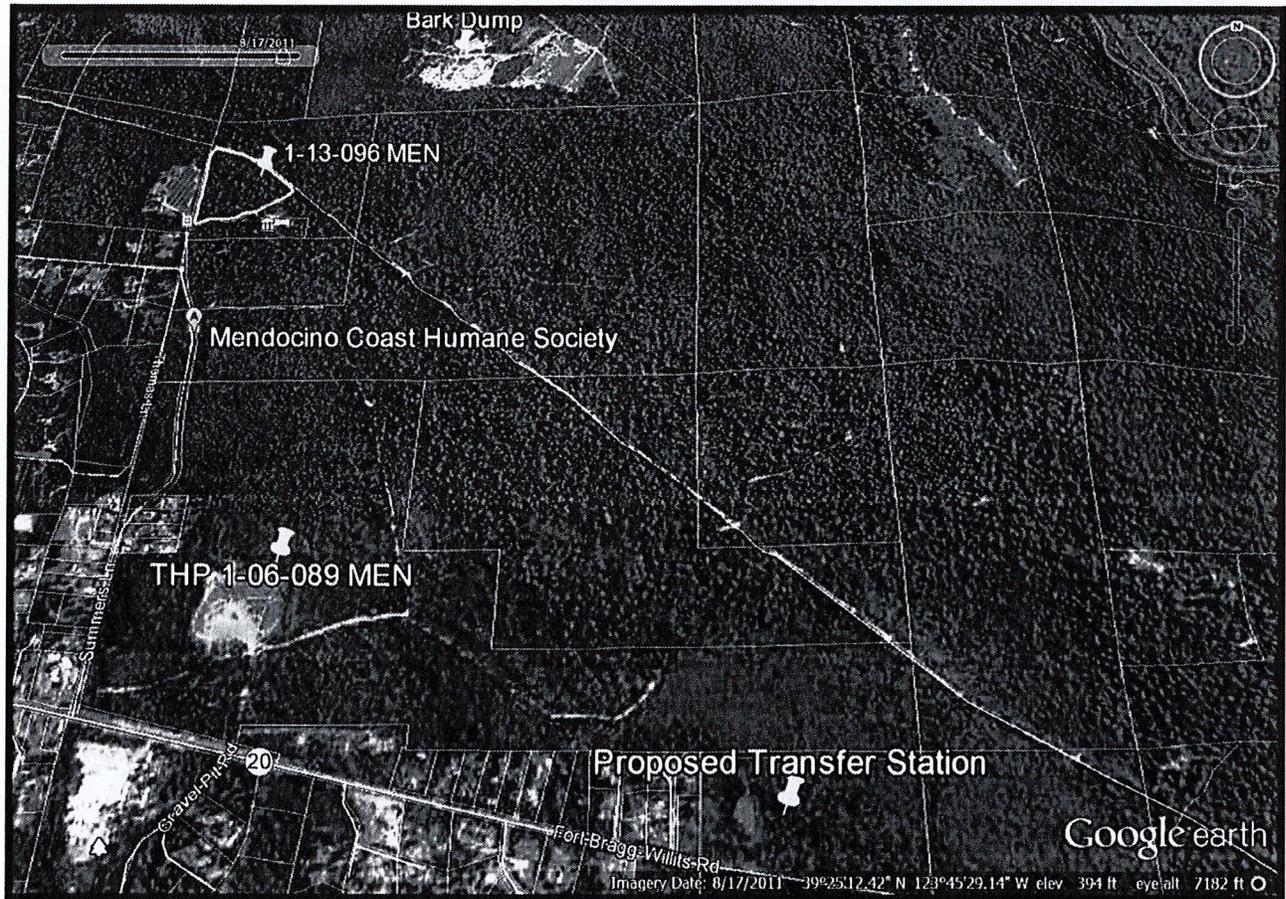


Figure 1. 2011 Google Earth image illustrating past and future projects of which CDFW is aware (see push pins) with parcels and stream (kmz) files. All projects are within 0.6 or 1 mile of each other. Potential Fort Bragg City conversion projects: 1-13-096 MEN, 1-06-080 MEN, and Waste Transfer Station.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 – Northern
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



March 3, 2014

Ms. Linda Ruffing, City Manager
City of Fort Bragg
Fort Bragg City Hall
416 N. Franklin Street
Fort Bragg, California 95437

Subject: Request for Notification Pursuant to Fish and Game Code Section 1602(a)

Dear Ms. Ruffing:

The purpose of this letter is to request that the City of Fort Bragg enter into an agreement pursuant to Fish and Game Code (FGC) Section 1602(a) with the California Department of Fish and Wildlife (Department) for on-going water diversion from the Noyo River, Waterfall Gulch and Newman Gulch. The Department is responsible for conserving, protecting, and managing the State's fish, wildlife, and native plants. In order for the Department to meet this responsibility, the law requires that you notify us before beginning any project that may substantially impact a river, stream, or lake, and, if necessary, obtain a Lake or Streambed Alteration Agreement (Agreement) from us. Agreements are required for projects, new and on-going, that "substantially divert or obstruct the natural flow" of any river, stream or lake. In addition, Fish and Game Code (FGC) Sections 5901 and 5937 require operators of a device, contrivance or dam to maintain adequate fish passage and/or allow sufficient water to keep in good condition any fish that may exist downstream.

Department staff have inspected the diversion for the City of Fort Bragg (City) at different times. The City diverts stream flow from Waterfall Gulch under Water Right Application (WA) No. A02418 (License No. L012171), from the Noyo River under Water Right Application No. A017345 (Permit No. P011383), and from Newman Gulch under a Pre-1914 claim for municipal purposes. The licensed rate of diversion for WA No. A02418 is 0.668 cubic feet per second (cfs) from January 1 to December 31. The permitted rate of diversion for WA No. A017345 is 3.0 cfs with a requirement to bypass 10 cfs or the natural stream flow, whichever is less, from October 1 through May 31 and to bypass 3 cfs or the natural stream flow, whichever is less, from June 1 through September 30 to maintain fish life. The stated amount of water diverted from Newman Gulch ranges from 46.8 to 232.8 acre-feet per year and is diverted at a rate of 2.67 cfs.

The Noyo River supports coho salmon (*Oncorhynchus kisutch*) and Chinook salmon (*O. tshawytscha*) and steelhead trout (*O. mykiss*), Waterfall Gulch and Newman Gulch provide habitat for sensitive amphibian species and contribute valuable flow to the Noyo and Hare Creek watersheds. Coho salmon are listed as endangered under the federal and

Ms. Linda Ruffing
March 3, 2014
Page 2 of 3

California Endangered Species Act (ESA and CESA, respectively). Steelhead trout and Chinook salmon are listed as threatened under ESA.

The City's diversions are potentially impacting fish and wildlife resources in the Noyo River and Waterfall and Newman gulches during low-flows periods. CDFW is concerned the City's diversion is permitted to divert up to 50% of the stream flow in the Noyo River without adequate measures to ensure fish are not stranded or otherwise harmed; diverts over 80% from Waterfall Gulch without bypassing sufficient stream flow to maintain public trust resources downstream; and diverts an unknown percentage of Newman Gulch stream flow. The flow in these streams is critical for protecting fish and wildlife resources and without appropriate bypass flows impacts to listed and sensitive species, including take of listed salmonids, may occur. In particular, the low-flow bypass flow and instantaneous rate of diversion in the Noyo River can result in harm to listed salmonids. The diversion in Waterfall Gulch may take over 80% of the low-flow, which may not provide enough bypass flow to protect public trust resources downstream of the diversion. Similar impacts may also be occurring as a result of the City's Newman Gulch water diversion.

In a July 13, 2011, cover letter for Agreement No. 1600-2011-0048-R1, the Department advised the City the Waterfall Gulch diversion was substantial and required notification pursuant to FGC Section 1602(a), but no notification was received by the Department. Subsequently, in a November 25, 2013, Pre-harvest Inspection report for Timber Harvesting Plan No. 1-13-096MEN, the Department requested the City notify for the diversion from Waterfall Gulch. The City replied it considers the water right permit to meet all the requirements for meeting state law. It is important for the City to understand that the Department has jurisdiction over Waters of the State when the diversion is substantial pursuant to FGC Section 1602(a). FGC Section 1602(a) requires an entity to notify the Department before substantially diverting or obstructing the natural flow of a river, stream, or lake.

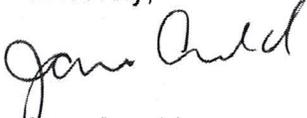
The Department reiterates its request that the City enter into a Lake or Streambed Alteration Agreement pursuant to FGC section 1602(a). This request is especially important considering that Paragraph 11 of Permit No. P011383 states the water right does not authorize any act, which might result in take under ESA and CESA without first obtaining an incidental take permit. This permit term was developed as part of the Order approving the Extension of Time and was added to address potential take issues that could arise. The rate and method of diversion from the Noyo River during low-flow periods could potentially be causing harm to listed salmonids, which may qualify as "take" under the ESA. In issuing an Agreement, the Department develops avoidance and minimization measure to prevent take of listed salmonids, which are intended to negate the need for an incidental take permit.

At this time, the Department would like to discuss the notification requirements with the City and request you contact Environmental Scientist Angela Liebenberg at (707) 964-4830. Ms. Liebenberg and other Department staff are available to meet with you and your staff to discuss this issue.

Ms. Linda Ruffing
March 3, 2014
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Thank you for working cooperatively with the Department regarding your activities and helping to conserve California's fish and wildlife resources.

Sincerely,



Jane Arnold
Acting Senior Environmental Scientist (Supervisor)

ec: State Water Resources Control Board
Angela Nguyen-Tan, Taro Murano, and Laura LaVallee
angela.nguyen-Tan@waterboards.ca.gov taro.maruno@waterboards.ca.gov;
laura.lavallee@waterboards.ca.gov

cc: California Department of Fish and Wildlife
Richard Macedo, Jane Arnold, and Angela Liebenberg
richard.macedo@wildlife.ca.gov; jane.arnold@wildlife.ca.gov;
Angela.liebenberg@wildlife.ca.gov



State of California – Natural Resources Agency
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EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



July 21, 2014

City of Fort Bragg
Public Works Department
416 North Franklin Street
Fort Bragg, CA 95437

**Subject: Notice of Public Hearing and Notice of Intent to Adopt Mitigated
Negative Declaration (SCH #2013092035), Mendocino County**

To Whom It May Concern:

On June 18, 2014, the California Department of Fish and Wildlife (CDFW) received from the State Clearinghouse a revised Mitigated Negative Declaration (MND) for the proposed Summers Lane Reservoir Project (Project) east of Fort Bragg, Mendocino County. CDFW staff visited the Project site on October 29, 2013, as attendees on the Pre-harvest Inspection for the proposed Timber Harvesting Plan (THP) No. 1-13-096 MEN. CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and their habitat. As a responsible agency, CDFW administers the California Endangered Species Act and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. CDFW's primary concerns involving the proposed Project include: (a) ongoing diversion of water without notification pursuant to FGC section 1602, (b) operation of a dam (i.e., Waterfall Gulch Reservoir) without provision of sufficient water for fish existing below the dam as required pursuant to FGC section 5937, and (c) impacts to and mitigation for special status fish and wildlife species.

CDFW provides the following feasible and Project-specific recommendations in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code §21000 *et seq.*).

Project Description and Current Conditions

Currently, the City of Fort Bragg (City) diverts water from Newman Gulch (a tributary to the Noyo River), and re-diverts water from Waterfall Gulch (a tributary to Hare Creek) into the Newman Gulch Reservoir for municipal use. The Project site is located entirely within the Noyo River watershed.

According to the MND, the existing Newman Gulch Reservoir has a capacity of approximately 4 acre-feet and is located 200 linear feet north of the Project site. The proposed Project would construct a second reservoir with a capacity of 45 acre-feet to store raw water from Waterfall Gulch. To accommodate reservoir construction, the City proposes to harvest eight forested acres, and has submitted THP No. 1-13-096 MEN, which is currently under review by the California Department of Forestry and Fire

Protection. The MND describes the area to be harvested as consisting of "redwood dominated coastal mixed coniferous forest." The MND further discloses that 72 Mendocino pygmy cypress trees (*Hesperocyparis pygmaea*) (State rank S2, imperiled) are present in the Project area, "constituting approximately 1/7th of the canopy cover."

Additional Project elements include grading of approximately 43,000 cubic-yards of soil; installing a pipeline to transport water by gravity-feed from the reservoir to the City's water treatment plant; connecting to the existing pipeline within Newman Gulch; and construction and operation of an overflow spillway.

Ongoing water diversion

The Noyo River supports coho salmon (*Oncorhynchus kisutch*) (State endangered, federal threatened), Chinook salmon (*O. tshawytscha*) (federal threatened) and steelhead trout (*O. mykiss*) (federal threatened). Hare Creek supports coho salmon and steelhead trout. Populations of these salmonid fishes have undergone a substantial decline in abundance in previous decades. Coho salmon, for instance, has undergone at least a 70-percent decline in abundance since the 1960s, and is currently at 6 percent to 15 percent of its abundance during the 1940s. These species have been impacted by loss and degradation of habitat, including lack of adequate in-stream flow, high water temperatures due to a lack of streamside vegetation, siltation of spawning gravels, and lack of in-stream shelter and pools.

Over the past three years, CDFW has requested the City to enter into a Lake or Streambed Alteration Agreement (LSAA) pursuant to FGC section 1602 for its water diversions at Waterfall Gulch, Newman Gulch, and the Noyo River. Agreements are required for projects, new and ongoing, that "substantially divert or obstruct the natural flow" of any river, stream, or lake.

In a July 13, 2011 cover letter for LSAA 1600-2011-0084-R1, CDFW advised the City that the Waterfall Gulch diversion was substantial, and required notification pursuant to FGC section 1602. Subsequently, in a November 25, 2013 Pre-harvest Inspection Report for THP 1-13-096 MEN, CDFW requested the City provide notification for the diversion from Waterfall Gulch. A March 3, 2014 letter to the City from CDFW requested notification pursuant to FGC section 1602 and reiterated the potential impacts to public trust resources from ongoing water diversion. To date, notification has not been received by CDFW.

While the Summers Lane Reservoir site is not within a streambed, Project-related activities including connecting to the existing pipeline in Newman Gulch and/or the construction and operation of the Reservoir's overflow device may affect the bed, bank, and/or channel of a stream, and thus require separate notification pursuant to FGC section 1602.

The MND's February 2013 Biological Assessment by WRA Environmental Consultants, states "...impacts may include construction-related discharge of sediment or other

pollutants into surface waters or aquatic habitats. In addition, potential discharge of the proposed reservoir into Newman Gulch has the potential to alter the hydrology of this feature." FGC section 1602 requires notification for any and all project work which will change or use any material from the bed, channel, or bank of any river, stream, or lake, or deposit or dispose of debris, waste, or other material where it may pass into any river, stream, or lake.

Operation of a dam without provision of sufficient water for fish

Waterfall Gulch contributes valuable flow to Hare Creek and provides habitat for sensitive amphibian species, coho salmon, and steelhead trout.

FGC section 5937 requires that the owner of a dam "shall allow sufficient water at all times to pass through a fishway, or in the absence of a fishway, allow sufficient water to pass over, around or through the dam, to keep in good condition any fish that...exist below the dam." CDFW has inspected the Waterfall Gulch diversion on multiple occasions and have observed the City diverting up to 95 percent of the flow without bypassing sufficient water to maintain public trust resources downstream. Without appropriate bypass flows, impacts to listed and sensitive species, including take of listed salmonids, may occur.

In light of the City's potential impacts to listed species, current non-compliance with FGC sections 1602 and 5937, and potential impacts associated with construction of the proposed reservoir, a measurable conservation strategy to reduce water demand is advisable. The City currently lacks a comprehensive plan to address water use and water shortage concerns, especially during dry-year periods. CDFW generally supports the establishment of additional water storage by the City. However, CDFW must ensure water diversions occur in a manner that does not adversely impact fish and wildlife resources.

Conservation can provide an immediate and positive impact on water supply. The California Water Action Plan states that "in the future, most new water will come from a combination of improved conservation and water use efficiency." The first item on the Action list in this plan is to "Make conservation a California way of life." In 2009, the State adopted the Water Conservation Act through the passage of Senate Bill X7-7, requiring that California achieve a 20 percent reduction in urban per-capita water use by the end of December 2020. Some municipalities, such as the Sonoma County Water Agency, have implemented voluntary, but specific and quantifiable water conservation goals. The City should develop a long-term water plan, including measurable conservation goals.

Recommendations

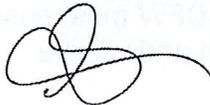
1. Pursuant to Fish and Game Code section 1602, the City of Fort Bragg shall enter into a Lake or Streambed Alteration Agreement (LSAA) for ongoing and future

water diversion from all pertinent stream and river sources including Waterfall Gulch.

2. Pursuant to Fish and Game Code section 1602, the City of Fort Bragg shall enter into an LSAA for any and all Project-related activities that will change or use any material from the bed, channel, or bank of any river, stream, or lake, or deposit or dispose of debris, waste, or other material where it may pass into any river, stream, or lake.
3. Pursuant to Fish and Game Code section 5937, the City of Fort Bragg shall allow sufficient water bypass below the Waterfall Gulch dam to keep in good condition any fish that may exist downstream.
4. In order to reduce or avoid impacts to listed salmonids and other sensitive aquatic species, the City of Fort Bragg shall consult with the California Department of Fish and Wildlife to determine appropriate protective measures for immediate implementation at the Waterfall Gulch diversion.
5. The City of Fort Bragg should develop a long-term, comprehensive plan to address water use and water shortage concerns, including measurable conservation goals and strategies.

If you have questions or comments regarding this matter, please contact Environmental Scientist Angela Liebenberg at (707) 964-4830 or 619 Second Street, Eureka, CA 95501.

Sincerely,



Gordon Leppig for:

Curt Babcock
Habitat Conservation Program Manager

cc: Ms. Linda Ruffing
City of Fort Bragg
416 N. Franklin Street
Fort Bragg, CA 95437
lruffing@fortbragg.com

Fort Bragg Planning Commission
416 N. Franklin Street
Fort Bragg, CA 95437

ec: Page 5

City of Fort Bragg
Public Works Department
July 21, 2014
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ec: Curt Babcock, Angela Liebenberg, Rick Macedo, Jane Arnold, Wes Stokes,
Scott Koller, Gordon Leppig, Michael van Hattem, Brad Valentine, and
Laurie Harnsberger
California Department of Fish and Wildlife
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gordon.leppig@wildlife.ca.gov, michael.vanhattem@wildlife.ca.gov,
brad.valentine@wildlife.ca.gov, laurie.harnsberger@wildlife.ca.gov

State of California
Department of Fish and Wildlife

Memorandum

Date: August 15, 2014

To: Amanda Montgomery, Environmental Program Manager
Division of Water Rights
State Water Resources Control Board
PO Box 2000
Sacramento, CA 95812-2000
Via Fax (916) 341-5400

From: **Curt Babcock**, Habitat Conservation Program Manager
Region 1 – Northern

Subject: **Department of Fish and Wildlife's Protest of Petition for Change to License 12171 to Appropriate Water from Waterfall Gulch, Tributary to Hare Creek, Mendocino County**

Project Description

The City of Fort Bragg (City) diverts stream flow from Waterfall Gulch under Water Right License No. L012171, from the Noyo River under Water Right Application No. A017345 (Permit No. P011383), and from Newman Gulch under a Pre-1914 claim for municipal purposes. In its Petition for Change to License 12171 (Project), the City seeks to change its license to build a 14.7 million gallon reservoir to store water diverted from Waterfall Gulch, tributary to Hare Creek, thence the Pacific Ocean. Currently, the City diverts water from Waterfall Gulch at a rate of up to 0.668 cubic feet per second. The season of diversion is January 1 to December 31 with a total amount of water diverted of 475 acre-feet per annum (afa). Water from Waterfall Gulch is piped to Newman Gulch, tributary to the Noyo River (point of redirection). No bypass flows to protect listed and sensitive species are proposed for the Project.

Ecological Significance of Project Setting

The Noyo River and Hare Creek support coho salmon (*Oncorhynchus kisutch*) and steelhead trout (*O. mykiss*). The Noyo River also supports Chinook salmon (*O. tshawytscha*). Coho salmon are listed as endangered under the federal and California Endangered Species Acts (ESA and CESA, respectively). Steelhead trout and Chinook salmon are listed as threatened under ESA. Coho salmon have undergone a minimum 70 percent decline in abundance since the 1960s, and are currently 6 percent to 15 percent of 1940s abundance estimates (Department of Fish and Game, 2004). Hare Creek and the Noyo River are designated "Sensitive High Value Salmonid Habitat" and are critical habitat for steelhead trout.

Ms. Amanda Montgomery
August 15, 2014
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The Hare Creek watershed also supports California Species of Special Concern (SSC) southern torrent salamanders (*Rhyacotriton variegatus*), northern red-legged frog (*Rana aurora*), western pond turtle (*Actinemys marmorata*), and other amphibians and wildlife. California Department of Fish and Wildlife (CDFW) designates certain vertebrate species as SSC because declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction or extirpation in California. Though not listed pursuant to ESA or CESA, the goal of designating taxa as SSC is to halt or reverse these species' decline by addressing conservation concern issues early enough to help secure their long-term viability and prevent CESA or ESA listing. Waterfall Gulch provides habitat for sensitive amphibian species and contributes valuable flow to the Noyo River and Hare Creek watersheds.

