



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, March 28, 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. [16-097](#) Presentation of Proclamation Declaring April 2016 as "Child Abuse and Neglect Prevention Month"

Attachments: [05-2016 Child Abuse Prevention Month Proclamation](#)

- 1B. [16-100](#) Presentation by Leadership Mendocino Executive Director Heidi Cusick Dickerson and 2015 Scholarship Recipients

- 1C. [16-090](#) Receive Presentation Regarding the Northwest California Alternative Fuels Readiness Plan (AFRP) Project

Attachments: [Alternative Transportation Fuels Planning Project Flyer](#)

- 1D. [16-109](#) Proclamation of the Fort Bragg City Council Expressing Continuing Support and Admiration for the Town of Otsuchi, Japan on the Occasion of the Inauguration of a New Community Facility at Namiita Beach

Attachments: [Otsuchi Proclamation for Remember Hope Namiita Beach Village](#)

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. [16-106](#)** Receive Council Ad Hoc Committee Report on Interviews with Lodging Owners; Receive Committee Recommendations Regarding Potential Ballot Measure to Increase Fort Bragg's Transient Occupancy Tax (Bed Tax) Rate and Modifications to the City's Marketing and Promotions Program; and Provide Direction to Staff

Attachments: [03282016 Lodging Interviews, TOT Measure & FBPC](#)
[Attachment 1 - Summary of Lodging Interviews](#)

- 6B. [16-111](#)** Receive Report and Provide Direction to Staff Regarding Use of Electric Personal Assistive Mobility Devices on the Fort Bragg Coastal Trail

Attachments: [03232016 EPAMDs on the Coastal Trail](#)
[Attachment 1 - FBMC Chapter 9.68](#)
[Attachment 2 - Examples of EPAMDs](#)
[Attachment 3 - Cal Vehicle Code 21280 et seq](#)

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

See 4A. above.

DISTRIBUTION OF ADDITIONAL INFORMATION FOLLOWING AGENDA PACKET DISTRIBUTION:

- *Materials related to an item on this Agenda submitted to the Council/District/Agency after distribution of the agenda packet are available for public inspection in the lobby of City Hall at 416 N. Franklin Street during normal business hours.*
- *Such documents are also available on the City of Fort Bragg's website at <http://city.fortbragg.com> subject to staff's ability to post the documents before the meeting.*

ADA NOTICE AND HEARING IMPAIRED PROVISIONS:

It is the policy of the City of Fort Bragg to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities.

If you need assistance to ensure your full participation, please contact the City Clerk at (707) 961-2823. Notification 48 hours in advance of any need for assistance will enable the City to make reasonable arrangements to ensure accessibility.

The Council Chamber is equipped with a Wireless Stereo Headphone unit for use by the hearing impaired. The unit operates in conjunction with the Chamber's sound system. You may request the Wireless Stereo Headphone unit from the City Clerk for personal use during the Council meetings.

This notice is in compliance with the Americans with Disabilities Act (28 CFR, 35.102-35.104 ADA Title II).



City of Fort Bragg

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Text File

File Number: 16-097

Agenda Date: 3/28/2016

Version: 1

Status: Mayor's Office

In Control: City Council

File Type: Proclamation

Agenda Number: 1A.

Presentation of Proclamation Declaring April 2016 as "Child Abuse and Neglect Prevention Month"

PROCLAMATION

Declaring April 2016 to be “Child Abuse and Neglect Prevention Month”

WHEREAS, child abuse and neglect are complex and ongoing problems in our society, affecting many children on the Mendocino Coast; and

WHEREAS, every child is entitled to be loved, cared for and nurtured, to feel secure and to be free from verbal, sexual, emotional and physical abuse, and neglect; and

WHEREAS, it is the responsibility of every adult who comes in contact with a child to protect that child's inalienable right to a safe and nurturing childhood; and

WHEREAS, the Mendocino Coast has many dedicated individuals and organizations who work daily to counter the problem of child maltreatment and to help parents obtain the assistance they need; and

WHEREAS, our communities are stronger when all citizens are aware of child maltreatment prevention and become involved in supporting parents to raise their children in a safe and nurturing environment; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships among families, social service agencies, schools, religious and civic organizations, law enforcement agencies and the business community; and

WHEREAS, all citizens, community agencies, faith organizations, and businesses are encouraged to work to increase their efforts to support children and families.

NOW, THEREFORE, I, Dave Turner, Mayor of the City of Fort Bragg, on behalf of the entire City Council, do hereby proclaim the month of April 2016 to be CHILD ABUSE AND NEGLECT PREVENTION MONTH.

SIGNED this 28