State Water Code section 1257 requires the State Water Resources Control Board (SWRCB) to consider the relative benefit to be derived from all beneficial uses of the water concerned including, but not limited to those listed for fish and wildlife resources in Hare Creek and the Noyo River. Categories of beneficial uses of water in Hare Creek and the Noyo River relevant to fish and wildlife resources include Cold Freshwater Habitat; Migration of Aquatic Organisms; Commercial and Sport Fishery; Rare, Threatened, or Endangered; Spawning, Reproduction, and/or Early Development; and Wildlife Habitat.

Basis of Protest

CDFW has reviewed the Petition for Change and the draft license terms for License 12171. Based on our review, CDFW believes there is substantial evidence, as defined under California Environmental Quality Act (CEQA) Guidelines section 15384 that this Project will have a significant effect on natural resources. CDFW's interest in this Project is based on our role as Trustee Agency for California's fish and wildlife resources and as a Responsible Agency under CEQA section 21000 et seq. Fish and wildlife resources are held in trust for the people of the State of California under FGC section 711.7. Additionally, FGC section 1600 et seq. grants CDFW jurisdiction over projects that substantially divert water from lakes, rivers or streams. CDFW seeks to maintain native fish, wildlife, plant species, and natural communities for their intrinsic and ecological value and for their benefits to all citizens in the State. This includes habitat protection and maintenance of habitat in sufficient amounts and quality to ensure the survival of all native species and natural communities.

CDFW's right to protest is based on State Water Code section 1703.1 and other provisions of law. CDFW protests the approval of the Petition for Change based on environmental concerns and the potential for impacts to public trust resources within Hare Creek and the Noyo River watersheds. CDFW believes the existing diversions

contribute to direct and cumulative adverse impacts to listed and sensitive species and have the potential for take. In filing this protest, it is the goal and responsibility of CDFW to protect and maintain viable populations of fish and wildlife resources throughout the State.

Bypass Flows

Short- and long-term droughts are well documented in California and reliable water availability for human use and fisheries habitat maintenance is a major concern (Johnson and Loux, 2004). Water diversions have the potential to cause site-specific and cumulative adverse impacts by degrading established instream habitat for fish. Bypassing stream flow past water diversions and dams provides for maintaining seasonal stream temperatures and sufficient downstream holding and rearing habitat for fish and other aquatic life. Additionally, dams impede migration of amphibians, drift of macroinvertebrates downstream to fish bearing streams, and migration of other aquatic life. Thus, measures to ensure adequate instream flows such as installing meters and bypass flow are needed. No such measures appear to be proposed in the Petition for Change.

The City's diversions are potentially impacting fish and wildlife resources in the Noyo River and Waterfall and Newman gulches during low-flows periods. CDFW is concerned the City's diversion is permitted to divert up to 50 percent of the stream flow in the Noyo River without adequate measures to ensure fish are not stranded or otherwise harmed; diverts over 80 percent of Waterfall Gulch stream flow without bypassing sufficient stream flow to maintain public trust resources downstream; and diverts an unknown percentage of Newman Gulch stream flow. The flow in these streams is critical for protecting fish and wildlife resources and without appropriate bypass flows, impacts to listed and sensitive species, including take of listed salmonids, may occur.

There has been a decline in several other sensitive species and habitats in Hare Creek and the Noyo River watershed area, including but not limited to: northern red-legged frog, western pond turtle, and riparian habitats. Changes in habitat and land use practices appear to be contributing to the decline of these populations.

In summary, bypass flow requirements for License 12171 are necessary to: (1) protect instream flows during critical life stages of coho salmon and steelhead trout; (2) maintain seasonal water temperatures; (3) provide sufficient holding and rearing habitat; and (4) ensure adequate attraction flows for migration. Preserving sufficient flows in Waterfall Gulch will protect instream habitat, thereby protecting fish and other native aquatic life in those waters and meet the requirements of FGC sections 5901 and 5937.

Clarification Requested

Several aspects of the Project are unclear. In particular, the Project does not provide clear measures to mitigate for the water diversion, reservoir, and dam. CDFW seeks clarification on the following issues:

1. How will water storage be managed with regard to instream flows for resources of concern and channel maintenance?
2. What mitigation does the City propose for reduced stream flows?
3. Will the City reduce the rate of diversion to meet FGC sections 5901 and 5937 and prevent the take of listed salmonids and other sensitive species?
4. How will storage be managed to meet the City's needs while not exceeding the current face value of License 12171?

Considerations in Developing Protest Dismissal Terms

Protest Dismissal Terms, if adopted as enforceable conditions of a water right permit, are intended to avoid or mitigate adverse impacts to fisheries, wildlife, and plant resources. Based on information provided, site-specific studies for the purpose of determining any appropriate terms and conditions are needed. Additionally, this information is necessary for disclosure by the lead agency in any environmental document prepared or relied upon for compliance with CEQA for approval of the water right project. A study plan should be prepared for CDFW review and should include at a minimum, the following:

1. A water availability analysis as defined under Water Code §1260(k).
2. A hydrologic study to determine if the production of the watershed is sufficient to provide the water requested without having significant adverse impacts to aquatic and riparian resources of Waterfall Gulch and downstream in Hare Creek. The study shall identify all other bases of water rights in the watershed potentially affected by the proposed diversion.
3. The City shall evaluate the site-specific and cumulative impacts of the proposed quantity and rate of diversion on the stream and its resources. The evaluation of the cumulative impacts must include consideration of all other diversions within the watershed, including any diversions under riparian water use.

Protest Dismissal Terms

Draft License Term O discusses if take under CESA/ESA will result from "any act authorized under this right," then the City is required to obtain an incidental take permit. To avoid potential for take under CESA/ESA, CDFW is offering formal protest dismissal terms for the Petition for Change.

Considering the Project's complexity, the presence of listed and other sensitive species and the potential that this Project may, in conjunction with numerous other existing water diversion projects in this watershed, cause adverse cumulative impacts, CDFW believes the Project may potentially have a significant effect on the environment. CDFW recommends the following be included as enforceable conditions of the license to reduce project impacts to less than significant on fish and wildlife resources in Hare Creek, to comply with FGC sections 1602, 5901, and 5937, and to prevent the take of ESA- and CESA-listed and sensitive species:

1. A recommended minimum bypass flow for maintenance of listed fish and other sensitive aquatic life. In Waterfall Gulch, the City must have minimum bypass flows to meet FGC sections 5901 and 5937. The bypass flows must be of sufficient quantity to allow upstream and downstream of passage of aquatic life and to maintain aquatic resources in good condition downstream of the dam.
2. The City shall install a water meter at the point of diversion to ensure only the allowed amount of water is being diverted.
3. Under the exercise of all bases of rights and only if water is available for the diversion, the diversion of water from Hare Creek shall be limited to a combined total of 475 afa.
4. The City shall develop a plan to monitor compliance, the effectiveness of the stipulated flows, and procedures for making subsequent modifications, if necessary.
5. For the protection of western pond turtle and northern red-legged frog, the City shall:
 - a. develop and implement a CDFW approved plan to eliminate any bullfrogs or non-native fish if they are found inhabiting the reservoir;
 - b. not stock fish in the reservoir; and
 - c. provide basking sites for western pond turtles in the reservoir.
6. The City must allow access for CDFW personnel to monitor compliance.

Ms. Amanda Montgomery
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7. A lake and streambed alteration agreement (LSA Agreement) is required to substantially divert water from a stream pursuant to FGC section 1602. CDFW has determined the City's water diversions are substantial and may result in take of listed and sensitive species. The City shall notify CDFW for a LSA Agreement. Information on the process for notifying can be obtained at <http://www.dfg.ca.gov/habcon/1600/>. The City shall extend and renew its LSA Agreement to divert water over the life of the reservoir and diversions.

All or some of these terms may be subject to modification or cancellation should facts warranting such action come to light based on the requested studies. CDFW will dismiss this protest if the above terms and if any additional terms, which may come to light during environmental review, are met. If you have any questions or comments regarding this matter, please contact Senior Environmental Scientist Specialist, Jane Arnold at 619 Second Street, Eureka, CA 95501 or telephone (707) 441-5671.

References

- Department of Fish and Game. 2004. Recovery Strategy for California Coho Salmon. Report to the California Fish and Game Commission. 594 pp.
- Johnson, Karen and Jeff Loux. 2004. Water and Land Use: Planning Wisely for California's Future. Solano Press Books. 308 pp.

cc: Linda Ruffing, City Manager
City of Fort Bragg
Fort Bragg City Hall
416 N. Franklin Street
Fort Bragg, CA 95437

Paula Whealen
Wagner & Bosignore, CCE
2151 River Plaza Drive, Suite 100
Sacramento, CA 95833

ec: Page 7

Ms. Amanda Montgomery
August 15, 2014
Page 7 of 7

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david.hines@noaa.gov

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Amanda.montgomery@waterboards.ca.gov

Brian Johnson
Trout Unlimited
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Bryan McFadin
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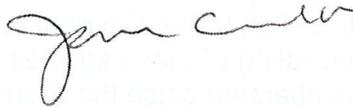
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Angela Liebenberg, and Laurie Harnsberger
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allan.renger@wildlife.ca.gov, wes.stokes@wildlife.ca.gov
angela.liebenberg@wildlife.ca.gov; lharnsberger@wildlife.ca.gov,

Memorandum

Date: October 17, 2014

To: Matthew McCarthy, Senior Environmental Scientist (Supervisory)
Division of Water Rights
State Water Resources Control Board
Post Office Box 2000
Sacramento, CA 95812-2000
Via Fax (916) 341-5400

From: Jane Arnold, Senior Environmental Scientist (Specialist)
Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, CA 95501



Subject: **Department of Fish and Wildlife's Protest of Petition for Change to License 12171 to Appropriate Water from Waterfall Gulch, tributary to Hare Creek, Mendocino County**

On August 15, 2014, the California Department of Fish and Wildlife (CDFW) filed a protest with the Division of Water Rights (Division) for the subject Petition for Change. On September 24, 2014, CDFW received a request from the Division to correct deficiencies in CDFW's protest pursuant to State Water Code §1703.2. Below are CDFW's objections to the subject Petition for Change requested by the Division. These objections are in addition to our original protest and protest dismissal terms.

Basis for Objections

1. The amount and rate of water diverted may increase under this Petition for Change. CDFW has reviewed the City of Fort Bragg's (City) Reports of Licensee for License 12171 from 2008 through 2013 on file with the Division. According to the Reports of Licensee, the City's rate of diversion has increased since 2008 and the amount of water diverted annually has increased. The reported rate of diversion ranged from zero to 240 gallons per minute (gpm), which is below the licensed amount of 300 gpm. The reported annual amount diverted ranges from 114 to 234 acre-feet per annum (afa), below the licensed amount of 475 afa. Additionally in all years reported, except in 2010, more water is diverted than is used. Thus, 206 afa is the highest amount used reported. From the reports, it

also appears the City diverts more water in most years than it uses. Given the City has not diverted its full license in recent years, the change to include storage proposed in the petition has the potential to increase the amount of water diverted by the City.

2. The Petition for Change has the potential to impact public trust resources. Hare Creek supports coho salmon (*Oncorhynchus kisutch*) and steelhead trout (*O. mykiss*). Coho salmon are listed as endangered under the federal and California Endangered Species Act (ESA and CESA, respectively). Steelhead trout are listed as threatened under ESA. Coho salmon have undergone a minimum 70% decline in abundance since the 1960s, and are currently 6 to 15% of 1940s abundance estimates (Department of Fish and Game, 2004). Hare Creek is designated "Sensitive High Value Salmonid Habitat" and is critical habitat for steelhead trout. The listing of these species and their habitat designations are conditions that have changed since the license was issued. As proposed, the Petition for Change may result in the project impacting species or their habitat listed under ESA or CESA.
3. The Hare Creek and Noyo River watersheds also support California Species of Special Concern (SSC) southern torrent salamanders (*Rhyacotriton variegatus*), northern red-legged frog (*Rana aurora*), western pond turtle (*Actinemys marmorata*), and other amphibians and wildlife. CDFW designates certain vertebrate species as SSC because declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction or extirpation in California. The construction of a reservoir may provide habitat for invasive species, which may impact listed and sensitive native species.
4. State Water Code §1701.2(c) states the petitions should provide information that can be reasonably obtained from CDFW concerning the extent fish and wildlife may be affected by the change. CDFW provided recommendations on the project during the timber harvesting review process on November 25, 2013 (see attached). These recommendations were submitted to the City, but not all CDFW recommendation are incorporated into the project as mitigations per State Water Code §1701.2(c).
5. The Petition for Change is not meeting Fish and Game Code (FGC). The Petition for Change does not list a Lake or Streambed Alteration Agreement pursuant to FGC §1602 as necessary for the project. On March 3, 2014, CDFW sent the City a letter requesting notification for all of their diversions (see attached). To date, CDFW has not received a notification pursuant to FGC §1602.

CDFW is concerned the City's diversion diverts over 80% of Waterfall Gulch stream flow without bypassing sufficient stream flow to maintain public trust

Mr. Matthew McCarthy
October 17, 2014
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resources downstream, which does not comply with FGC §§ 5937 or 5901. The flow in this stream is critical for protecting fish and wildlife resources. Preserving sufficient flows in the Waterfall Gulch will protect instream habitat, thereby protecting fish and other native aquatic life in those. The dam and diversion create migration barriers for aquatic vertebrate and benthic macroinvertebrate passage in the stream (FGC §5901). The dam does not have bypass flows to maintain fish in good condition below it (FGC §5937).

Objections:

Considering the project's complexity, the presence of listed and other sensitive species and the potential that this project may, in conjunction with numerous other existing water diversion projects in this watershed, cause adverse cumulative impacts, CDFW believes the project may potentially have a significant effect on the environment. In addition to CDFW original protest dismissal terms, CDFW objections are:

1. The Petition for Change has the potential to increase use over reported use. CDFW recommends the City be limited to its maximum diversion rate (240 gpm) and maximum amount of reported water use (206 afa).
2. In Waterfall Gulch, the City's diversion does not meet FGC §§5901 and 5937. The City has not submitted a notification pursuant to FGC §1602 despite a formal request from CDFW. CDFW recommends the City comply with all FGC.
3. The reservoir has the potential for colonization by invasive species and no mitigation is proposed for monitoring for nor control of invasive species. For the protection of western pond turtle and northern red-legged frog, the City shall:
 - a. develop and implement a CDFW approved plan to eliminate any bullfrogs or non-native fish if they are found inhabiting the reservoir;
 - b. not stock fish in the reservoir; and
 - c. provide basking sites for western pond turtles in the reservoir.
4. Pursuant to State Water Code §1701.2(c) implement measures provided on November 23, 2013, through the timber harvesting review process to the City, which have not already been incorporated into the project.

Thank you for the opportunity to provide a basis for objection to support the protest dismissal terms filed by CDFW. If you have any questions or comments regarding this matter, please contact Staff Environmental Scientist Jane Arnold at 619 Second Street, Eureka, California 95501 or telephone (707) 441-5671.

Mr. Matthew McCarthy
October 17, 2014
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cc: Linda Ruffing, City Manager
City of Fort Bragg
Fort Bragg City Hall
416 N. Franklin Street
Fort Bragg, California 95437

Paula Whealen
Wagner & Bosignore, CCE
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ec: National Marine Fisheries Service
David Hines
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State Water Resources Control Board
Angela Nguyen-Tan
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State of California - Natural Resources Agency
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EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



January 20, 2015

Ms. Marie Jones
Community Development Director
City of Fort Bragg
416 North Franklin Street
Fort Bragg, CA 95437

**Subject: Notice of Public Hearing and Notice of Intent to Adopt Mitigated
Negative Declaration (SCH #2014122062)
Mendocino County, California**

Dear Ms. Jones:

On December 29, 2014, the California Department of Fish and Wildlife received from the State Clearinghouse a Mitigated Negative Declaration (MND) for the proposed Hare Creek Center Project (Project) in Fort Bragg, Mendocino County. The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and their habitat. As a responsible agency, the Department administers the California Endangered Species Act and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. The Department's primary concerns involving the proposed Project include: (a) a substantial increase in water demand which may impact fish and wildlife and (b) ongoing diversion of water without notification pursuant to FGC section 1602.

The Department provides the following feasible and Project-specific recommendations in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (California Public Resources Code §21000 et seq.).

Project Description

The proposed Project would include construction and operation of a shopping center consisting of three separate buildings totaling 29,500 square feet of building space on Assessor's Parcels 018-450-40 and 018-450-41. The shopping center would contain a grocery store, three retail spaces, and a restaurant. Associated development would include a new access road, parking lot, pedestrian improvements, utility connections, low-impact development elements, and landscaping.

Current Conditions and Increase in Water Demand

The December 22, 2014 update of the Governor's Drought Task Force states that California is entering the fourth year of one of the most severe droughts on record after several years of rainfall deficits. The Governor declared a drought State of Emergency on January 17, 2014, which remains in effect. The most recent U.S. Drought Monitor map (January 6, 2015) depicts extreme drought conditions in all of Mendocino County despite recent precipitation. The City of Fort Bragg declared a Stage 1 Water Emergency establishing mandatory conservation measures on September 18, 2014, in addition to earlier press releases urging voluntary water conservation. The December 18, 2014 U.S. Seasonal Drought Outlook from the National Oceanic and Atmospheric Administration (NOAA) Climate Prediction Center shows that drought conditions are expected to persist throughout nearly all of California, including Mendocino County, at least through March 31, 2015.

According to the MND, water for the Project would be provided by City of Fort Bragg municipal sources and would increase demand by nearly 2 million gallons. The Department commends the incorporation of low-impact development elements into the Project design, including drought-tolerant landscape plantings, areas of permeable paving and vegetated swales to facilitate groundwater infiltration, and installation of rainwater catchment tanks for landscape irrigation. However, rainwater catchment is only anticipated to offset an estimated 89,000 gallons of the Project's water usage. The MND estimates total additional municipal water usage of 1,846,916 gallons per year.

The MND states that a water supply analysis completed in 2010 *"found that the City could increase water use by 8% over existing water use in a severe drought (such as the 1977 drought) and continue to serve all customers without falling below the 5 million gallon reserve required to maintain adequate pressure in the system for fire flows."* The MND further states that projects using 4.6 percent of this estimated capacity have been approved, with an additional 1 percent anticipated for a project currently in the permitting process. This leaves only 2.4 percent of the City of Fort Bragg's estimated water capacity available. The MND notes that *"[w]ater availability under severe drought conditions is the primary constraint for City utility service for a project of this size"* but does not address current or future drought conditions, quantify potential consequences of drought on the water supply, or disclose potential impacts of increased water diversion on the streams which comprise the source of that supply.

Ongoing water diversion

The municipal water supply for the City of Fort Bragg consists entirely of water diverted from three streams: Noyo River, Newman Gulch (tributary to Noyo River), and Waterfall Gulch (tributary to Hare Creek).

The Noyo River supports three listed salmonid species: coho salmon (*Oncorhynchus kisutch*) is State-listed as "endangered" and federally-listed as "threatened"; steelhead trout (*O. mykiss*) and Chinook salmon (*O. tshawytscha*) are federally-listed as "threatened." Hare Creek supports coho salmon and steelhead trout. Populations of these salmonids have undergone a substantial decline in abundance in recent decades. Coho salmon has undergone at least a 70-percent decline in abundance since the 1960s, and is currently at 6 percent to 15 percent of its abundance during the 1940s. These species have been impacted by loss and degradation of habitat, including lack of adequate in-stream flow, high water temperatures due to lack of streamside vegetation, siltation of spawning gravels, and lack of in-stream shelter and pools.

The City of Fort Bragg's diversions are potentially impacting fish and wildlife resources in the Noyo River and Waterfall and Newman gulches during low-flow periods. The Department is concerned that the City of Fort Bragg is diverting up to 50 percent of the stream flow in the Noyo River without adequate measures to ensure fish are not stranded or otherwise harmed (non-compliance with FGC §§5901 and 1600); diverts over 80 percent of Waterfall Gulch stream flow without bypassing sufficient stream flow to maintain public trust resources downstream (pursuant to FGC §5937); and diverts an unknown percentage of Newman Gulch stream flow. The flow in these streams is critical for protecting fish and wildlife resources, and without appropriate bypass flows, impacts to listed and sensitive species, including take of listed salmonids, may occur.

An August 15, 2014 letter from NOAA's National Marine Fisheries Service protesting the City of Fort Bragg's petition for change of an existing water right emphasized this concern. The letter stated that *"[t]he continuation of water diversions from Waterfall Gulch, in the absence of adequate flow bypass conditions, may cause adverse impacts to listed salmonids in Hare Creek by: (a) reducing the amount and quality of rearing habitat downstream; (b) reducing the amount and quality of spawning habitat downstream; and (c) reducing upstream and downstream passage opportunities for adults, juveniles, and smolts. ...In addition, proposed modifications to transport and storage of water have the potential to alter streamflow conditions in the Noyo River watershed via Newman Gulch Reservoir and result in impacts similar to those described above for Hare Creek."*

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Despite the assertion in the MND that *"the project will be adequately served by existing water entitlements, sources and storage facilities,"* diversion of additional water has the potential to cause or exacerbate impacts to aquatic resources, particularly during low-flow periods. No substantive mitigation is presented to address current diversion or the proposed increase.

Prior Request to Comply with FGC

Lake or Streambed Alteration Agreements (LSAA) are required for projects, new and ongoing, that substantially divert or obstruct the natural flow of any river, stream, or lake. Over the past four years, the Department has repeatedly requested the City of Fort Bragg enter into a LSAA as the following list indicates:

- July 13, 2011 – In a letter, the Department advised the City of Fort Bragg that the Waterfall Gulch diversion was substantial and required notification pursuant to FGC section 1602.
- November 25, 2013 – In a Pre-harvest Inspection Report for THP 1-13-096 MEN, the Department requested that the City of Fort Bragg provide notification for the diversion from Waterfall Gulch.
- March 3, 2014 – In a letter to the City of Fort Bragg, the Department requested notification pursuant to FGC section 1602 and reiterated the potential impacts to public trust resources from ongoing water diversion.
- July 21, 2014 – In a comment letter to the City of Fort Bragg regarding the MND for the proposed Summers Lane Reservoir, the Department outlined potential impacts, requested notification pursuant to FGC section 1602, and provided additional recommendations to reduce or avoid impacts to aquatic resources.
- August 15, 2014 – In a letter to the State Water Resources Control Board and the City of Fort Bragg regarding the Waterfall Gulch diversion, the Department requested compliance with FGC section 1602 and other regulations to prevent the take of State- and federally-listed species.

As of this date, notification has not been received by the Department. In issuing a LSAA, the Department develops avoidance and minimization measures to address affected fish and wildlife resources, including measures that avoid take of listed salmonids.

Conservation can provide an immediate and positive impact on water supply. In 2009, the State adopted the Water Conservation Act through the passage of Senate Bill X7-7, requiring that California achieve a 20 percent reduction in urban per-capita water use by the end of December 2020. Some municipalities, such as the Sonoma

Ms. Marie Jones
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County Water Agency, have implemented voluntary but specific and quantifiable water conservation goals. The City of Fort Bragg should develop a long-term water plan including measurable conservation goals consistent with Senate Bill X7-7.

In light of the City of Fort Bragg's current non-compliance with FGC section 1602, potential noncompliance with FGC sections 5901 and 5937, and potential impacts to listed species, the City of Fort Bragg should not approve additional projects or developments with the potential to increase water demand. In addition, a measurable conservation strategy to reduce water usage is warranted. The City of Fort Bragg currently lacks a comprehensive plan to address water use and water shortage concerns especially during drought periods.

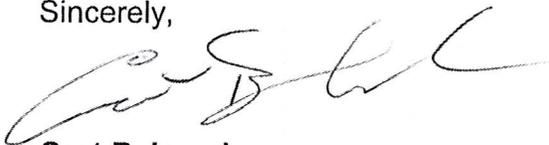
Recommendations

In order to avoid or reduce potential impacts to fish and wildlife resources and their habitats to a less than significant level, the Department recommends the City of Fort Bragg address the following:

1. Pursuant to FGC section 1602, the City of Fort Bragg shall enter into a LSAA for ongoing and future water diversion from all pertinent stream and river sources.
2. The City of Fort Bragg should not approve the Hare Creek Center Project nor additional projects or developments with the potential to increase water demand without adequate bypass flows.
3. The City of Fort Bragg should develop a long-term, comprehensive plan to address water use and water shortage concerns including measureable conservation goals and strategies consistent with Senate Bill X7-7.

If you have questions or comments regarding this matter, please contact Environmental Scientist Angela Liebenberg at (707) 964-4830 or angela.liebenberg@wildlife.ca.gov.

Sincerely,



Curt Babcock
Environmental Program Manager

Ms. Marie Jones
City of Fort Bragg
January 20, 2015
Page 6 of 6

ec: Ms. Marie Jones, Community Development Director
Linda Ruffing, City Manager
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EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



May 22, 2015

Ms. Linda Ruffing, City Manager
City of Fort Bragg
Fort Bragg City Hall
416 N. Franklin Street
Fort Bragg, California 95437

Subject: Request for Meeting to Discuss Protest Dismissal Terms of Petition for Change to License 12171 to Appropriate Water from Waterfall Gulch, tributary to Hare Creek, Mendocino County

Dear Ms. Ruffing:

On October 17, 2014, the Department of Fish and Wildlife (DFW) protested the City of Fort Bragg's (City) Petition for Change for License 12171 for diversion to storage. DFW protested the Petition for Change based on concerns for public trust resources. On February 17, 2015, the City's representative sent a response to DFW's protest with concerns that DFW's protest did not meet State Water Code for protest acceptance and disputing DFW's public trust concerns, permitting authority, and protest terms. The Division of Water Rights (Division) has accepted DFW's protest. By accepting DFW's protest, the Division has determined that the protest meets State Water Code requirements. At this time, DFW is requesting a meeting with the City to discuss how to resolve DFW protest terms.

Please contact Jane Arnold, Senior Environmental Scientist Specialist, at (707) 441-5671 or jane.arnold@wildlife.ca.gov to arrange a mutually agreeable date and time to meet. Thank you for working cooperatively with the DFW regarding your activities and helping to conserve California's fish and wildlife resources.

Sincerely,

Gordon Leppig
Senior Environmental Scientist Supervisor

cc: State Water Resources Control Board
Angela Nguyen-Tan
angela.nguyen-tan@waterboards.ca.gov

California Department of Fish and Wildlife
Richard Macedo, Jane Arnold, and Angela Liebenberg
richard.macedo@wildlife.ca.gov; jane.arnold@wildlife.ca.gov;
angela.liebenberg@wildlife.ca.gov

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EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



October 28, 2015

Fort Bragg City Council
416 North Franklin Street
Fort Bragg, CA 95437

Subject: Permitting City of Fort Bragg Water Diversions

Dear Fort Bragg City Council:

On October 13, 2015, California Department of Fish and Wildlife (Department) staff attended a special meeting of the Fort Bragg City Council concerning the current Stage 3 Water Emergency. This letter's purpose is to provide the City Council with background regarding the regulatory context of the City of Fort Bragg's (City) water diversions and proposed Summers Lane Reservoir, and information about impacts from the City's diversion on stream flow and public trust resources.

The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and their habitat. As a responsible agency, the Department administers the California Endangered Species Act and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. The Department's primary concerns regarding the City of Fort Bragg's existing water diversions include: (a) inadequate bypass flow which may potentially impact fish and wildlife resources (FGC §§5901, 5937, and 2080), and (b) ongoing diversion of water without notification (FGC §1602).

Current Conditions

The October 16, 2015 update of the Governor's Drought Task Force states that California is in the fourth year of a severe, record-setting drought. The Governor declared a drought State of Emergency on January 17, 2014, which remains in effect. The most recent U.S. Drought Monitor map (October 20, 2015) depicts extreme drought conditions in coastal Mendocino County.

The City declared a Stage 1 Water Emergency establishing mandatory conservation measures in August, 2015, which escalated to a Stage 3 Water Emergency on September 30, 2015. The October 15, 2015 U.S. Seasonal Drought Outlook from the National Oceanic and Atmospheric Administration (NOAA) Climate Prediction Center¹ shows that drought conditions are expected to persist or intensify throughout much of northern California, including Mendocino County, at least through January 31, 2016.

¹ <http://www.cpc.ncep.noaa.gov/>

The NOAA Drought Task Force brief assessment² states that “El Niño events have not reliably delivered above-average precipitation across the entire state, especially not in the northern watersheds.”

Ongoing Water Diversion

The City's municipal water supply consists of water diverted from three streams: Noyo River, Newman Gulch (tributary to Noyo River), and Waterfall Gulch (tributary to Hare Creek).

The Noyo River supports three listed salmonid species: coho salmon (*Oncorhynchus kisutch*) is State-listed as “endangered” and federally-listed as “endangered”; steelhead trout (*O. mykiss*) and Chinook salmon (*O. tshawytscha*) are federally-listed as “threatened.” Hare Creek supports coho salmon and steelhead trout. Populations of these salmonids have undergone a substantial decline in abundance in recent decades. Coho salmon has undergone at least a 70 percent decline in abundance since the 1960s, and is currently at 6 percent to 15 percent of its abundance during the 1940s. These species have been impacted by loss and degradation of habitat, including lack of adequate in-stream flow, high water temperatures due to lack of streamside vegetation, siltation of spawning gravels, and lack of in-stream shelter and pools (DFG 2004).

The City's diversions are impacting fish and wildlife resources in the Noyo River and Waterfall and Newman gulches during low-flow periods. The City is diverting up to 50 percent of the stream flow in the Noyo River, at times over 90 percent of Waterfall Gulch stream flow, and an unknown percentage of Newman Gulch stream flow. These rates of diversion are substantial and lack adequate bypass flows to maintain aquatic species downstream and to ensure fish are not stranded or otherwise impacted. Therefore, these stream diversions are not in compliance with FGC sections 1602, 5901, and 5937.

An August 15, 2014, letter from NOAA's National Marine Fisheries Service protesting the City's petition for change of an existing water right emphasized this concern. The letter stated:

“[t]he continuation of water diversions from Waterfall Gulch, in the absence of adequate flow bypass conditions, may cause adverse impacts to listed salmonids in Hare Creek by: (a) reducing the amount and quality of rearing habitat downstream; (b) reducing the amount and quality of spawning habitat downstream; and (c) reducing upstream and downstream passage opportunities for adults, juveniles, and smolts. ...In addition, proposed modifications to transport and storage of water have

²<http://cpo.noaa.gov/ClimatePrograms/ModelingAnalysisPredictionsandProjections/MAPPTaskForces/DroughtTaskForce/ENSOCaliforniaDrought.aspx>

the potential to alter streamflow conditions in the Noyo River watershed via Newman Gulch Reservoir and result in impacts similar to those described above for Hare Creek."

Prior Requests to Comply with Fish and Game Code

Pursuant to FGC section 1602, Lake or Streambed Alteration Agreements (LSAA) are required for new and ongoing projects that substantially divert or obstruct the natural flow of any river, stream, or lake. In issuing a LSAA, the Department develops avoidance and minimization measures to address affected fish and wildlife resources, including measures that avoid take of listed salmonids.

In a recent ruling³, the California Court of Appeal affirmed the Department's authority to require notification for water diversion pursuant to FGC section 1602. The ruling states that:

"Regardless of an entity's legal right to take water, such as for agricultural purposes, and regardless of whether the taking alters the streambed itself, Section 1602 unambiguously requires notification to the Department if an entity plans to 'substantially divert' water. After notification, a statutory mechanism – arbitration followed by court review – exists to resolve disputes about diversions. This notification requirement neither encroaches on any entity's water rights, nor impairs the powers and duties of the State Water Resources Control Board (Board), which has filed an amicus brief fully supporting the Department's position (California Court of Appeal 2015)."

This ruling reversed an earlier judgment in a lower court in Siskiyou County.

Over the past four years, the Department has repeatedly requested that the City enter into a LSAA, as the following list indicates:

- July 13, 2011 – In a letter, the Department advised the City that the Waterfall Gulch diversion was substantial and required notification pursuant to FGC section 1602.
- November 25, 2013 – In a Pre-harvest Inspection Report for THP 1-13-096 MEN, the Department requested the City provide notification for the diversion from Waterfall Gulch.
- March 3, 2014 – In a letter to the City, the Department requested notification pursuant to FGC section 1602 and reiterated the potential impacts to public trust resources from ongoing water diversion.

³ <http://www.courts.ca.gov/opinions/documents/C073735.PDF>

- July 21, 2014 – In a comment letter to the City regarding the mitigated negative declaration (MND) for the proposed Summers Lane Reservoir, the Department outlined potential impacts, requested notification pursuant to FGC section 1602, and provided additional recommendations to reduce or avoid impacts to aquatic resources.
- August 14, 2014 – Department staff met informally with the City's City Manager, Director of Public Works, and Community Development Director to discuss water-related compliance issues and potential solutions.
- August 15, 2014 – In a letter to the State Water Resources Control Board and the City of Fort Bragg regarding the Waterfall Gulch diversion, the Department requested compliance with FGC section 1602 and other regulations to prevent the take of State- and federally-listed species.
- January 20, 2015 – In a comment letter to the City regarding the MND for the proposed Hare Creek Center project, the Department requested notification pursuant to FGC section 1602 and reiterated the potential impacts to public trust resources from ongoing water diversion.

As of this date, the Department has not received notification from the City pursuant to FGC section 1602.

Installation of Bladder Dam on Noyo River

On October 16, 2015, the Department received a Notification of Emergency Lake or Streambed Alteration stating that on October 1, 2015, a bladder dam had been installed at the City's diversion on the Noyo River (Madsen Hole). The Notification stated that due to high tides, total dissolved solids at the point of diversion had exceeded levels that could be processed at the City's water treatment plant.

In subsequent communications, the City provided additional dates in October and November 2015 when the dam is expected to be installed to prevent sea water from contaminating the City's water supply. This activity was allowed to be conducted in 2015 under an emergency notification. The City has the ability to monitor stream and tidal conditions to determine when similar conditions will occur in 2016 and should do so. If installation of a dam is needed in the future, a standard LSAA will be required and must be in effect in advance of the activity.

Summers Lane Reservoir

The Department supports the establishment of additional water storage by the City. However, the Department must ensure that water diversions occur in a manner that does not adversely impact fish and wildlife resources.

In order to change the existing water right to allow for the filling of the proposed Summers Lane reservoir, the City was required to file a Petition for Change of its water right with the State Water Resources Control Board. According to the Draft Amended Water License⁴ (Term K):

"No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies."

Because an LSAA is required, the City may not be in compliance with Water Right Permit Term K.

On October 17, 2014, the Department filed a protest of the City's petition for change to its water right. On December 2014, the Division of Water Rights accepted this protest and directed the City and the Department to "make a good faith effort to resolve the protest." The bases of the protest includes: a potential increase in the amount of water diverted from streams; potential impacts to public trust resources, including listed salmonids; and non-compliance with FGC sections 1602, 5937, and 5901. In a May 22, 2015 letter to the City, the Department requested a meeting to discuss protest dismissal terms. To date, the City has not responded to the Department's request to meet.

Water Conservation

The Department commends the City's efforts to conserve water. To provide additional immediate and positive impact on its water supply, the City should continue to expand conservation efforts as well as provide additional water conservation-related resources to its residents. In 2009, the State adopted the Water Conservation Act through the passage of Senate Bill X7-7, requiring that California achieve a 20 percent reduction in urban per-capita water use by the end of December 2020. The Department encourages the City to implement specific and quantifiable year-round water conservation goals, and to develop a long-term water plan including measurable conservation goals consistent with Senate Bill X7-7.

⁴http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/petitions/2014/25418draft.pdf

Recommendations

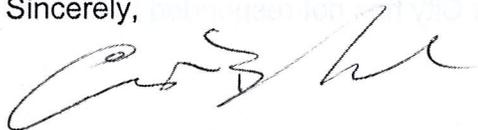
The City of Fort Bragg is currently noncompliant with FGC section 1602, potentially noncompliant with FGC sections 5901 and 5937, and is impacting State- and federally-listed and other sensitive species by diverting water from streams without sufficient bypass flows. Because the City currently lacks a comprehensive plan to address water use and water shortage concerns, especially during drought periods, it is unclear to the Department how the City plans to address these impacts.

In order to resolve these issues, the Department recommends the City:

1. Contact the Department to schedule a meeting to discuss resolution of the Department's water right protest terms.
2. Pursuant to FGC section 1602, enter into a LSAA for ongoing and future water diversion from the three stream diversions.
3. Pursuant to FGC section 1602, enter into a LSAA for any future dam installation.
4. Develop a long-term, comprehensive plan to address water use and water shortage concerns including measurable conservation goals and strategies consistent with Senate Bill X7-7.

If you have questions or comments regarding this matter, please contact Environmental Scientist Angela Liebenberg at (707) 964-4830 or angela.liebenberg@wildlife.ca.gov.

Sincerely,



Curt Babcock
Habitat Conservation Program Manager

ec: Page 7

Reference

California Department of Fish and Game. 2004. Recovery Strategy for California Coho Salmon. Report to the California Fish and Game Commission.

Fort Bragg City Council
October 28, 2015
Page 7 of 7

ec: Dave Turner, Lindy Peters, Michael Cimolino, Doug Hammerstrom, Scott Dietz
Fort Bragg City Council
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City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
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Text File

File Number: 16-115

Agenda Date: 4/25/2016

Version: 1

Status: Business

In Control: City Council

File Type: Resolution

Agenda Number: 6A.

Receive Report and Consider Rejection of Wylatti Resource Management's Bid Protest and Consider Adoption of City Council Resolution Accepting the Bid of Rege Construction as the Lowest Responsive Bid, Awarding the Contract for the Summers Lane Reservoir Project, Project No. 2016-01, to Rege Construction and Authorizing City Manager to Execute Contract (Amount Not to Exceed \$1,241,779.00; Account No. 651-6001-0731)



AGENCY:	City Council
MEETING DATE:	April 25, 2016
DEPARTMENT:	Public Works
PRESENTED BY:	T. Varga

AGENDA ITEM SUMMARY

TITLE:
RECEIVE REPORT AND CONSIDER REJECTION OF WYLATTI RESOURCE MANAGEMENT'S BID PROTEST AND CONSIDER ADOPTION OF CITY COUNCIL RESOLUTION ACCEPTING THE BID OF REGE CONSTRUCTION AS THE LOWEST RESPONSIVE BID, AWARDING THE CONTRACT FOR THE SUMMERS LANE RESERVOIR PROJECT, CITY PROJECT 2016-01 TO REGE CONSTRUCTION, AND AUTHORIZING CITY MANAGER TO EXECUTE CONTRACT (AMOUNT NOT TO EXCEED \$1,241,779.00; ACCOUNT NO. 651-6001-0731)

ISSUE:

Following the bid opening for construction of Summers Lane Reservoir, the bid of the apparent low bidder (Rege Construction) was protested by the apparent second lowest bidder (Wylatti Resource Management). The protest was based on irregularities that appeared in the Rege Construction bid.

RECOMMENDED ACTION:

Reject the bid protest by Wylatti Resource Management and adopt Resolution awarding the contract for the Summers Lane Reservoir project to Rege Construction.

ALTERNATIVE ACTION(S):

1. Council may choose to award the contract to another contractor and make the appropriate findings describing the reason(s) for its choice.
2. Council can choose to reject all bids and re-bid the project.

ANALYSIS:

On March 31, 2016, six bids were received for the construction of the Summers Lane Reservoir. The lowest three bids received are as follows:

Bidder	Total Base Bid Amount	Dollar Increase Over Low Bid	Percentage Increase Over Low Bid
Rege Construction	\$1,241,779.00	--	--
Wylatti Resource Management	\$1,328,314.50	\$86,535.50	7.0%
Akeff Construction	\$1,359,837.00	\$118,058.00	8.9%

Based on the above, Rege Construction (Rege) was determined to be the apparent low bidder.

The second low bidder, Wylatti Resource Management (Wylatti), timely protested Rege's bid. Wylatti claimed that:

1. Rege failed to provide the dollar amount for work to be performed by one listed subcontractor (Barber-Webb).
2. The failure made the bid incomplete and non-responsive.
3. The defect was material and non-waivable.

Rege timely responded to Wylatti's protest, claiming that the failure was nothing more than simple human error, did not affect the amount of the bid, and was immaterial to the performance of the contract.

The following provisions of the Notice Inviting Bids and the accompanying Instructions to Bidders apply.

Item 6.7 of the Instructions states, *"The City reserves the right to waive any bid irregularities not affecting the amount of the bid, except where such waiver would give the low bidder an advantage or benefit not allowed other bidders."*

Item 11 of the Notice states, *"The City reserves the right to reject any and all bids and/or waive any bid irregularities to the extent permitted by law. If the City elects to award a contract for performance of the project, the contract will be awarded in accordance with Public Contracting Code Section 20162 and other applicable law to the responsible bidder submitting a responsive bid with the lowest total bid price for the base bid."*

The City's bid specifications require bidders to provide the information noted in Wylatti's protest, and Rege failed to do so. After reviewing this situation with the City Attorney's office, staff believes that the City may waive the defect and determine the Rege bid to be responsive, and that it is in the best interests of the public for the City to do so. Reasons include the following:

1. Rege's bid was 7% (\$86,535) lower than the second low bid and accepting Rege's bid clearly benefits the public's fiscal interest.
2. The defect was immaterial. It does not affect Rege's bid total, does not go to the cost of the work or performance of the contract, and does not give Rege any advantage or benefit over any other bidder.

In summary, staff recommends to the City Council that: (i) the bid protest submitted by Wylatti Resource Management not be sustained, (ii) irregularities contained in the Rege Construction bid are non-material and are hereby waived, and (iii) the City Council award the contract to Rege Construction as the lowest responsive bid.

IMPLEMENTATION/TIMEFRAMES:

Following Council action to award the contract, the contract can be executed immediately afterwards. The required supporting documents (e.g. insurance, bonds, etc.) will be completed within two weeks. Construction can begin the second week of May. The reservoir would be expected to be substantially complete and ready for filling by mid-July.

ATTACHMENTS:

1. Resolution
2. Summary of Bid Opening

NOTIFICATION:

1. Wylatti Resource Management
2. Rege Construction

City Clerk's Office Use Only

Agency Action	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Approved as Amended
Resolution No.:	_____	Ordinance No.:	_____
Moved by:	_____	Seconded by:	_____
Vote:	_____		
<input type="checkbox"/> Deferred/Continued to meeting of:	_____		
<input type="checkbox"/> Referred to:	_____		

RESOLUTION NO. _____-2016

RESOLUTION OF THE FORT BRAGG CITY COUNCIL ACCEPTING BID OF REGE CONSTRUCTION AS THE LOWEST RESPONSIVE BID, AWARDING THE CONTRACT FOR THE SUMMERS LANE RESERVOIR PROJECT, CITY PROJECT NO. 2016-01, TO REGE CONSTRUCTION AND AUTHORIZING CITY MANAGER TO EXECUTE CONTRACT (AMOUNT NOT TO EXCEED \$1,241,779.00; ACCOUNT NO. 651-6001-0731)

WHEREAS, in accordance with California Public Contract Code 20164 and other applicable laws, the Project was advertised for bid on March 10, 2016, March 17, 2016 and March 24, 2016 with bids due on March 31, 2016; and

WHEREAS, six (6) bids were received with the apparent low bid coming from Rege Construction in the amount of \$1,241,779.00; and

WHEREAS, the City has confirmed that Rege Construction has the proper license, experience and meets the necessary requirements to complete the project as bid; and

WHEREAS, the City has performed the necessary environmental review and obtained all necessary permits for the Summers Lane Reservoir; and

WHEREAS, the Project is funded by the Summers Lane Reservoir Capital Project Fund, and appropriations were made in the FY 2015-16 Budget, Account No. 651-6001-0731; and

WHEREAS, based on all the evidence presented, the City Council finds as follows:

1. The Rege Construction bid meets the requirements of the Project bid documents and is considered responsive.
2. Sufficient funds are available through the appropriations made in the Summers Lane Reservoir Capital Project Fund to fully complete the project as advertised and bid.
3. Rege Construction has the proper licenses to complete the Project and based upon previous experience in completing similar projects, is a responsible bidder.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby accept the bid of Rege Construction as the lowest responsive bid, awarding the contract for the Summers Lane Reservoir Project, City Project 2016-01, to Rege Construction and authorizes the City Manager to execute the same (amount not to exceed \$1,241,779; Account No. 651-6001-0731).

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 25th day of April, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DAVE TURNER,
Mayor

ATTEST:

June Lemos
Acting City Clerk



CITY OF FORT BRAGG

Incorporated August 5, 1889
416 N. Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823

BID OPENING

Summers Lane Reservoir Project
City Project No. 2016-01

Bids were opened on **Thursday, March 31, 2016**, at 2:00 p.m. by June Lemos, City Clerk. City staff present in addition to the City Clerk included: Tom Varga, Linda Ruffing, Marie Jones, Sergio Fuentes, Scott Schneider, and Crystal Prairie.

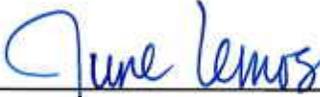
Six (6) bids were received. Said bids were from:

- | | | |
|----|--|----------------------------|
| 1. | Team Ghilotti, Inc.
2531 Petaluma Boulevard
South Petaluma, CA 94952 | Bid: <u>\$2,070,795.00</u> |
| 2. | Akeff Construction
31201 Thomas Lane
Fort Bragg, CA 95437 | Bid: <u>\$1,359,837.00</u> |
| 3. | Wylatti Resource Management
PO Box 575
Covelo, CA 95428 | Bid: <u>\$1,328,314.50</u> |
| 4. | Anderson Dragline, Inc.
10460 Live Oak Boulevard
Live Oak, CA 95953 | Bid: <u>\$1,610,305.00</u> |
| 5. | Granite Construction, Inc.
1324 S. State Street
Ukiah, CA 95482 | Bid: <u>\$1,663,278.00</u> |
| 6. | Rege Construction
600 Santana Drive
Cloverdale, CA 95425 | Bid: <u>\$1,241,779.00</u> |

The bids contained bid security in accordance with the Notice Inviting Bids for this project.

The bids will be reviewed by City Staff and a recommendation will be made to the Fort Bragg City Council at their regular meeting of April 11, 2016, at 6:00 p.m., or as soon thereafter as the matter may be heard.

Dated: March 31, 2016



June Lemos
City Clerk

cc: Planholders



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 16-146

Agenda Date: 4/25/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: 7A.

Adopt City Council Resolution Authorizing Expenditure of Asset Forfeiture Funds and Amending the FY 2015-16 Budget to Purchase Three Fully-Equipped Police Electric Motorcycles (Amount Not to Exceed \$70,000; Account #167-4215-0381)

The Fort Bragg Police Department has accumulated asset forfeiture funds as a result of participation in the Mendocino County Major Crimes Task Force. These funds may be used to purchase certain law enforcement equipment. The Police Department wishes to spend some of the asset forfeiture funds (\$70,000) to purchase three fully-equipped police electric motorcycles. The electric motorcycles will be used for patrol of the city and the north and south portions of the Coastal Trail. The motorcycles are eco-friendly and very quiet making them an appropriate vehicle for patrolling the Coastal Trail. They are also fully capable of being used for traffic control and patrol purposes elsewhere in the City. The City's policy for expenditure of asset forfeiture funds requires Council authorization of purchases exceeding \$10,000. Staff recommends that the Council adopt the resolution approving the purchase.

RESOLUTION NO. ____-2016

RESOLUTION OF THE FORT BRAGG CITY COUNCIL AUTHORIZING EXPENDITURE OF ASSET FORFEITURE FUNDS AND AMENDING THE FY 2015-16 BUDGET TO PURCHASE THREE FULLY EQUIPPED POLICE ELECTRIC MOTORCYCLES (AMOUNT NOT TO EXCEED \$70,000; ACCOUNT #167-4215-0381)

WHEREAS, the Fort Bragg Police Department has accumulated certain asset forfeiture funds as a result of participation in the Mendocino County Major Crimes Task Force; and

WHEREAS, asset forfeiture funds may be used to purchase certain law enforcement equipment; and

WHEREAS, the Police Department wishes to spend some of the asset forfeiture funds available (\$70,000) to purchase three fully-equipped police electric motorcycles; and

WHEREAS, these electric motorcycles will be used for patrol of the city as well as the north and south portions of the Coastal Trail; and

WHEREAS, available asset forfeiture funds exist to provide for these purchases; and

WHEREAS, based on all the evidence presented, the City Council finds as follows:

1. These purchases will provide an eco-friendly tool for members of the Fort Bragg Police Department to patrol the Coastal Trail.
2. These motorcycles will allow Officers to respond quickly to calls for service from the Coastal Trail to any area of the City.
3. These motorcycles may also be used for traffic control and patrol purposes by the Fort Bragg Police Department.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby authorize the expenditure of asset forfeiture funds to purchase three fully equipped police electric motorcycles (amount not to exceed \$70,000; Account #167-4215-0381).

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 25th day of April, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DAVE TURNER
Mayor

ATTEST:

June Lemos
City Clerk



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 16-150

Agenda Date: 4/25/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: 7B.

Adopt City Council Resolution Amending the FY 2015/16 C.V. Starr Community Center Budget to Include Mid-Year Budget Adjustments

On March 29, 2016, the City Council and the Mendocino Coast Recreation & Park District Board held a joint special meeting to conduct the C.V. Starr Community Center FY 2015/16 Mid-Year Budget Review. The Mid-Year Budget Review provided analysis and discussion of revenues received and expenditures to-date during the first half of the fiscal year as compared to those in the FY 2015/16 Adopted Budget. At fiscal year-end, revenues are projected to be \$51,705 (8.27%) over budget and expenditures are projected to be \$99,639 (6.8%) under budget, as detailed in the FY 2015/16 Mid-Year Budget Report. In the course of the Mid-Year Budget Review workshop, several budget adjustments were identified to provide for:

1) Maintenance Adjustment- There were a few projects in last year's budget that were not carried forward in the FY 2015-16 budget, yet were completed this year including \$14,800 for pump repair, and \$1,973 for the CO2 Project. The CVSCC had to make unexpected upgrades to the handicap accessible doors at the entrance to the building in the amount of \$9,000 to remain compliant. Johnson Controls sent a tech to help overhaul the air handling system and train staff to operate it correctly to save on utilities. They have spent \$13,645 on consulting with Johnson Controls and have already begun to see cost savings on the CVSCC's monthly utility bills.

2) Operating Adjustment- Operations is slightly higher than in budget as part of the IT project from last year fell into this year's budget. Four computers are at the end of their life, and the CVSCC will purchase two new ones this year and budget for the other two in the next fiscal year. The cost for computers will be \$800 per hard drive and \$1000 for the programming and installation.

3) Switches for HRU's- Currently the switches for the low load fans indicate false fan failures and lock out the heating operation. Replacement of 10 switches is necessary.

4) HWS Automation- The Boiler system has three points of automation, one controlling the boilers (which has failed several times), one controlling the pumps, and one monitoring the status of the system. Johnson Controls proposes to combine all three into one system and utilize the existing Metasys FEC controller, which is currently monitoring the system. By integrating the boilers into the building management, staff can perform several integration improvements such as staging of the boilers and pumps based on actual building load, outside air lockouts, and heating lockouts when HWS is off.

5) COFB Energy Loan Principal Payment- The first COFB Energy Loan Principal Payment was originally thought to be due in this fiscal year and later it was discovered that it is not due until Fiscal Year 16/17.

The MCRPD Board has approved the budget amendments and staff recommends that the City Council adopt the attached Resolution to formally adopt the FY 2015/16 Mid-Year Budget adjustments. The budget amendments are presented as Exhibit A to the Resolution.

RESOLUTION NO. ____-2016

RESOLUTION OF THE FORT BRAGG CITY COUNCIL AMENDING THE FY 2015-16 C.V. STARR COMMUNITY CENTER BUDGET TO INCLUDE MID-YEAR BUDGET ADJUSTMENTS

WHEREAS, on June 8, 2015, the Fort Bragg City Council adopted the FY 2015-16 C. V. Starr Community Center Budget; and

WHEREAS, on March 29, 2016, the Council conducted a C.V. Starr Community Center Mid-Year Budget Review workshop with the Mendocino Coast Recreation and Park District Board; and

WHEREAS, as a result of the Mid-Year Budget Review process, it was determined that certain adjustments to the FY 2015-16 Adopted Budget are necessary; and

WHEREAS, the adjustments will increase budgeted expenditures; however, due to anticipated expenditure reductions and projected revenues in excess of budgeted revenues, the FY 2015-16 budget is expected to have net revenue; and

WHEREAS, the adjustments are identified on Exhibit "A" attached hereto; and

WHEREAS, based on all the evidence presented, the City Council finds as follows:

1. Certain mid-year adjustments to the FY 2015-16 C.V. Starr Community Center Budget are necessary as shown in Exhibit "A".
2. The FY 2015-16 C.V. Starr Community Center Budget is expected to have net revenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby amend the previously adopted FY 2015-16 C.V. Starr Community Center Budget to incorporate the changes enumerated in Exhibit "A".

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 25th day of April, 2016, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:**

DAVE TURNER
Mayor

ATTEST:

June Lemos
City Clerk

EXHIBIT A

C.V. Starr Community Center

FY 2015-16 Mid-Year Budget Adjustments

	FY 15/16 Expense (Savings)
1) Maintenance Adjustment	\$ 39,418
2) Operations Adjustment	6,492
3) Switches for HRU's	1,025
4) HWS Automation	6,000
5) COFB Energy Loan Principal Payment	(4,570)
Total	\$ 48,365

FY 2015-2016 Mid-Year Budget Report

Overview

The C. V. Starr Community Center FY 2015-2016 Mid-Year Budget Report is prepared for the Fort Bragg City Council and Mendocino Coast Recreation & Park District Board of Directors in accordance with the operating agreement between the two associated entities. This report reflects the C. V. Starr Community Center’s financial activity during the first two quarters of FY 2015-2016 and includes projections of the budget with anticipation of activity during the last two quarters of the fiscal year.

The Center as a whole is operating in accordance with the approved FY 2015-2016 budget. Operating revenues are estimated to end the year \$51,705 above budget projections and expenses are estimated to end the year \$99,639 below budget.

Sections

Overview	1
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Net Income & Cost Recovery	6
Other Income/Expenses	7
COFB Loan	8
Capital Improvements	9
Enterprise Fund	10
Approved Budget Comparison	11
Additional Reconciliations	12
Proposed Budget Adjustments	13

Operating Revenue and Expenditures

Mid-Year Review - Table 1

REVENUE					
	FY15/16 Adopted Budget	FY15/16 Projected Year-End	Variance Favorable (Unfavorable)	Mid-Year	Mid-Year % of Projected
General Admission	\$ 541,000	\$ 573,425	\$ 32,425	\$ 304,645	53.1%
Discounts	(26,600)	(21,853)	4,747	(8,533)	39.0%
Rentals	42,100	41,943	(157)	19,443	46.4%
Registration	57,700	60,890	3,190	28,290	46.5%
Merchandise	5,700	6,845	1,145	4,005	58.5%
Miscellaneous	5,100	15,455	10,355	11,005	71.2%
Total	\$ 625,000	\$ 676,705	\$ 51,705	\$ 358,855	53.0%

REVENUES

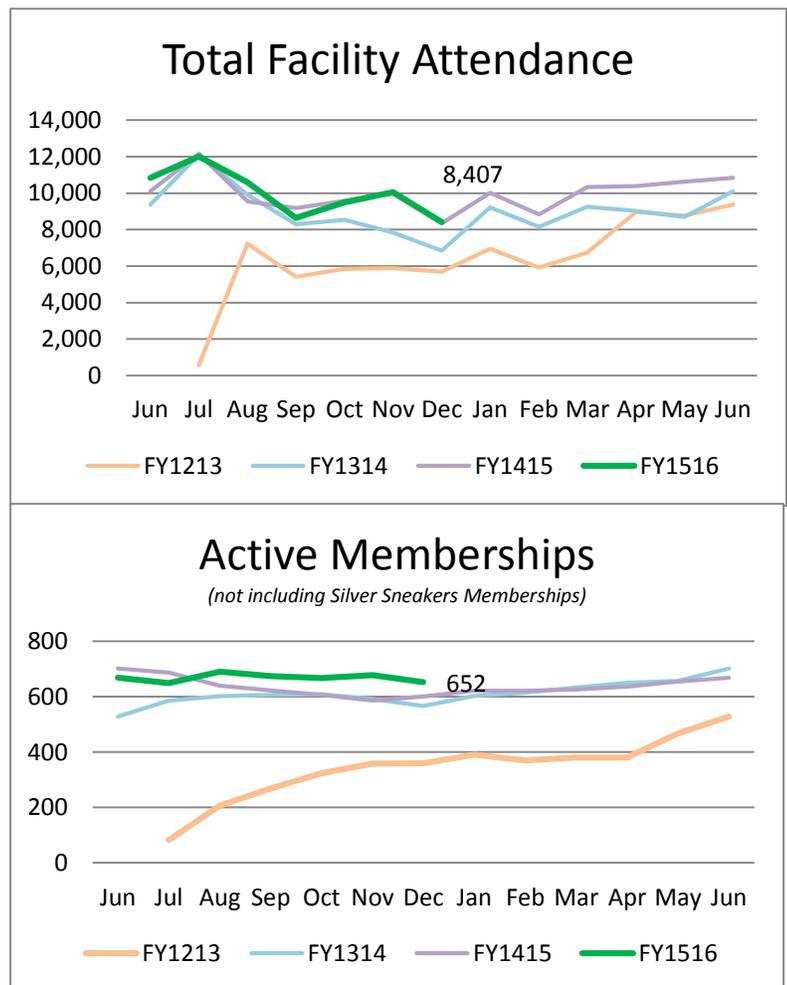
Revenue generated from operating the Center is collected through user fees, the sale of merchandise, and other miscellaneous sources. Overall revenues collected during the first two quarters of the fiscal year exceeded budget projections and are on target to end the year 8.27% above budget projections.

General Admission

General admission revenue consists of user fees collected through drop-in visits, the sale of memberships and other admissions. General admission revenues are projected to be \$32,425 (or 5.9%) more than budgeted, due to higher than anticipated level of membership and drop-in sales. A significant portion of this increased revenue is due to the increasing level of memberships including Silver Sneakers memberships. In December 2015, the Center had 1272 Silver Sneaker Membership visits.

Discounts

Revenue discounts account for promotions, financial assistance and the employee membership benefit. Discounts are projected to be \$4,747 (or 17.9%) less than budgeted, due to delay in implementing the financial assistance program. Since discounts are reflected as a “negative revenue” in the budget, this results in a projected net increase in year-end revenues.



Rentals

Rental revenue is collected for private rentals of facilities, such as birthday party room rentals or pool rentals by swim teams. Rental revenue is projected to be \$157 (or 0.4%) less than budgeted.

Registration

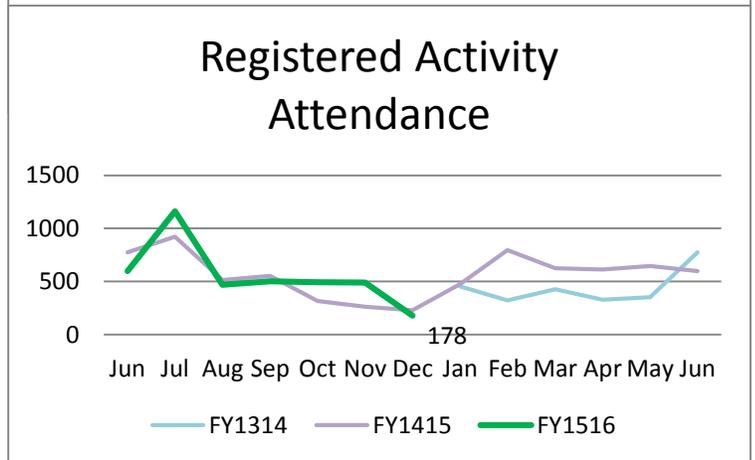
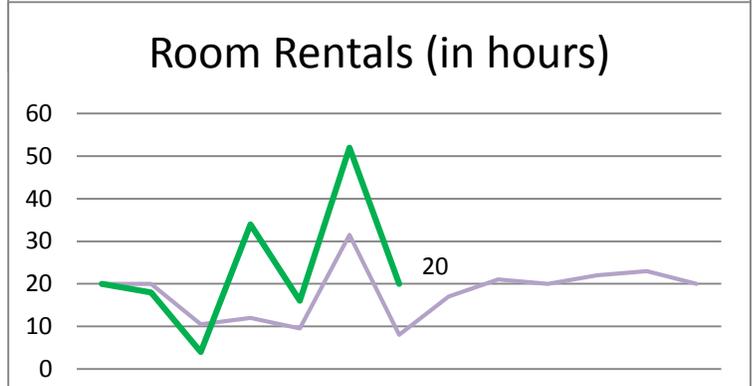
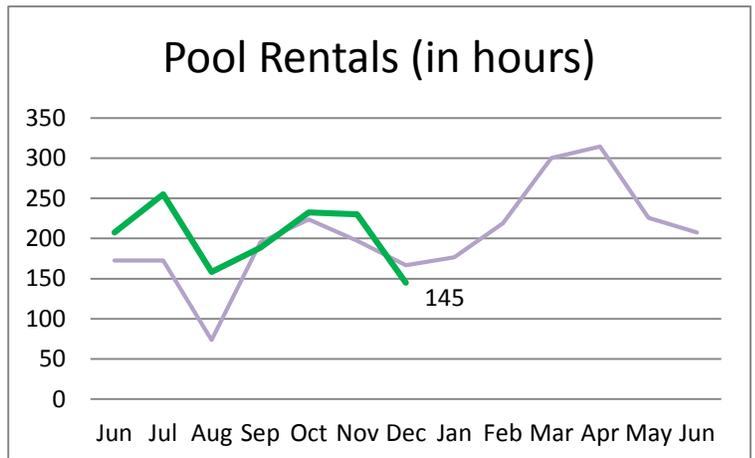
Registration revenue is collected for registered activities, such as enrichment programs or swimming lessons. Registration revenues are projected to be \$3,190 (or 5.5%) more than budgeted due to more programs being offered.

Merchandise

Merchandise revenue is collected for the sale of retail items or extra uniform parts to staff. Merchandise revenues are projected to be \$1,145 (or 20.1%) more than budgeted.

Miscellaneous

Miscellaneous revenue includes energy rebates, advertisement sales and other revenue that does not fall into any of the aforementioned categories. Miscellaneous revenues are projected to be \$10,355 (or 203%) more than budgeted, due to solar rebates that were thought to expire during this fiscal year.



Mid-Year Review - Table 2

OPERATING EXPENSES

	FY15/16 Adopted Budget	FY15/16 Projected Year-End	Variance Favorable (Unfavorable)	Mid-Year	Mid-Year % of Projected
Wages and Benefits	\$ 961,749	\$ 871,550	\$ 90,199	\$ 423,138	48.6%
Utilities	268,850	221,843	47,007	95,544	43.1%
Outreach	31,310	25,481	5,829	11,051	43.4%
Maintenance	100,582	139,775	(39,193)	88,600	63.4%
Operations	173,953	177,546	(3,593)	96,526	54.4%
Other Expenses	28,876	29,486	(610)	16,104	54.6%
Total	\$ 1,565,320	\$ 1,465,681	\$ 99,639	\$ 730,964	49.9%

OPERATING EXPENDITURES

Operating expenditures are costs directly related to the operation of the Center, such as wages and benefits, utilities, outreach, maintenance, operations and other expenses. Overall, expenditures during the first two quarters are tracking to end the year over budget. While we will see savings in several categories there are some projects that were in the budget for fiscal year 14/15 that are being completed in fiscal year 15/16 and funds for the expenses were not appropriated in the 15/16 budget. A budget amendment is necessary to appropriate funds for these activities.

Wages and Benefits

Wages and benefits account for the monetary compensation paid to employees, healthcare benefits, workers compensation insurance, state unemployment insurance, state employment training tax, federal insurance contribution act tax (FICA), and federal Medicare tax. Wages and benefits are projected to be \$90,199 (or 9.38%) less than budgeted. This is due to staff reorganization and vacant positions.

Utilities

Utilities include propane, electricity, and water and sewer service. Utilities are projected to be \$47,007 (or 17.48%) less than budgeted due to lower propane costs, lower propane consumption due to increased efficiency with the boilers, and the reprogramming of the air handlers by Johnson Controls.

Mid-Year Review – Utilities

	Adopted Budget (July-June)	Actual (July-June)	Variance
Propane	\$ 106,435	\$ 77,855	\$ 28,580
Electricity	\$ 119,715	\$ 105,468	\$ 14,247
Water	\$ 42,700	\$ 38,520	\$ 4,180
Total			\$ 47,007

Outreach

Outreach expenditures are for marketing, such as advertisements in local publications and recreation guide production. Outreach expenses are projected to be \$5,829 (or 18.6%) less than budgeted, due to shared costs of the recreation guide with the MCRPD.

Maintenance

Maintenance includes facility maintenance, pool chemicals and maintenance of the grounds. Maintenance expenses are projected to be \$39,193 (or 38.96%) more than budgeted, due to the following items:

- Johnson Controls reprogramming of the air handling units and training of staff to use the computerized system.
- Upgrades to the front entrance handicap doors.
- Pump repairs that were budgeted in FY14/15 and funds were not carried forward.
- CO2 project that was budgeted in FY14/15 and funds were not carried forward.

Mid-Year Review – Maintenance

	Adopted Budget (July-June)	Actual (July-June)	Variance
Pool Supplies	\$ 36,880	\$ 39,636	\$ (2,756)
Ground Supplies	\$ 1,690	\$ 2,530	\$ (840)
Repair Parts	\$ 16,840	\$ 14,407	\$ 2,433
Facility Equipment	\$ 7,680	\$ 9,016	\$ (1,336)
Small Tools	\$ 2,400	\$ 1,676	\$ 724
Facility & Equipment Maintenance	\$ 26,242	\$ 63,039	\$ (36,797)
Grounds Maintenance	\$ 5,000	\$ 2,939	\$ 2,061
Equipment Rental	\$ 900	\$ 3,981	\$ (3,081)
Security and Alarm	\$ 2,950	\$ 2,551	\$ 399
Total			\$ (39,193)

Operations

Operations includes bank fees, communications, credit card processing, information technology, insurance, laundry service, merchandise, office supplies, permits, pool supplies, postage/shipping, program supplies, recruitment, rentals, training and uniforms. Operation expenses are projected to be \$3,593 (or 2.1%) over budget, due to an IT project that was budgeted in the last fiscal year that was not rolled forward into this year and the purchase of two new hard drives that were not anticipated.

Other Expenses

Other expenses include loan interest, property tax administration, LAFCO, MCRPD administration and COFB administration. Other expenses are projected to be \$610 (or 2.1%) more than budget.

Net Income & Cost Recovery

The Center is tracking to end the year with a net gain of \$151,343 (16.09%) greater than projected in the budget.

Mid-Year Review - Table 3

NET OPERATING INCOME

	FY15/16 Adopted Budget	FY15/16 Projected Year-End	Variance Favorable (Unfavorable)	Mid-Year	Mid-Year % of Projected
Revenue	\$ 625,000	\$ 676,705	\$ 51,705	\$ 358,855	53.0%
Operating Expenses	1,565,320	1,465,681	99,639	730,964	49.9%
Net Operating Income	\$ (940,320)	\$ (788,976)	\$ 151,344	\$ (372,109)	47.2%

The budgeted cost recovery rate was 39.9%. As of the mid-year point, the Center is on target to end the year with a cost recovery rate of 46.2%.

Mid-Year Review - Table 4

OPERATING COST RECOVERY

	FY15/16 Adopted Budget	FY15/16 Projected Year-End
Cost Recovery	39.9%	46.2%

Other Income/Expenses

Mid-Year Review - Table 5

OTHER INCOME/EXPENSES

	FY15/16 Adopted Budget	FY15/16 Projected Year-End	Variance Favorable (Unfavorable)	Mid-Year	Mid-Year % of Projected
Classification/Comp Study	\$ 13,754	\$ 13,754	\$ -	\$ -	0.0%
Exercise Equipment Replacement	\$ 22,250	\$ 21,656	\$ 594	\$ 21,656	100.0%
Total	\$ 36,004	\$ 35,410	\$ 594	\$ 21,656	61.2%

Classification and Compensation Study

As recommended in an operational assessment completed by consultant Mike Shellito, the MCRPD and CVSCC have “an inconsistent approach to the use of position titles, salary ranges and benefits.” The classification and compensation study cost is shared between the CVSCC and MCRPD budgets with the allocation determined by the proportion of FTEs between the budgets. The total cost allocated to the CVSCC budget is \$13,753.

Exercise Equipment Replacement

Exercise Equipment Replacement is on track to be right on budget this year. We have added several weights to the aerobics room due to the high level of participant attendance. We replaced four treadmills in the cardio/ weight room.

COFB Loan

The City of Fort Bragg provided a loan in the amount of \$244,604 to the C. V. Starr Community Center to help cover re-opening costs in order for the Center to open its doors on July 28th, 2012. In accordance with the City's established inter-fund loan policies, the C. V. Starr Community Center loan is structured with a 0.725% interest rate on a 5-year loan with payments made quarterly in the amount of \$15,286.50. The loan is anticipated to be paid off in full by June 30, 2017.

The first COFB Energy Loan Principal Payment was originally thought to be due in this fiscal year and later discovered that it is not due until Fiscal Year 16/17.

Mid-Year Review - Table 6

COFB LOAN						
	FY15/16 Adopted Budget	FY15/16 Projected Year-End	Variance Favorable (Unfavorable)	Mid-Year	Mid-Year % of Projected	
Principal Payment	\$ 61,369	\$ 61,146	\$ 223	\$ 30,404	49.7%	
Energy Principal Payment	\$ 4,570	\$ -	\$ 4,570	\$ -	0.0%	
Total	\$ 65,939	\$ 61,146	\$ 4,793	\$ 30,404	49.7%	

Capital Improvements

Several capital expenditures were approved for FY 2015-2016.

Mid-Year Review - Table 7

CAPITAL IMPROVEMENTS

	FY15/16 Adopted Budget	FY15/16 Projected Year-End	Variance Favorable (Unfavorable)	Mid-Year	Mid-Year % of Projected
AHU VFD Project	\$ 23,906	\$ 23,906	\$ -	\$ 14,772	61.8%
AHU Duct Improvements	10,000	10,000	-	-	0.0%
Floor Drains	4,600	4,600	-	-	0.0%
Total	\$ 38,506	\$ 38,506	\$ -	\$ 14,772	38.4%

AHU VFD Project: Added VFD to supply fan so that the supply and return fans are able to work together properly and the heat exchange is more efficient. Fans are operating at optimum efficiency which is about half the speed that they were operating at prior to the upgrade. This was performed on both air handlers HU1 and HU2.

AHU Duct Improvements- Plans have been developed to modify the Air Handlers air intake. Currently the handlers are recycling air due to their placement on the building. Modifications will be made and allow for both air handlers to intake fresh air to circulate through the natatorium.

Floor Drains

The services of Glass Architects have been requested to complete the planning and design services related to installing floor drains in each of the family changing rooms and the adjacent vestibule. Planning and design services are budgeted to not exceed \$4,600.

Enterprise Fund

The City of Fort Bragg (City) maintains an “Enterprise Fund” to account for the activity related to the CVSCC. The Enterprise Fund is a set of self-balancing accounts to record the revenue and expense of the CVSCC and maintain the activity of the CVSCC separate and apart from other City activities. The fund is named the C. V. Starr Center Enterprise Fund.

The CVSCC Enterprise Fund accounts for operations of the CVSCC, the special half cent sales tax revenues received from the State Board of Equalization, and property taxes received from the Mendocino County Tax Collector under the Property Tax Exchange Agreement between the City and MCRPD. All proceeds from the sales tax are dedicated to operation, maintenance, and capital improvements at the C. V. Starr Community Center in compliance with the Fort Bragg Municipal Code Chapter 3.11 (Ordinance No. 902, passed 03-06-2012). Pursuant to the Property Tax Exchange Agreement between the City and the MCRPD, property tax revenues are to be used solely for parks and recreation purposes with the City (including the CVSCC).

Based on the projected FY 2015/2016 operating budget and estimated tax revenues, the CVSCC Enterprise Fund is projected to end FY 2015/2016 with a net asset balance of \$498,605. In accordance with the reserve policy established by the Fort Bragg City Council, net assets are to be allocated among three reserves: operating reserve, capital repair and equipment reserve, and facility improvement and expansion reserve.

Mid-Year Review - Table 8

C.V. Starr Center Enterprise Fund	
	FY 15/16 Mid-Year Projections
Audited C.V. Starr Center Enterprise Net Assets - June 30, 2015	\$ 23,328,795
Balance Representing Fixed Assets	(22,946,152)
Available Enterprise Net Assets - June 30, 2015	382,643
Projected Sales Tax Revenue through June 30, 2016	810,000
Projected Property Tax Revenue through June 30, 2016	230,000
Projected Allocation for C.V. Starr Center through June 30, 2016	(924,038)
Projected Available C.V. Starr Center Enterprise Net Assets - June 30, 2016	<u>\$ 498,605</u>
Operating Reserve	\$ 234,303
Capital Repair and Equipment Reserve	234,303
Facility Improvement and Expansion Reserve	30,000
Projected Available C.V. Starr Center Enterprise Net Assets - June 30, 2016	<u>\$ 498,605</u>

Approved Budget Comparison

Mid-Year Review - Table 9

Description	FY 15/16 Approved Amended	FY 15/16 Projected
Operating Revenue		
General Admission \$	541,000	573,425
Discounts	(26,600)	(21,853)
Rentals	42,100	41,943
Registration	57,700	60,890
Merchandise	5,700	6,845
Miscellaneous	5,100	15,455
Total Revenue	625,000	676,705
Operating Expense		
Wages and Benefits	961,749	871,550
Utilities	268,850	221,843
Outreach	31,310	25,481
Maintenance	100,582	139,775
Operations	173,953	177,546
Other Expenses	28,876	29,486
Total Operating Expense	1,565,320	1,465,681
Other Income/Expenses		
Classification/Comp. Plan	13,754	13,754
Exercise Equip. Repl.	22,250	21,656
Switches for HRU's		
HWS Automation		
Total Other Income/Expense	36,004	35,410
COFB Loan Principle Payment	61,369	61,146
COFB Energy Loan Princ. Pmt.	4,570	0
Total Expenses	1,667,263	1,562,237
Proposed Budget Amendments		
Net Revenue (Expense)	(1,042,263)	(885,532)
Enterprise Fund Allocation for Operations	1,042,263	885,532
Net Operating Income	(1,042,263)	(885,532)
Capital Improvements		
AHU VFD Project \$	23,906	\$ 23,906
AHU Duct Improvements	10,000	10,000
Floor Drains	4,600	4,600
Total Facility Improvements	38,506	38,506
Enterprise Fund Allocation for Facility Improvements	(38,506)	(38,506)
Net Capital Improvements	\$ -	\$ -
Enterprise Fund		
Beginning Avail. Net Assets	316,292	382,643
Sales Tax Revenue	810,000	810,000
Property Tax Revenue	230,000	230,000
Total Allocation	(1,080,769)	(924,038)
Net Assets	\$ 275,523	\$ 498,605
Operating Reserve	122,762	234,303
Capital Repair & Equip Reserve	122,762	234,303
Facility Improvement Reserve	30,000	30,000
Net Assets	\$ 275,523	\$ 498,605

Additional Reconciliations

Mid-Year Review - Table 11

Reconciliation - Operating Net Income to Enterprise Fund Allocation

Projected Net Operating Income	(788,976)
Projected Other Income/Expense	(35,410)
Projected COFB Loan Payment	(61,146)
Projected Capital Improvements	(38,506)
Total Allocation	<u>\$ (924,038)</u>

Proposed Budget Adjustments

The following are proposed budget adjustments to allow for the continued operation and development of the Center.

Mid-Year Review - Table 12

PROPOSED BUDGET ADJUSTMENTS

	Recurring or 1x Cost?	FY 15/16 Add'l Cost (Savings)
1) Maintenance Adjustment	1 x	\$ 39,418
2) Operations Adjustment	1 x	6,492
3) Switches for HRU's	1x	1,025
4) HWS Automation	1x	6,000
5) COFB Energy Loan Principal Payment	1x	(4,570)
Total		\$ 48,365

- 1) Maintenance Adjustment- There were a few projects in last year's budget that were not carried forward in the FY 2015-16 budget, yet were completed this year including \$14, 800 for pump repair, and \$1,973 for the CO2 Project. We also had to make unexpected upgrades to the handicap accessible doors at the entrance to the building in the amount of \$9,000 to remain compliant. We have had Johnson Controls send a tech up to help us overhaul the air handling system and train staff to operate it correctly to save on utilities. We have spent \$13,645 on consulting with Johnson Controls and we have already begun to see cost saving on our monthly utility bills.
- 2) Operating Adjustment- Operations is slightly higher than in budget, we had part of the IT project from last year fall into this year's budget. We have four computers that are at the end of their life, we would like to purchase two new ones this year and budget for the other two in the next fiscal year. The cost for computers will be \$800 per hard drive and \$1000 for the programming and installation.
- 3) Switches for HRU's- Currently the switches for the low load fans indicate false fan failures and lock out the heating operation. We would like to replace 10 switches.
- 4) HWS Automation- Currently the Boiler system has three points of automation, one controlling the boilers (which has failed several times,) one controlling the pumps and one monitoring the status of the system. Johnson Controls proposes to combine all three into one system and utilize the existing Metasys FEC controller, which is currently monitoring the system. By integrating the boilers into the building management we can perform several integration improvements such as staging of the boilers and pumps based on actual building load, outside air lock outs, heating lockouts when HWS is off.
- 5) COFB Energy Loan Principal Payment- The first COFB Energy Loan Principal Payment was originally thought to be due in this fiscal year and later discovered that it is not due until Fiscal Year 16/17.

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City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 16-151

Agenda Date: 4/25/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: 7C.

Adopt City Council Resolution Approving a Professional Service Agreement with SHN Consulting Engineers and Geologists, Inc. for Construction Quality Assurance Inspections for the Summers Lane Reservoir (Amount not to Exceed \$38,850; Account No. 651-6001-0731) The City Council approved Grading Permit 2013-08 for the Summers Lane Reservoir Project in August 2014. Construction Quality Assurance Inspections are required to implement Mitigation Measure 9 of the Grading Permit. In accordance with City Ordinance No. 917-2015, City staff obtained three firm quotes for the required inspections. The three quotes were reviewed and staff recommends that the City enter into a professional service agreement with SHN Consulting Engineers and Geologists, Inc. for the work.

RESOLUTION NO. _____-2016

RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH SHN CONSULTING ENGINEERS AND GEOLOGISTS, INC. FOR CONSTRUCTION QUALITY ASSURANCE INSPECTIONS FOR THE SUMMERS LANE RESERVIOR PROJECT (AMOUNT NOT TO EXCEED \$38,850; ACCOUNT NO. 651-6001-0731)

WHEREAS, the City Council approved Grading Permit 2013-08 for the Summers Lane Reservoir Project in August 2014; and

WHEREAS, the approved Grading Permit includes Mitigation Measure 9 which requires the site grading associated with the construction of the reservoir to conform to the Construction Quality Assurance Inspections outlined in the Holdrege and Kull Geotechnical Investigation Report, Section 8- Earthwork Grading Recommendations; and

WHEREAS, in accordance with City Ordinance No. 917-2015, three firm quotes were obtained for the Construction Quality Assurance Inspections required to implement Mitigation Measure 9; and

WHEREAS, city staff reviewed the submitted quotes and identified SHN Consulting Engineers and Geologists, Inc. ("SHN Engineers") as the optimal firm to provide the services; and

WHEREAS, the Construction Quality Assurance Inspections will be conducted concurrently with the Summers Lane Reservoir Construction which is anticipated to begin in May, 2016; and

WHEREAS, the funding to cover the expense of proposed services offered by SHN Engineers will be provided by the Summers Lane Reservoir Capital Project Fund, and appropriations were made in the FY 2015-16 Budget, Account No. 651-6001-0731; and

WHEREAS, based on all the evidence presented, the City Council finds as follows:

1. Construction Quality Assurance Inspections are required to implement Mitigation Measure 9 of Grading Permit 2013-08.
2. SHN Engineers are qualified to complete this work based upon previous work and experience.
3. Sufficient funds are available through the appropriations made in the Summers Lane Reservoir Capital Project Fund to fully cover the expense of the proposed services.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby approve a Professional Services Agreement with SHN Engineers for Construction Quality Assurance Inspections for the Summers Lane Reservoir and authorizes the City Manager to execute the same upon execution by Consultant (amount not to exceed \$38,850; Account 651-6001-0731).

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular

meeting of the City Council of the City of Fort Bragg held on the 25th day of April, 2016,
by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

DAVE TURNER
Mayor

ATTEST:

June Lemos
Acting City Clerk

PROFESSIONAL SERVICES AGREEMENT

AGREEMENT

This Agreement is made and entered into this _____ day of April, 2016 by and between the City of Fort Bragg, a California Municipal Corporation, 416 N. Franklin Street, Fort Bragg, California, 95437 ("City"), and SHN Consulting Engineers & Geologists, Inc., 335 S. Main Street, Willits, California 95490-3977, a California Corporation ("Consultant" or "Contractor").

RECITALS

WHEREAS, City has determined that it requires the following professional services from a consultant: to provide daily earthwork and HDPE liner installation inspections for the Summers Lane Reservoir Project; and

WHEREAS, Consultant represents and warrants that it is fully qualified to perform such professional services by virtue of specialized experience and training, education and expertise of its principals and employees. Consultant further represents that it is willing to accept responsibility for performing such services in accordance with the terms and conditions set forth in this Agreement; and

WHEREAS, the legislative body of the City on April 25, 2016, by Resolution No. _____-2016 authorized execution of this Agreement on behalf of the City in accordance with Chapter 3.20 of the City Municipal Code and/or other applicable law;

NOW, THEREFORE, City and Consultant, for the consideration hereinafter described, mutually agree as follows:

1. DESCRIPTION OF SERVICES OR SCOPE OF WORK

The services to be performed under this Agreement ("Services" or "Work") are as follows: To provide daily earthwork and HDPE liner installation inspections for the Summers Lane Reservoir Project. The Services are further described in Consultant's proposal (the "Proposal"), which is attached to and made a part of this Agreement as Exhibit A.

2. TERM

The Agreement term will commence on April 25, 2016 and expire on October 31, 2016 unless the Agreement term is amended or the Agreement is terminated in accordance with its terms.

3. PAYMENT TERMS AND NOT TO EXCEED AMOUNT

City agrees to pay Consultant for Services that are actually performed in accordance with this Agreement. To be eligible for payment, Consultant invoices must be submitted not more often than monthly to the City and list the Services performed and the amounts to be paid according to the cost categories and prices in the Proposal. In no event will the City's obligation to pay the Consultant under this Agreement exceed THIRTY-EIGHT THOUSAND EIGHT HUNDRED FIFTY DOLLARS (**\$38,850.00**) (the "Not to Exceed Amount"), unless this Agreement is first modified in accordance with its terms. Where the Proposal provides for compensation on a time and materials basis, Consultant must maintain adequate records to permit inspection and audit of Consultant's time and material charges under this Agreement. Consultant will make such records available to the City during normal business hours upon reasonable notice. In accordance with California Government Code § 8546.7, if the Not to Exceed Amount exceeds TEN THOUSAND DOLLARS (\$10,000.00), this Agreement and the Consultant's books and records related to this Agreement shall be subject to the examination and audit of the State Auditor, at the request of City or as part of any audit of the City, for a period of three (3) years after final payment under the Agreement.

4. TIME OF COMPLETION

Consultant must commence performance of the Services upon receipt of written direction to proceed from City. Consultant shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided in Section 7 below and to satisfy Consultant's obligations hereunder. Consultant will complete the Services in accordance with this Agreement by **July 31, 2016** (the "Time of Completion"). The Time of Completion may only be modified by an amendment of the Agreement in accordance with its terms.

5. INDEPENDENT CONTRACTOR

Consultant and City agree that the Consultant will perform the Services as an independent contractor and not as an employee or agent of the City. Persons employed or utilized by Consultant in the performance of the Services will not be employees or agents of the City. Consultant is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes.

6. SUBCONTRACTING

Consultant may subcontract portions of the Services upon the prior written approval of the City. Consultant will be solely responsible for payment of such subcontract Services. No contractual relationship will exist between any such subcontractors of the Consultant and the City.

Subcontractor agrees to be bound to Consultant and City in the same manner and to the same extent as Consultant is bound to City under the Agreement. Subcontractor

further agrees to include the same requirements and provisions of this Agreement, including the indemnity and insurance requirements, with any sub-subcontractor to the extent they apply to the scope of the sub-subcontractor's work. A copy of the City indemnity and insurance provisions will be furnished to the subcontractor upon request.

7. STANDARD OF PERFORMANCE

a. Consultant will perform the Services in the manner and according to the standards observed by a competent practitioner of the profession in which Consultant is engaged in the geographical area in which Consultant practices its profession and will prepare all work products required by this Agreement in accordance with such standards. Consultant will comply with federal, state and local laws and regulations applicable to performance of the Services, including but not limited to, the California Building Standards Code as in effect in the City, the Americans with Disabilities Act, any air pollution control laws and regulations applicable to Consultant, and any laws and regulations related to any copyright, patent, trademark or other intellectual property right involved in performance of the services. Consultant's Failure to comply with any law(s) or regulation(s) applicable to the performance of the services hereunder shall constitute a material breach of this agreement.

b. Consultant shall assign only competent personnel to perform services pursuant to this Agreement. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the reassignment of any such persons, Consultant shall, immediately upon receiving notice from City of such desire of City, reassign such person or persons.

8. OTHER GOVERNMENTAL REGULATIONS

To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, Consultant and any subcontractors shall comply with all applicable rules and regulations to which City is bound by the terms of such fiscal assistance program.

9. USE OF RECYCLED PRODUCTS

Consultant shall endeavor to prepare and submit all reports, written studies, and other printed material on recycled paper to the extent it is available at equal or less cost than virgin paper.

10. PREVAILING WAGE LAWS

In accordance with California Labor Code Section 1771, not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the Work is to be performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work fixed as provided in the California Labor Code must be paid to all workers engaged in performing the Work. In accordance with

California Labor Code Section 1770 and following, the Director of Industrial Relations has determined the general prevailing wage per diem rates for the locality in which the Work is to be performed. In accordance with California Labor Code Section 1773, the City has obtained the general prevailing rate of per diem wages and the general rate for holiday and overtime work in the locality in which the Work is to be performed for each craft, classification or type of worker needed to perform the project. In accordance with California Labor Code Section 1773.2, copies of the prevailing rate of per diem wages are on file at the City Public Works Department and will be made available on request. Throughout the performance of the Work the Contractor, and its subcontractors, must comply with all provisions of the Contract Documents and all applicable laws and regulations, including without limitation Labor Code Sections 1776 and 1810-1815, that apply to wages earned and hours worked in performance of the Work.

Pursuant to California Labor Code Section 1771.1, this Project is subject to compliance monitoring and enforcement by the Department of Industrial Relations (DIR). A Contractor may not bid, nor be listed as a subcontractor for any bid proposal submitted for public work without first registering with the DIR and paying the annual fee. Application and renewal are completed online at <http://www.dir.ca.gov/Public-Works/PublicWorks.html>. No contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.

Contractor, and its subcontractors, shall be responsible for compliance with Labor Code Section 1776. This Project is subject to prevailing wage compliance monitoring and enforcement by the Department of Industrial Relations. Contractor must keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by him or her in connection with the work for this Project. Each payroll record shall contain or be verified by a written declaration as required by Labor Code Section 1776. The payroll records must be certified and shall be available for inspection at all reasonable hours at the principal office of the Contractor as required by Labor Code Section 1776.

11. INDEMNITY

To the maximum extent permitted by law, Consultant shall, at its own expense, indemnify, defend with counsel acceptable to the City, (which acceptance will not be unreasonably withheld), and hold harmless City and its officers, officials, employees, agents and volunteers ("Indemnitees") from and against any and all liability, loss, damage, claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, civil penalties and fines, expenses and costs (including, without limitation, claims expenses, attorney's fees and costs and fees of litigation) (collectively, "Liability") of every nature, whether actual, alleged or threatened, arising out of or in connection with the Services or Consultant's failure to comply with any of the terms of this Agreement, regardless of any fault or alleged fault of the Indemnitees.

The Consultant's obligation to indemnify, defend and hold harmless under this provision shall not be excused because of the Consultant's inability to evaluate Liability, or because the Consultant evaluates Liability and determines that the Consultant is not or may not be liable. The Consultant must respond within 30 calendar days to any tender for defense and indemnity by the City, unless the time for responding is extended by an authorized representative of the City in writing. If the Consultant fails to accept tender of defense and indemnity within 30 calendar days, in addition to any other remedies authorized by law, so much of the money due or that may become due the Consultant under this Agreement as shall reasonably be considered necessary by the City, may be retained by the City until disposition has been made of the matter subject to tender, or until the Consultant accepts the tender, whichever occurs first.

The Consultant waives any and all rights to express or implied indemnity against the Indemnitees concerning any Liability of the Consultant arising out of or in connection with the Services or Consultant's failure to comply with any of the terms of this Agreement .

Notwithstanding the foregoing, to the extent this Agreement is a "construction contract" as defined by California Civil Code § 2783, as may be amended from time to time, Consultant's duty to indemnify under this provision shall not apply when to do so would be prohibited by California Civil Code § 2782, as may be amended from time to time.

Notwithstanding the foregoing, to the extent that the Services include design professional services subject to Cal. Civil Code § 2782.8, as amended from time to time, Consultant's duty to indemnify shall only be to the maximum extent permitted by Civil Code § 2782.8.

In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

The defense and indemnification obligations of this agreement are undertaken in addition to, and shall not in any way be limited by, the insurance obligations contained in this agreement.

Consultant/Subcontractor's responsibility for such defense and indemnity obligations shall survive the termination or completion of this Agreement for the full period of time allowed by law.

12. INSURANCE

a. Before commencing performance of the Services, Consultant, at its own cost and expense, must: a) procure "occurrence coverage" insurance of the kinds and in the amounts specified below against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the Services hereunder by the Consultant or its agents, representatives, employees, or subcontractors; and b) submit to the City certificates of insurance and endorsements evidencing insurance coverage that meets the requirements of this section. Consultant must maintain the insurance policies required by this section throughout the Agreement term. The cost of such insurance must be included in the Consultant's proposal.

Consultant agrees to include with all subcontractors in their subcontract the same requirements and provisions of this Agreement including the indemnity and Insurance requirements to the extent they apply to the scope of the subcontractor's work. The Consultant shall require all subcontractors to provide a valid certificate of insurance and the required endorsements included in this Agreement prior to commencement of any work and Consultant will provide proof of compliance to the City.

Consultant may not allow any subcontractor to commence work on the Services until Consultant and/or the subcontractor have obtained all insurance required by this Agreement for the subcontractor(s) and submitted certificates of insurance and endorsements evidencing such coverage to City.

b. **Workers Compensation Insurance.** Consultant must, at its sole cost and expense, maintain Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by Consultant. Workers' Compensation Insurance as required by the State of California, with coverage providing Statutory Limits, and Employer's Liability Insurance with limits of not less than ONE MILLION DOLLARS (\$1,000,000.00) per occurrence must be provided. The insurance must be endorsed to waive all rights of subrogation against City and its officials, officers, employees, and volunteers for loss arising from or related to the Services.

c. Consultant, at its own cost and expense, must maintain commercial general and automobile liability insurance for the term of this Agreement in an amount not less than ONE MILLION DOLLARS (\$1,000,000.00) per occurrence, TWO MILLION DOLLARS (\$2,000,000.00) aggregate, combined single limit coverage for risks associated with Services. If a Commercial General Liability Insurance or an Automobile Liability form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the Services or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned automobiles.

d. Except for Workers' Compensation insurance and Professional Liability insurance, all other insurance coverages required pursuant to this Agreement must include or be endorsed to include the following:

(1) City and its officials, officers, employees, agents, and volunteers ("Additional Insured") shall be covered as insureds with respect to each of the following: liability arising out of activities performed by or on behalf of Consultant, products and completed operations of Consultant; premises owned, occupied, or used by Consultant; and automobiles owned, leased, or used by Consultant. The coverage may contain no special limitations on the scope of protection afforded to City or its officials, officers, employees, agents, or volunteers.

(2) The Additional Insured coverage under the Consultant's policy shall be "primary and non-contributory" and Consultant's coverage will not seek contribution from the City's insurance or self-insurance and shall be at least as broad as CG 20 01 04 13.

e. It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirements and/or limits shall be available to the Additional Insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this Agreement; or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named Insured; whichever is greater.

f. The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of City (if agreed to in a written contract or agreement) before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.

g. Insurance coverage required pursuant to this Agreement must include or be endorsed to include the following:

(1) Any failure of Consultant to comply with reporting provisions of the policy shall not affect coverage provided to City and its officers, employees, agents, and volunteers.

(2) Required insurance coverage may not be suspended, voided, canceled, reduced in coverage or in limits, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to City.

h. Consultant, at its own cost and expense, must maintain for the period covered by this Agreement professional liability insurance in an amount not less than

TWO MILLION DOLLARS (\$2,000,000) covering errors and omissions. Any deductible or self-insured retention under the required professional liability insurance may not exceed \$150,000 per claim.

i. All insurance required under this Agreement must be placed with insurers with a Best's rating of no less than A:VII unless otherwise approved by the City.

j. The City may approve a variation in the foregoing insurance requirements, upon a determination that the coverages, scope, limits, and forms of such insurance are either not commercially available, or that the City's interests are otherwise fully protected.

k. All self-insured retentions (SIR) must be disclosed to City for approval and shall not reduce the limits of liability. Policies containing any self-insured retention (SIR) provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named Insured or the City. City reserves the right to obtain a full certified copy of any Insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of right to exercise later.

l. To the extent this Agreement is a "construction contract" as defined by California Civil Code § 2783, as may be amended from time to time, Consultant shall maintain insurance as required by this contract to the fullest amount allowed by law and shall maintain insurance for a minimum of five years following completion of the Services. In the event Consultant fails to obtain or maintain completed operations coverage as required by this Agreement, the City at its sole discretion may purchase the coverage required and the cost will be paid by Consultant.

13. NON DISCRIMINATION

During the performance of this Agreement, Consultant will not discriminate against any employee of the Consultant or applicant for employment because of race, religion, creed, color, national origin, sex, or age. Consultant will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex or age.

14. LICENSES & PERMITS

a. BUSINESS LICENSE

Before the City will issue a notice to proceed with the Services, Consultant and any subcontractors must acquire, at their expense, a business license from City in accordance with Chapter 5.04 of the Fort Bragg Municipal Code. Such licenses must be kept valid throughout the Agreement term.

b. OTHER LICENSES AND PERMITS

Consultant represents and warrants to City that Consultant and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions.

15. OWNERSHIP OF WORK PRODUCTS AND TREATMENT OF DOCUMENTS

All plans, specifications, reports, designs and other documents prepared by Consultant pursuant to this Agreement shall be and remain the property of the City. Any modification or reuse of such documents by the City without Consultant's prior written consent will be at the City's sole risk. Except as may be otherwise required by law, Consultant will disclose no data, plans, specifications, reports or other documents pertaining to the Services without the prior written consent of City.

16. TERMINATION AND REMEDIES

a. City may terminate this Agreement for convenience by giving at least 10 days written notice to Consultant specifying the termination effective date. Upon receipt of such notice, Consultant may continue performance of the Services through the date of termination. City shall pay Consultant for all Services actually performed in accordance with this Agreement through the termination effective date.

b. If Consultant materially breaches any term of this Agreement, in addition to any other remedies the City may have at law or equity, the City may:

(1) Terminate the Agreement by notice to the Consultant specifying the termination effective date;

(2) Retain, and/or recover from the Consultant at no additional cost to the City, the plans, specification, drawings, reports and other design documents and work products prepared by Consultant, whether or not completed;

(3) Complete the unfinished Services itself or have the unfinished Services completed, and/or;

(4) Charge Consultant, or deduct from monies that may be due or become due the Consultant under this Agreement, the difference between the cost of completing the unfinished Services pursuant to this Agreement and the amount that would otherwise be due Consultant had Consultant completed the Services in accordance with this Agreement.

17. BINDING EFFECT AND ASSIGNMENT PROHIBITION

This Agreement is binding upon City, Consultant, and their successors. Except as otherwise provided herein, neither City nor Consultant may assign, sublet or transfer its

interest in this Agreement or any part thereof without the prior written consent of the other, and any purported assignment without such consent will be void.

18. REPRESENTATIVES

a. City representative for purposes of this Agreement will be Engineering Technician Sergio Fuentes. Consultant representative for purposes of this Agreement will be Jason Island, Civil Engineer. The parties' designated representatives will be the primary contact persons regarding the performance of the Services. The parties intend that their designated representatives will cooperate in all matters regarding this Agreement and in such manner so as to achieve performance of the Services in a timely and expeditious fashion.

b. Notices:

Any written notice to Consultant shall be sent to:

Jason Island, PE
SHN Consulting Engineers & Geologists
335 S. Main Street
Willits, California 95490

Any written notice to City shall be sent to:

Sergio Fuentes, Engineering Technician
City of Fort Bragg
416 N. Franklin Street
Fort Bragg, California 95437

19. INTEGRATION AND AMENDMENT

This Agreement represents the entire and integrated agreement between City and Consultant and supersedes all prior negotiations, representations or agreements, whether written or oral. If a discrepancy, disagreement, ambiguity, inconsistency or difference in interpretation of terms arises as to terms or provisions of this Agreement and any Exhibit(s) attached to this Agreement, this Agreement shall control and shall be deemed to reflect the intent of the Parties with respect to the subject matter hereof. This Agreement may only be amended by a writing signed by a representative authorized to bind the Consultant and a representative authorized to bind the City.

20. CONFLICT OF INTEREST PROHIBITION

City and Consultant will comply with the requirements of the City's Conflict of Interest Code adopted pursuant to California Government Code §87300 et seq., the Political Reform Act (California Government Code §81000 et seq.), the regulations promulgated by the Fair Political Practices Commission (Title 2, §18110 et seq. of the California

Code of Regulations), California Government Code §1090 et seq., and any other ethics laws applicable to the performance of the Services and/or this Agreement. Consultant may be required to file with the City Clerk a completed Form 700 before commencing performance of the Services unless the City Clerk determines that completion of a Form 700 is not required, pursuant to City's Conflict of Interest Code. Form 700 forms are available from the City Clerk.

Consultant may not perform Services for any other person or entity that, pursuant to any applicable law or regulation, would result in a conflict of interest or would otherwise be prohibited with respect to Consultant's obligations pursuant to this Agreement. Consultant agrees to cooperate fully with City and to provide any necessary and appropriate information requested by City or any authorized representative concerning potential conflicts of interest or prohibitions concerning Consultant's obligations pursuant to this Agreement.

Consultant may not employ any City official, officer or employee in the performance of the Services, nor may any official, officer or employee of City have any financial interest in this Agreement that would violate California Government Code §1090 et seq. Consultant hereby warrants that it is not now, nor has it been in the previous twelve (12) months, an employee, agent, appointee, or official of City. If Consultant was an employee, agent, appointee, or official of City in the previous twelve months, Consultant warrants that it did not participate in any manner in the forming of this Agreement. Consultant understands that, if this Agreement is made in violation of Government Code §1090 et seq., the entire Agreement is void and Consultant will not be entitled to any compensation for Consultant's performance of the Services, including reimbursement of expenses, and Consultant will be required to reimburse City for any sums paid to Consultant under this Agreement. Consultant understands that, in addition to the foregoing, penalties for violating Government Code §1090 may include criminal prosecution and disqualification from holding public office in the State of California.

Any violation by Consultant of the requirements of this provision will constitute a material breach of this Agreement, and the City reserves all its rights and remedies at law and equity concerning any such violations.

21. APPLICABLE LAW AND VENUE

The laws of the State of California shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and the interpretation of this Agreement. Any action or proceeding that is initiated or undertaken to enforce or interpret any provision, performance, obligation or covenant set forth in this Agreement shall be brought in a state court in Mendocino County.

22. RECOVERY OF ATTORNEYS' FEES

If a party to this Agreement brings any action, including an action for declaratory relief, to enforce or interpret any term of this Agreement, the prevailing party will be entitled to reasonable attorneys' fees in addition to any other relief to which that party may be

entitled. The court may set such fees in the same action or in a separate action brought for that purpose.

23. SEVERABILITY

If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged will remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

24. COUNTERPARTS

This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

IN WITNESS HEREOF, the parties have caused their authorized representative to execute this Agreement on the date first written above.

CITY

By: _____

Linda Ruffing

Its: City Manager

CONSULTANT

By:  _____

Thomas M. Herman

Its: Regional Manager

ATTEST:

[Attach Notary Acknowledgment Page]

By: _____

June Lemos

City Clerk

APPROVED AS TO FORM:

By: _____

Samantha W. Zutler, City Attorney

Exhibits: Exhibit A – Consultant’s Proposal

entitled. The court may set such fees in the same action or in a separate action brought for that purpose.

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IN WITNESS HEREOF, the parties have caused their authorized representative to execute this Agreement on the date first written above.

CITY

CONSULTANT

By: _____

By: _____

Linda Ruffing
Its: City Manager

Thomas M. Herman
Its: Regional Manager

ATTEST:

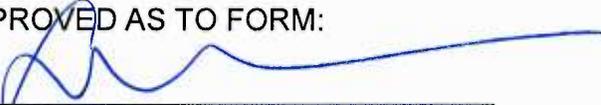
[Attach Notary Acknowledgment Page]

By: _____

June Lemos
City Clerk

APPROVED AS TO FORM:

By: _____


Samantha W. Zutler, City Attorney

Exhibits: Exhibit A – Consultant’s Proposal



416000.029

March 21, 2016

Mr. Sergio Fuentes, EIT
City of Fort Bragg
416 North Franklin Street
Fort Bragg, CA 95437

Subject: Summers Lane Reservoir CQA Inspection Estimate

Dear Mr. Fuentes:

Thank you for the opportunity to provide the City of Fort Bragg with an estimate for inspection services for your project. SHN has extensive experience with construction quality assurance inspections and specifically with the installation of HDPE liners. Our in-house materials testing lab allows us to perform compaction tests and a wide range of other analyses. We have licensed Civil Engineers and Geotechnical Engineers to provide support for our field inspectors should the need arise.

Based on the Technical Specifications and projected timeframe that you provided, we have put together the following work estimate for your consideration. The costs that we have developed are based on the assumption that the work would be performed at prevailing wage rates and will occur within a five week projected timeframe. Our team will be ready to begin by the projected May start date.

Earthwork inspections will include moisture and density testing with a nuclear gage for compaction certification, laboratory analysis to determine maximum density of fill material, and monitoring of geotextile fabric installation at the frequency specified in the Soils Report by a certified inspector. During the four weeks of earthwork, SHN will provide full time daily monitoring of construction activities, materials testing, and daily field report inspections for City records. Our estimate for the earthwork portion of the project is \$30,680.00

HDPE liner inspections will include destructive seam testing as described in the Technical Specifications with peel and shear testing by an outside source Laboratory (see attachment). During the week of liner installation SHN will provide full time daily monitoring of construction activities and daily field report inspections for City records. Our estimate for the earthwork portion of the project is \$8,170.00

Included in our costs are travel time, project management and meetings, and all lab work. We are confident that our experience with similar projects will contribute to a successful outcome and look forward to working with the City of Fort Bragg.

Mr. Sergio Fuentes, EIT
Summers Lane Reservoir CQA Inspection Estimate
March 21, 2016
Page 2

Please feel free to call me at 707-459-4518 if you have any questions or need additional information.

Sincerely,

SHN Consulting Engineers & Geologists, Inc.

A handwritten signature in cursive script that reads "Jason Island".

Jason Island, PE

JGI:alh

Attachment: Outside Source Laboratory TRI Quote



TESTING, RESEARCH, CONSULTING AND FIELD SERVICES

AUSTIN, TX - USA | ANAHEIM, CA - USA | ANDERSON, SC - USA | GOLD COAST - AUSTRALIA | SUZHOU - CHINA

QUOTATION

TRI Environmental, Inc.

CALIFORNIA LABORATORY

1160 North Gilbert Street, Anaheim, CA 92801

tel: 1-714-520-9631 Fax: 1-714-520-9637

E-mail: sales@precisionlabs.net www.precisionlabs.net

Quotation To:

Account No.

Steve Peckham

SHN Consulting Engineers & Geologist, Inc.

812 W. Wabash Avenue

Eureka CA 95501 USA

tel: (707) 441-8855 fax:

speckham@shn-engr.com

Quotation #: CALQ10140

Doc. Name: SHN Consulting

Project No: CALPROJECT8480

Project Name: CITY OF FORT BRAGG 2016

Terms: Net 30 days

Quotation Valid till: 6/30/2016

Date: 03/14/16

By: Cora Queja

No of Units	Description of Test & Services	Unit Price (\$)	Extended Price (\$)
10	ASTM D6392 Shear & Peel HDPE 2"/min	\$30.00	\$300.00

TERMS AND CONDITIONS:

1. The budget presented here is based on provided information and an understanding thereof. If assumed testing procedures, sample quantities, or sampling labor hours had changed, appropriate cost adjustment shall be applied using the unit fees presented. If non-represented items are required, TRI's fees for these specific items will be applied.
2. Material sample shipping expense is NOT included in the individual test cost estimate.
3. All test results will be e-mailed.
4. TRI retains ownership of all generated and reported test results until client invoice is paid, and reserves the right to restrict use of reported test results until client invoice is fully paid,

ACCEPTANCE BUYER: Signature by buyer constitutes acceptance of this proposal and all the terms and conditions of sale and to any special conditions. By accepting this order, Buyer agrees to bound thereby contingent upon award of this project where applicable. Buyer acknowledges that he has read the terms and conditions..

(Company Name- Please Print)

(Buyer Name & Title - Please Print)

(Buyer's Signature)

(Date)

ACCEPTANCE SELLER: This proposal constitutes an offer on the part of Seller subject to the prices, terms and conditions stated herein. For this proposal to constitute a binding contract upon Seller, this offer must be accepted by the buyer by execution hereof and approval by the Seller.

Corazon B. Queja
TRI Environmental

(Date)

1160 North Gilbert Street, Anaheim, CA 92801 tel: 1-714-520-9631 Fax: 1-714-520-9637 E-mail: sales@precisionlabs.net www.precisionlabs.net

Precision Geosynthetic Laboratories International dba TRI Environmental Inc.

Page 1

EXHIBIT A

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City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 16-155

Agenda Date: 4/25/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: 7D.

Adopt City Council Resolution Approving a First Amendment to the 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 \$25,115; Account No. 413-5009-0731)

The Public Works Department has requested KASL Consulting Engineers provide additional services for the Chestnut Street Corridor Project. Services include a traffic control plan and staking for the relocation of utility poles by PG&E and AT&T that will occur prior to the start of construction of the trail along the north side of Chestnut Street. Staff has also requested that KASL participate in a community meeting to be held prior to the start of the project, and be prepared to perform additional engineering design to increase the width of the trail to meet Caltrans requirements. KASL has also been coordinating with Local Assistance and the Right of Way Department at Caltrans during the right of way phase of the project.

RESOLUTION NO. _____-2016

RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING A FIRST AMENDMENT TO THE 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 \$25,115; ACCOUNT NO. 413-5009-0731)

WHEREAS, a Request for Proposals (RFP) was issued in April 2015 for consulting services to complete the design and engineering of the Chestnut Street Corridor Project, and of the five proposals received, KASL Consulting Engineers, Inc. was determined to be the most qualified firm; and

WHEREAS, on July 27, 2015, the City Council of the City of Fort Bragg approved a contract for \$77,600 with KASL Consulting Engineers, Inc. for design services for the Chestnut Street Corridor Project; and

WHEREAS, certain requirements for the project's design were expanded by the State of California (Caltrans); and

WHEREAS, due to the increase in the scope of the project, additional design and engineering services are needed as described in the revised Scope of Work of the First Amendment to the Professional Services Agreement attached hereto as Exhibit A; and

WHEREAS, on April 4, 2016, KASL Consulting Engineers provided a proposal to the City to perform the additional engineering services in an amount not to exceed \$25,115; and

WHEREAS, funds were appropriated in the FY 2015-2016 Capital Improvement Program Budget for this activity which are sufficient to cover this contract and the proposed Amendment; and

WHEREAS, based on all the evidence presented, the City Council finds as follows:

1. KASL Consulting Engineers, Inc. is currently providing design and engineering services for the Chestnut Street Corridor Project.
2. The project time of completion has been extended due to the expansion of engineering and design requirements for the Chestnut Street Corridor Project.
3. KASL Consulting Engineers will be paid based upon the budget for additional costs in their proposal dated April 4, 2016 in an amount not to exceed \$25,115.
4. Adequate funding is available in the Capital Improvement Program Budget to complete the work as provided in the amendment proposal.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby approve the First Amendment to the Professional Services Agreement with KASL Consulting Engineers, Inc. for design services for the Chestnut Street Corridor Project and authorizes the City Manager to execute same (Amount Not to Exceed \$25,115; Account No. 413-5009-0731).

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 25th day of April, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

DAVE TURNER,
Mayor

ATTEST:

June Lemos
City Clerk

**FIRST AMENDMENT TO THE
PROFESSIONAL SERVICES AGREEMENT
WITH KASL CONSULTING ENGINEERS
FOR THE CHESTNUT STREET CORRIDOR PROJECT**

THIS FIRST AMENDMENT is made and entered into this 25th day of April, 2016, by and between the CITY OF FORT BRAGG, hereinafter referred to as "CITY," and KASL CONSULTING ENGINEERS, INC., hereinafter referred to as "CONSULTANT."

WHEREAS, the CITY requires additional assistance preparing plans and providing professional services for the Chestnut Street Corridor Project; and

WHEREAS, sufficient funds are appropriated in the FY 2015/16 Capital Improvement Plan Budget to cover the increase in this contract; and

WHEREAS, the CITY and CONSULTANT agree that it is in their best interest to extend the completion date and include these changes in the scope and budget of the design work CONSULTANT is preparing for the Chestnut Street Corridor Project; and

WHEREAS, the legislative body of the City of Fort Bragg on April 25, 2016, by Resolution No. _____-2016, authorized execution of this First Amendment to Professional Services Agreement on behalf of the City in accordance with Chapter 3.20 of the City Municipal Code and/or other applicable law;

NOW, THEREFORE, for the aforementioned reasons and other valuable consideration, the receipt and sufficiency of which is acknowledged, CITY and CONSULTANT hereby agree that the Professional Services Agreement for the Chestnut Street Corridor Project between the CITY and CONSULTANT dated July 27, 2015, is hereby amended as follows:

1. **SCOPE OF WORK:**

Paragraph 1 [DESCRIPTION OF SERVICES OR SCOPE OF WORK] is hereby amended to add the following to the existing paragraph: "Addition of preparation of a traffic control plan and staking for utility pole relocations, public meeting participation, coordination with Caltrans Right of Way and Local Assistance, and redesign of the trail to create an eight-foot-wide minimum trail, as described in the April 4, 2016, letter from KASL Consulting Engineers, which is attached and made part of this Amendment as Exhibit A."

2. **TERM:**

Paragraph 2 [TERM] is hereby amended to extend the contract to October 1, 2016.

3. **PAYMENT TERMS:**

Paragraph 3 [PAYMENT TERMS AND NOT TO EXCEED AMOUNT] is hereby amended to increase the Not to Exceed amount from \$77,600 to \$102,715 (an increase of \$25,115) to reflect the additional design work and services.

4. TIME OF COMPLETION:

Paragraph 4 [TIME OF COMPLETION] is hereby amended to extend the time of completion to July 1, 2016.

5. Except as expressly amended herein, the Professional Services Agreement, between the CITY and CONSULTANT dated July 27, 2015, is hereby reaffirmed.

IN WITNESS WHEREOF, the parties have executed this Amendment the day and year first above written.

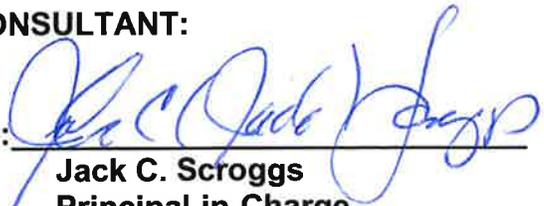
CITY OF FORT BRAGG:

By: _____
Linda Ruffing
City Manager

ATTEST:

June Lemos, City Clerk

CONSULTANT:

By: 

Jack C. Scroggs
Principal-in-Charge

APPROVED AS TO FORM:

Samantha W. Zutler, City Attorney

4. **TIME OF COMPLETION:**

Paragraph 4 [TIME OF COMPLETION] is hereby amended to extend the time of completion to July 1, 2016.

5. Except as expressly amended herein, the Professional Services Agreement, between the CITY and CONSULTANT dated July 27, 2015, is hereby reaffirmed.

IN WITNESS WHEREOF, the parties have executed this Amendment the day and year first above written.

CITY OF FORT BRAGG:

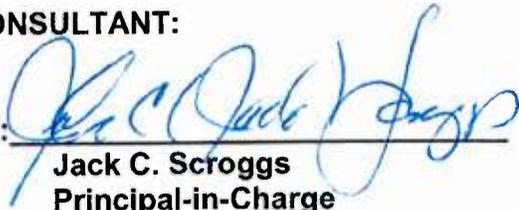
By: _____

Linda Ruffing
City Manager

ATTEST:

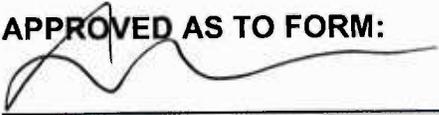
June Lemos, City Clerk

CONSULTANT:

By:  _____

Jack C. Scroggs
Principal-in-Charge

APPROVED AS TO FORM:



Samantha W. Zutler, City Attorney



April 4, 2016



7777 Greenback Lane
Suite 104
Citrus Heights, CA
95610

Tel. 916/ 722-1800
Fax 916/ 722-4595

Principal:
John C. Scroggs

Mr. Tom Varga
Ms. Nancy Atkinson
City of Fort Bragg
Public Works Department
416 N. Franklin Street
Fort Bragg, CA 95437
tvarga@fortbragg.com
natkinson@fortbragg.com

Subject: Proposal to Amend Chestnut Street Corridor Design Professional Services Agreement

Tom and Nancy:

Pursuant to our recent phone conversations and emails, the following is our proposal to amend the subject Professional Services Agreement. Proposed amendments include:

Staking for Utility Pole Relocations

PG&E has requested that the location and finished grades at each utility pole relocation be staked in the field. This work is scheduled to be completed in advance of the rest of the Chestnut Street Corridor Project improvements.

PG&E will relocate 8 of the poles that are in conflict with the multi-use path project. The remaining two poles will be relocated by AT&T. We understand that AT&T will schedule their work after PG&E is complete. We believe, however, that staking for both PG&E and for AT&T can be done at the same time. Both PG&E and AT&T pole relocations and finished grades will be painted on the pavement so that the "staking" can be accomplished for both PG&E and AT&T without making two separate trips. We propose to provide this task for a fee of \$2600. This fee includes both office and field survey time and the preparation of staking diagrams for PG&E and AT&T.

Traffic Control Plan for Utility Pole Relocations

Since the pole relocations will be conducted in advance of the Chestnut Street Corridor Multi-use Path improvements, a separate traffic control plan will be required. The multi-use path Contractor will be responsible for submitting and processing, through the City of Fort Bragg, the Traffic Control Plan required for their improvements. We propose to prepare the Traffic Control Plan for the pole relocation for a fee of \$4115.

CIVIL
WATER RESOURCES
SURVEYING



Chestnut Street Outreach Meeting

The City has proposed that an outreach meeting be conducted for residents and businesses along the Chestnut Street Corridor in advance of the Utility Pole Relocation Work. The purpose of this meeting is to review the scope of the multi-use path project, including the advance pole relocation work, review the proposed traffic control plans and the proposed pole relocation and construction schedule. We will prepare handouts for attendees and exhibits for the meeting. The proposed fee for this task is \$2250.

Coordination with Caltrans R/W and LAPM Representatives

The scope of the project includes improvements adjacent to some 70 privately owned parcels. To limit R/W acquisitions, and Rights of Entry needed to construct the multi-use path improvements has required more Caltrans coordination than initially proposed. We have proposed a fee of \$3550 for this additional coordination effort.

**Subtotal: Proposed Amendment \$12,515
for Above Listed Tasks**

Redesign of the Multipath Improvements to Provide a Minimum "Net" 8 Foot Width

We understand that Caltrans may require that the multi-use path be constructed with a minimum 8 foot width, net of the top back of curb. To meet this minimum requirement and to minimize R/W Acquisition and Rights of Entry would require redesign of most of the Project. Given the options available within a 40 foot right of way, we believe that the most viable and cost effective modification would involve reducing the vehicle lane widths from the now proposed 11 feet to either 10 feet or to 10 feet-6 inches. This will move the proposed curb and gutter south, require adjustments to gutter flow lines, drainage inlet elevations, curb return grades and sections. We estimate that 28 plan sheets will need to be changed. We propose to make these plan modifications and resubmit them for the City's review and approval for a fee of \$12,600.

**Fee Proposal Consistent with \$25,115
Redesign of Multi-use Path to
Minimum "Net" 8 Foot Width**

Please advise us of any questions or comments regarding the fee proposal amendment alternatives. Thank you for this opportunity to amend our Agreement with the City of Fort Bragg.

Very Truly Yours,

KASL Consulting Eng., Inc.

A handwritten signature in blue ink, appearing to read "John C. Scroggs", is written over the typed name below.

John C. Scroggs



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 16-161

Agenda Date: 4/25/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Committee Minutes

Agenda Number: 7E.

Receive and File Minutes from the February 17, 2016 Public Safety Committee Meeting



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Minutes Public Safety Committee

Wednesday, February 17, 2016

3:00 PM

Mendocino Coast Hospitality Center
101 North Franklin Street

SPECIAL MEETING

Please note special location for meeting

MEETING CALLED TO ORDER

Committee Member Peters called the meeting to order at 3:00p.m. He announced that the Committee would be reversing the order of the items on the agenda and discussing item 2 first and then taking the tour of the facility.

ROLL CALL

Present: 6 - Scott Deitz, Lindy Peters, Linda Ruffing, Fabian Lizarraga, Steve Orsi and Tom Varga

APPROVAL OF MINUTES

Minutes of December 9, 2015 Meeting

A motion was made by Committee Member Deitz and seconded by Committee Member Peters, that the Committee Minutes of December 9, 2015 be approved. The motion carried by a unanimous vote.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

- Committee Member Peters announced that normally the Council Committees do not place a time limit on public comments on non-agenda items, but due to the number of people attending the meeting he would be giving each member of the public who wished to make comments, 3 minutes to speak. He mentioned that the item on today's agenda is an important public issue that many people feel very passionately about. He asked that people please try to remain civil and not have interruptions so that everyone can be heard.
- It was mentioned that the Director at the last meeting of the Hospitality Center had said that there were 140 people helped at the Extreme Weather Shelter a couple of years ago and that this year 800 people were helped. If that is factual information, it is very important. Lynelle Johnson, who is on the board of the Hospitality Center, explained that there are two very different types of counts, "bed nights" and "people". For example, if a person is staying at the Extreme Weather Shelter for 5 nights, that counts as 5 bed nights, but only 1 person. It was confirmed that there were approximately 134 people helped at the shelter this year compared to 85 the year before.
- A local resident Fort Bragg has become a dangerous place to live since the Ortner Company has come to Fort Bragg. An Ortner employee named Todd Arthur Harris, who is a doctor and a therapist is licensed to carry a hand gun and he owns three of them. He is able to carry his gun while on the job as his work is dangerous and the Hospitality Center is

his work place. It was asked if the insurance company is aware that this employee carries a gun. It was advised that an attorney be hired at the Hospitality Center's expense to provide advice on legal matters such as these.

- A local resident felt that cannabis should not be a schedule one drug and referred to himself as green and sober. Cannabis helps people end their dependence on alcohol, drugs and prescription medication. He has found that all of his formal complaints keep getting buried and that it is very difficult to navigate the system. He is going to keep fighting for patients' rights and disability rights. He asks people who would like to, to please help by becoming involved with Green and Sober, Inc., which helps people develop sober living environment using perma-culture, arts & crafts, peer group support and cannabis. Their web site is www.greenandsober.org.

CONDUCT OF BUSINESS

2. Receive Oral Report and Discuss Extreme Weather Shelter and Other Opportunities to Assist Local Homeless Population and Homeless Service Providers

Public comment on this item was received from: Lynelle Johnson, Susan Holli, Paul Davis, Richard Mack, Lobo, Jay Rosenquist, Judy Valadao, Jim Britt, Mary Flannery, Douglas Chouteau, Rosalie Zaleski Taylor, Gary Johnson and Jerry Thompson.

The following was noted during discussion of this item:

- Peters mentioned that the intention of this meeting is education and to clear up misconceptions about who is really responsible for our Extreme Weather Shelter. The City does not have Social Services, and the County is responsible for Social Services in the City of Fort Bragg. This meeting was delayed so that the City Manager could be there to explain how this works, who is responsible, what buildings can and can't be used and what our role is as a City to provide emergency shelter for our needy, homeless and those who are out on the street at night.
- City Manager Ruffing recently had a conversation with Peters about homelessness and how our community addresses it. Homelessness is a very big issue that is a problem everywhere, with no easy solution. The homeless situations have been created by lack of affordable housing and jobs. Many of the homeless are veterans and for some, homeless it is a live style choice.
- Cities such as Eureka, Arcata, Ukiah, Santa Rosa, Counties and the State are always looking for solutions to this problem. There is no one way to address homelessness. Law enforcement has its role, but you can't arrest your way out of this problem. They help maintain our quality of life and enforce the laws, such as aggressive panhandling and illegal camping. Everyone agrees that law enforcement officers aren't the right people to be providing mental health services to our community.
- Affordable Housing and Jobs are definitely part of the solution and that is where the City has a role, responsibility and the opportunity to help. But the safety net, the social services that help homeless people, is not the City's responsibility. Fort Bragg is a small City, and is considered a non-entitlement jurisdiction, which means we do not receive funding directly from the Federal government through Housing and Urban Development to provide social services to help with homeless and mental health issues.
- The State and Federal government are responsible for providing the safety net for the homeless. Those funds go to the County through Health and Human Services. These funds get funneled out through contracts to various agencies and organizations such as, Ortner,

the Mendocino Coast Hospitality Center, Coast Clinics and Coast District Hospital.

- The City's role in supporting the provision of homeless services has been through our Community Development Block Grant (CDBG) program. These funds go to the State and the City applies for grants through a competitive process. Those grants are restricted to projects that benefit low income people. Over the past 15 years that the City has had a Community Development Block Grant program, it has brought in tens of millions of dollars to support organizations in our community.
- It is the community organizations that have to fill in the gaps in the safety net. The City has used this grant to purchase the Project Sanctuary facility on Franklin Street, for the Food Bank additions to their facility and equipment, the kitchen at the Senior Center has been rebuilt and remodeling has been done, Parents & Friends has been helped in a number of ways, Coast Clinics new clinic was built with the help of block grant funds and Mendocino Coast Hospitality Center (MCHC) has been the recipient of numerous block grants over the years. The City has also provided funds for the purchase and rehab of the Harrison Street House, which provides transitional housing and is operated by the Hospitality Center. The City recently developed a pilot project called the Homeless Mental Health Intervention Project, working with the Hospitality Center, Coast Clinics and the Hospital. This project was funded for three years to provide intensive case management and counseling services for homeless, mentally ill individuals in our community. Most recently the Old Coast Hotel property was purchased with CDBG funds in order for the Mendocino Coast Hospitality Center to consolidate their homeless services and provide additional transitional housing in the community.
- Ruffing acknowledged the work of Jennifer Owen, Special Projects Manager for the City, because she is the person who has single handedly brought in tens of millions of dollars of CDBG funds to assist local organizations, which has been a huge help to the community. Ruffing acknowledged that the Old Coast Hotel purchase was tremendously controversial and there is still community opposition to it, but putting that aside and looking at the ways in which the City has been able to help the various non-profit service organizations in the community help those in need, the City can be very proud of what we have accomplished.
- Ruffing was not able to attend the February 8th City Council meeting, but she watched the video. She was impressed with the comprehensive and informative presentation and felt the questions and answers were interesting. She was disappointed and concerned at the tenor of the public comment that was received. The Hospitality Center has grown from a fragile, struggling organization to one that has taken on an important role in our community in helping to address the homeless issues. There are chronic funding shortages and low pay for incredibly challenging work. As a community non-profit, they are not obligated to provide these services and we are fortunate to have these services in our community. In Ukiah there are currently no homeless services. Ruffing asked our community to be kind to the Hospitality Center and help them provide assistance to those who need it. It is ok to be critical and to ask questions but she hopes that the community can help strengthen them and through various dialogues everyone can provide support and continue to provide good homeless services in our community.
- Peters had asked Ruffing about looking at the law that allows the City to declare a shelter crisis, which started the conversation on the subject. An extreme weather shelter is a great thing to have that is very necessary, but it is not mandated or funded. At the beginning of this season the Hospitality Center started out with \$10,000 from the county to provide these services and with the help of Supervisor Gjerde, they were able to receive another \$20,000. The Hospitality Center just included a solicitation for funds in the utility bills for City residents and hopefully additional funds will come in.
- The current model, which the Hospitality Center has been using for the last eight years, is

an incredibly cost effective way to provide an extreme weather shelter for those who need it.

- The faith based community plays a big role in this model. Local churches sign up for a week block that they agree to provide shelter services. The services rotate from church to church. The Intake is done at the Hospitality House on McPherson Street. The homeless are offered a shower, dry clothes and a meal. Then they are transported to the church that is offering shelter services for that week. They are supervised, spend the night on cots and in the morning are transported back to the Hospitality House. There have been no complaints received from any citizens about this operation of the extreme weather shelter. The City has not required a use permit.
- There are thresholds for when they are open and when they are not. Because the weather is unpredictable, there may be a night when it rains and the shelter is not open.
- It has been suggested that the Hospitality Center facility be used as an extreme weather shelter, which Ruffing thinks is a very bad idea. Not only is it not compliant with the zoning and would create many other issues, it is not really necessary. The model that is currently being used for the extreme weather shelter may be under funded, but it is not broken.
- Lynelle Johnson wanted to thank Susan Holli of Love in Action for all of her behind the scene work with the extreme weather shelter for years. The extreme weather shelter requires a huge amount of work and Lynelle invited anyone who wants to, to come down and see what is done on a daily basis to keep the shelter up and running every day starting at 6:00-7:00 a.m. when phone calls are made to determine what the weather will be like that day. If any other organization would like to take on the responsibility of the shelter, the Hospitality Center would be happy to pass the baton. It is a tough job to keep the shelter going and Lynelle wanted to commend the helpful, caring staff that does that job every day.
- MCHC works with twenty-two local churches to provide the shelter services to the community. Amazingly, every week is taken care of up until April 15th when the shelter closes, except for three weeks. The three weeks that still need a shelter location are March 7-13, 14-20 and 28-April 9. They are grateful to the faith based community who is also struggling with funding and would like to use their facilities for other things, but they have made a commitment to help with the homeless.
- This year, just in December and January, the extreme weather shelter has been open every night except three. That means the MCHC has more salaries to pay, transportation to take care of and food to provide. Up until this year, the only funding received was from the community through donations, church donations and the City's mayor's fund. In past years the shelter averaged 4-5 people in the shelter per night. This year the average was 12-14 people per night, which is a huge difference. They are hoping to be able to stretch the \$30,000 they received this year to cover the shelter until April when it closes. Lynelle thanked the staff and the community for the success of the shelter.
- Peters suggested that the Committee be allowed to ask questions of the City Manager and Lynelle before turning it over to the public for questions.
- It was reported to Peters that there seems to be a lack of notice as to when the shelter will be open and when it will not. Lynelle answered that there is a dedicated phone line just for the extreme weather shelter (356-8163) that anyone can call to hear the current message concerning the shelter as of 9:00a.m. each day. The message does not say where the shelter will be that night because it is important for the management of the program that the person checks in at the Hospitality House prior to being transported to the church that will be providing shelter for that night.
- The Police Department puts a sign on their front door and City Hall puts a notice in the glass case outside letting the public know if the shelter will be open or not that evening. There are about thirty locations in the area that post an informational notice about the

shelter every day.

- Committee Member Deitz thanked Lynelle for all the work she does. In reference to the increase in usage of the shelter over previous years, Deitz asked if that was indicative of the homeless population and if the numbers are in from the homeless count for last year and this year. Also, he asked if Lynelle believes that the coast is dealing with more homeless people due to the closure of so many services that had been offered in Ukiah. Lynelle mentioned that the increase in rain is definitely a factor for this year and that whatever happens in Ukiah always affects the services on the coast.
- Peters asked about alcohol use at the shelter. Use of the shelter is behavior based and alcohol use or intoxication is not allowed and is managed by the staff. Many people who use the shelter are trying to improve themselves and the rules and regulations for its use assist them in doing that.
- Dogs are welcome at the shelter and crates are provided.
- Peters asked if there was anyone in attendance who has stayed at the extreme weather shelter that would like to share their experience.
- A citizen who said he ran the shelter from 2013-2014 said it ran well while he was there but he believes the statistics for the number of people using the shelter are incorrect.
- A local homeless man, "Lobo", stated that the shelter was warm, comfortable, humane and helpful. He mentioned that the others at the shelter all had similar stories to his and that the shelter gives people the opportunity to bond with others who are in the same situation they are. It was mentioned that his comments were testimony what the shelter is doing works.
- Some homeless people do not have phones and can't call the shelter number every day to see if it will be open. It was also mentioned that some locations that display the shelter signs are not receiving calls informing them if it is open or closed each day. It was suggested that perhaps this information could be posted on Facebook. Because of the number of people that have to be notified each day, MCHC decided that calling was not the best process for notification. Now notification is done by e-mail and the business or individual is always encouraged to call if they have not received notification. It was suggested that perhaps someone could volunteer to make those calls.
- It was asked what the weather criteria is for opening the shelter for the evening. The criteria used to be 30 degrees or lower with a 50% chance of rain, but the board (with input from the community) changed it to 40 degrees or lower with a 20% chance of rain. Paul Davis makes a weather determination by 9:00a.m. each day so the open or closed information can be put on the phone message.
- Chief Lizarraga mentioned that if Police Officers come in contact with someone on the streets that needs shelter but it is after hours, they are allowed to deliver them to the extreme weather shelter and they will be accepted. This was worked out with Anna Shaw and has been working well.
- Some citizens believe there has been a substantial increase in crime as the increase in homeless people in our City grows. They feel the City should not encourage the homeless to come to Fort Bragg by offering many benefits. They suggested helping those who are here now and possibly starting a work program where the homeless can provide labor for the services they receive. Peters mentioned that there are Cities that have their Public Works Department provide work for the homeless.
- Lynelle mentioned that MCHC clients are required to give back to the community by doing work such as community clean up and serving breakfast at St. Anthony's.
- A citizen mentioned that she thought the discussion by the Committee today was going to be about what to do when there is a shelter crisis declared as per Health and Safety Code 8698. She mentioned that the community's faith based organizations are wonderful, but she questioned the zoning for the churches as far as providing overnight shelter for citizens.

She questioned the fact that one person (Paul Davis) makes the decision if Lobo or other homeless people get to sleep indoors or not, by deciding if the shelter will be open or closed. What might be considered extreme weather by that person may not be considered extreme to Lobo or other elderly homeless people. She also suggested that the statistics concerning people vs bed nights is very confusing.

- Ruffing stated that legislation is not necessary to run a shelter successfully and that the faith based community is doing an excellent job of providing shelter. Everyone who shows up at the shelter is served and transportation is provided.
- A citizen suggested that the community focus on helping the children in the community so they don't grow up to be homeless. Life skills, such as banking, should be taught to our children.
- It was suggested that any complaints or concerns about the extreme weather shelter be brought to the MCHC Board and not directly to the staff.
- A citizen asked if the web site for the MCHC could be updated with current information so that they could be better supported by the community.
- It was asked how the \$30,000 received by the MCHC this year is being spent. Jerry Thompson, the treasurer for MCHC, provided a handout concerning their budget and reviewed it with the Committee. The costs included transportation to the shelter, labor to help clean up the shelter and salary for an attendant that remains at the shelter to supervise from 4:00p.m. to 8:00a.m., which involves regular and overtime pay. If there are over 12 men in the shelter, a second attendant is required. Women are housed at the Hospitality House and if they are full, they are housed at a hotel. Two meals are provided for each person, which are not included on the budget document. Health Insurance for the employees, which they receive after three months of employment, is also not included on the budget document.
- Susan Holli mentioned that the shelter is provided to anyone who needs it and input from everyone in the community is encouraged. The current program works very well. MCHC hires people instead of working with volunteers. The employees are responsible and dependable and can be held accountable. Everyone shows respect for one another. There will be a meeting on February 25th at the library to discuss housing resources in the City.

Peters stated that there had been a great deal of information provided at today's meeting and invited the community to attend the Mendocino Coast Hospitality Center board meetings to make their comments heard. He asked citizens to e-mail him at Lpeters2@fortbragg.com <mailto:Lpeters2@fortbragg.com> for more information. This was an informational meeting only and no action will be taken by the Committee.

1. Receive Tour of Mendocino Coast Hospitality Center's 101 North Franklin Street Facility

After the discussion of Item 2, those who wished to participate were taken on a tour of the facility.

MATTERS FROM COMMITTEE / STAFF

None Received

ADJOURNMENT

The meeting was adjourned at 4:30p.m. by Committee Member Peters and those who wished to, participated in the tour of the Mendocino Coast Hospitality Center facility.

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City of Fort Bragg

416 N Franklin Street
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Phone: (707) 961-2823
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Text File

File Number: 16-160

Agenda Date: 4/25/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Committee Minutes

Agenda Number: 7F.

Receive and File Minutes from the February 18, 2016 Public Works & Facilities Committee Meeting



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Minutes - Final Public Works and Facilities Committee

Thursday, February 18, 2016

3:00 PM

City Hall Conference Room, 416 N. Franklin Street

MEETING CALLED TO ORDER

Meeting called to order by Committee Member Turner at 3:06

ROLL CALL

City Staff Present: Linda Ruffing, Tom Varga, Crystal Prairie. Members of Public Present: Marianne McGee

Present: 2 - Dave Turner and Lindy Peters

APPROVAL OF MINUTES

Approve Minutes from January 21, 2015

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Ms. Marianne McGee commented regarding public restrooms. The condition of the restrooms at the Coastal Trail on Monday was very poor around 4pm. Also, the Town Hall restrooms were locked. Mentioned the "Open" and "Closed" sign is still not being used at Town Hall, nor is the restroom sign up. The south trail restrooms were in good condition.

There was discussion among staff members that there was a holiday and there may have been miscommunication, and that's probably why the Town Hall restrooms weren't unlocked.

CONDUCT OF BUSINESS

Continue Discussion of Desalination Technologies

Public Works Director Varga introduced the Desalination Planning Handbook, which he has used to do research prior to his report.

Potential Challenges of Desalination Plant:

- Environmental impacts, brine discharge. There are 2 ways to handle this, dilution or evaporation ponds. High salinity levels in brine and discharge levels are issues.
- Economic cost constraints: Construction estimate: \$1M to build something that will produce 100K gallons per day (incrementally.)
- Operation Costs (energy): \$300/\$100K produced per day. \$50-\$100K per year in energy cost.
- Equipment failure seems to be a common problem with desalination.
- Waste is a potential issue, with possibly 30 trucks per day disposing of the brine.
- Land Use: Desal is industrial use, so location could be an issue. Along Noyo river was potential location, conceptually.
- Location is important. Most likely would be brackish groundwater, which is a few miles away from

the desired dilution/discharge point at treatment plant.

-Effective public involvement from the beginning is important.

-Effective interaction with permitting agencies. Coastal Commission has rarely approved a desal project in decades.

Other Considerations:

-Make sure to maximize water conservation first.

-Mobile desal: \$3/\$3.50 per gallon.

Case Study: Cambria Desalinization Plant

Was an emergency project. Circumstances similar to Fort Bragg. \$4.4 M to build a 300GPM facility. Environmental Mitigation: return of 100GPM back into groundwater. Brine disposal is by evaporation pond. Facility is in estuary next to waterway and next to existing production well. Successful as an emergency project because environmental impacts were small, plant is in existing footprint, and has a small evaporation pond. The process involves taking water out from a well, pulling out from separate location brackish water, and then putting water back into groundwater. Using facility 8 or 9 months/year. Pending lawsuit regarding water quality issues and emergency project status.

Case Study: Monterey Bay Region

8 proposed projects, 2 existing. Facility in Sand City runs .05 to .75MGD. There were two, but one was shut down due to environmental impacts. One facility at Monterey Bay Aquarium. Relatively small amount of brine. Just for the exhibits. AMBAG is trying to put together a regional system. Little progress has been made in 20 years.

A potential funding opportunity for a feasibility study was discussed. There was discussion regarding other projects that are underway in order to increase water supply, such as Summer's Lane Reservoir, and test wells.

Committee Member Peters contacted someone in Cambria regarding their plant. It would be best for a representative to go there, rather than have someone come to Fort Bragg to take a look at the plant and talk to the people involved. He volunteered to go there and come back and give a report to this Committee. Carillo was the engineer, and staff will contact them.

There was some discussion regarding rehabilitating Pudding Creek Dam. There is a possibility that the reservoir is not on GP property. The capacity is currently around 37 acre feet (undredged.) The fish ladder that is currently at the location may not be adequate. Water rights would have to be established. Water would need to be treated.

There was discussion of the Wastewater Treatment Plant upgrade project, currently in design, and funding for the project.

There was discussion of the Summers Lane Reservoir Project, design is nearly complete on the project.

A full report on water will be going to City Council on March 28, 2016.

MATTERS FROM COMMITTEE / STAFF

ADJOURNMENT

Meeting adjourned by Committee Member Turner at 4:15pm.



City of Fort Bragg

416 N Franklin Street
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Text File

File Number: 16-159

Agenda Date: 4/25/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Committee Minutes

Agenda Number: 7G.

Receive and File Minutes from the March 2, 2016 Finance and Administration Committee Meeting



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Minutes Finance and Administration Committee

Wednesday, March 2, 2016

3:00 PM

City Hall Conference Room, 416 N. Franklin Street

MEETING CALLED TO ORDER

Chair Turner called the meeting to order at 3:16 PM

ROLL CALL

Staff Present: - Linda Ruffing, Tom Varga, John Smith, Victor Damiani and Brenda Jourdain.

Others in Attendance: None

Present: 2 - Doug Hammerstrom and Dave Turner

APPROVAL OF MINUTES

1A. [16-076](#) Approve Minutes of Special Meeting of January 11, 2016

A motion was made by Committee Member Hammerstrom, seconded by Chair Turner, that these Committee Minutes be approved for council review. The motion carried by a unanimous vote

1B. [16-078](#) Approve Minutes of Special Meeting of January 29, 2016

A motion was made by Committee Member Hammerstrom, seconded by Chair Turner, that these Committee Minutes be approved for council review. The motion carried by a unanimous vote

PUBLIC COMMENTS ON NON-AGENDA ITEMS

CONDUCT OF BUSINESS

2. [16-074](#) Receive Update on Progress on Facilities and Equipment Internal Service Fund Reserve Analysis

Public Works Director Tom Varga reviewed the Summary Report and spreadsheets prepared for this item regarding development of a more formal procedure for analyzing and documenting the Facilities and Equipment Internal Service Fund (ISF) reserve needs and answered any questions.

Others in Attendance: None.

The following was noted during discussion of this item:

- Three spreadsheets were created for ISF projects: 1) Summary list of Facilities & Equipment ISF-10 year project program; 2) Facility & Equipment ISF - 10 year program

- for major projects funding needs that is shown in completed totals; 3) Facilities & Equipment ISF-10 year program on-going preventative maintenance needs.
- A methodology and format has been established and will help establish yearly budget amounts. With detail in the spreadsheets the City can get a hold of a more consistent maintenance schedule.
 - Due to Council interest, the City Hall, City Hall East and Guesthouse improvements will be in the FY 2016/17 budget or in the near future.
 - Committee requests more narrative description of projects and how these priorities are organized. Varga recommends using the budget narrative and modifying it with the information from the spreadsheets.
 - Noyo Headlands Park /Coastal Trail have been added to the spreadsheets.
 - There was discussion about the account numbers being taken out.
 - There was extensive discussion regarding cost allocations, reserves, inflows and outflows.
 - Hammerstrom stated that identifying the projects need to be defined and asked who will be doing the budgeting. Staff replied the Public Works Department will be identifying and defining the projects and the Finance Department will handle the revenue to let them know when and how much can be used for budget purposes.
 - It was discussed how to add on the spreadsheet the revenue numbers in net balance in the ISF plus a line involving the reserve that will track transfers in and out as well as the reserve balance. This will help with monitoring projects.
 - It was recommended by staff that the ISF fund spreadsheets are to be kept as an analytical tool and all items in spreadsheets are items that need to be done.

Council gave direction to staff to use these established spreadsheets for budgetary purposes.

MATTERS FROM COMMITTEE / STAFF

ADJOURNMENT

Chair Turner adjourned the meeting at 3:57 p.m.

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City of Fort Bragg

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Fort Bragg, CA 95437
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Text File

File Number: 16-157

Agenda Date: 4/25/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Minutes

Agenda Number: 7H.

Approve Minutes of April 11, 2016



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
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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, April 11, 2016

6:00 PM

Town Hall, 363 N. Main Street

AMENDED

MEETING CALLED TO ORDER

Mayor Turner called the meeting to order at 6:01 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

Mayor Turner added an item to the agenda concerning Fort Bragg's sister city, Otsuchi.

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

- 1A. [16-095](#)** Introduction of New Employees: Keyona Martinez, Community Services Officer; Mateo Ortiz, Audio-Visual Technician; Scott Schneider, Administrative Services Director; Natalie Gregory, Grant Assistant; Chantell O'Neal, Administrative Assistant, Community Development; Scott Perkins, Associate Planner; Pamela Davidson, Temporary Office Assistant, Finance; Isaac Whippy, Government Accountant II; Nancy Atkinson, Temporary Associate City Engineer

New employees were introduced as follows:

1. Police Chief Lizarraga introduced Community Services Officer Keyona Martinez.
2. City Manager Ruffing introduced Audio-Visual Technician Mateo Ortiz and Administrative Services Director Scott Schneider.
3. Community Development Director Jones introduced Grant Assistant Natalie Gregory, Administrative Assistant Chantell O'Neal, and Associate Planner Scott Perkins.
4. Finance Director Damiani introduced Temporary Office Assistant Pamela Davis and Government Accountant II Isaac Whippy.
5. Public Works Director Varga introduced Temporary Associate City Engineer Nancy Atkinson.

- 1B. [16-114](#)** Presentation of 2016 Mayor's Well Done Awards

Community Development Administrative Assistant O'Neal provided a PowerPoint presentation showing the various projects. Mayor's Well Done Awards for 2016 were then presented to the

following:

1. Best New Residential Construction - David and Karen Gidley
2. Best Residential Facade - Paul Meyer
3. Best New Housing Complex - Habitat for Humanity of the Mendocino Coast
4. Best New Commercial Construction - Taco Bell
5. Best Commercial Facade - Golden West
6. Best Commercial Remodel - Point Noyo Restaurant
7. Best Commercial Landscaping - Mendo Lake Credit Union
8. Best Sustainable Design - Cypress Ridge Apartments and Real Goods Solar
9. Best Sign - Wren's Boutique
10. Best Window Display - Astoria; Dot & Twine

1C. [16-130](#) Presentation of Proclamation Acknowledging Douglas Moody as the Recipient of the Jazz Journalists Association's 2016 Jazz Hero Award

Douglas Moody was presented with several awards and a City Council Proclamation honoring him for receiving the Jazz Journalists Association Jazz Hero Award in 2016.

1D. [16-138](#) Presentation by LEAN Energy US Regarding Mendocino County's Efforts in Exploring a Countywide Community Choice Energy (CCE) Program

Tom Kelly gave a presentation about Community Choice Energy and how local governments can procure power on behalf of the community offering higher renewable energy content, better responsiveness to local environmental and economic goals, cheaper electricity rates, and lower greenhouse gas emissions.

Mayor Turner reported that Fort Bragg's sister city, Otsuchi, Japan, received the beach glass local residents donated for Otsuchi's Namiita Beach. He read a thank you message and showed a photograph of Otsuchi's mayor, Kouzo Hirano, opening the box full of beach glass.

2. STAFF COMMENTS

Police Chief Lizarraga announced a Neighborhood Watch meeting will be held April 12 at 6PM at Town Hall for those interested in joining the program. Police K-9 Takoda was certified for patrol duty last week and has already helped locate a fleeing robbery suspect. City Manager Ruffing announced the Coastal Trail celebration will be held Saturday, June 4 from noon to 4PM with music, food, speakers, fun, games, whale bones, beer garden and more. She reported that the State Department of Finance announced that the Successor Agency will be eligible for \$89,000 this year in administrative costs. Ruffing noted that the City received six bids in response to the Summers Lane Reservoir project bid notice. The Department of Fish & Wildlife has communicated to the Department of Water Resources that the City of Fort Bragg is not in compliance with Fish & Game Code Section 1602, which has caused a delay in grant funding for the reservoir project. Ruffing stated that she is working with these entities to get the situation resolved and will keep the Council informed.

3. MATTERS FROM COUNCILMEMBERS

Mayor Turner commented on the Department of Fish and Wildlife's recent actions that have interfered with funding for the Summers Lane Reservoir. He reported that a Department of Toxic Substance Control (DTSC) workshop on the removal of Operable Unit-E will be held on April 21 at

Town Hall. Mayor Turner met with locals regarding starting a coast scholarship affiliate to give local college scholarships.

Vice Mayor Peters reported that the Public Safety Committee will meet on April 13 at 3PM to discuss medical marijuana regulations. The Public Works and Facilities Committee will meet on April 20 at 6PM regarding the removal of Cedar Street speed bumps. Vice Mayor Peters suggested that when letters are written regarding lake and streambed alteration agreements, the tone should be nice and pleasant so the City can get the cooperation it needs to build the reservoir.

Councilmember Deitz suggested that the City Council write a letter regarding the reservoir. He reported that local businesses can claim a site on Fortbragg.com. Once the site has been established, businesses can add text, pictures, and links to inventory. Councilmember Deitz gave statistics about home sales on the coast and pointed out that there is a need for more rentals in Fort Bragg.

Councilmember Hammerstrom expressed disappointment with the status of the reservoir issue and echoed the comments of Vice Mayor Peters, saying the City's message needs to be positive. He said that it is important to keep up student enrollment at the college as this is an important part of the community. Councilmember Hammerstrom reported that he attended a recent Local Agency Formation Commission (LAFCo) meeting. A surveyor has been hired to correct a map showing parcel boundaries between the City of Fort Bragg and the Fire District.

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

- Linda Jupiter spoke about California Senate Bill SB 1288, Local Options for Elections, which she states gives communities better options to elect majority winners in local elections. She asked the Council to write a letter of support.
- Judy Valadao questioned whether the Community Development Block Grant regulations about monitoring activity performance are being followed with regard to the Mendocino Coast Hospitality Center.
- Douglas Chouteau read a statement about the threat of forest fires caused by homeless encampments and requested that the City Council address the threat by clearing encampments along the Skunk Train tracks. He expressed concern about declining restaurant sales since Taco Bell was built.
- George Reinhardt encouraged the public to attend the DTSC meeting on April 21 at 6:30 PM at Town Hall.
- Ann Rennacker said Taco Bell is not in keeping with the flavor of the town. She is concerned about ocean protection and salmon recovery.

Mayor Turner recessed the meeting at 7:56 PM; the meeting was reconvened at 8:03 PM.

5. PUBLIC HEARING

6. CONDUCT OF BUSINESS

- 6A. [16-126](#)** Consider Modifications to the "City Council's Goals and Objectives" as Discussed at Mid-Year Budget Review Session

City Manager Ruffing gave a report on updated Council goals and priorities, stating that these goals focus City staff on what to work on throughout the year and how to project budget. The

following was noted during discussion of this item:

- Add development of groundwater wells to Goal 1.
- Add consideration of additional east-west bike connectors to the Coastal Trail to Objective 2.3.
- Examine pedestrian safety, lighting, speed, crossings and intersections on Main Street.
- Refresh the Climate Action Plan and return to Council for review.
- Give information to community on water catchment, grey water systems, storm drainage, low impact development and green infrastructure projects.
- Investigate opportunities for LED lights.
- Update the community on what is being done with the mill site.
- Add downtown police department foot patrols to Strategy 4.6.
- Add Neighborhood Watch program to Goal 6.
- Add CERT trainings to Objective 6.3.
- Suggestions for column headers and corrections to status and goal numbering were made.

Public comment on this item was received from: George Reinhardt, Eric Dwyer, and Simon Smith.

City Council referred this matter to Staff to revise the City Council Goal-Setting Matrix for approval on a future Consent Calendar.

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

7. 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

- 7A. [16-122](#)** Adopt City Council Resolution Approving a First Amendment to a Professional Services Agreement with WRA Environmental Consultants for “City of Trails” Conceptual Design and Feasibility Project and Authorizing City Manager to Execute Same (Amount Not to Exceed \$34,468, Account No. 314-3020-0630)

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 3892-2016

- 7B. [16-123](#)** Adopt City Council Resolution Confirming the Continued Existence of a Local Drought Emergency in the City of Fort Bragg

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 3893-2016

- 7C. [16-135](#)** Adopt City Council Resolution Authorizing the Director of Public Works or City Manager to Sign Right of Way Documents with the California Department of Transportation

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 3894-2016

7D. [16-125](#) Approve Minutes of March 28, 2016

These Minutes were approved on the Consent Calendar.

7E. [16-129](#) Approve Minutes of Special Meeting of March 29, 2016

These Minutes were approved on the Consent Calendar.

8. CLOSED SESSION

Mayor Turner recessed the meeting to Closed Session at 9:25 PM.

8A. [16-128](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION; Pursuant to Government Code Section 54957: Title: City Manager

Mayor Turner reconvened the meeting to Open Session at 11:00 PM and reported that no reportable action was taken in Closed Session.

ADJOURNMENT

Mayor Turner adjourned the meeting at 11:00 PM.

DAVE TURNER, MAYOR

June Lemos, City Clerk

IMAGED (_____)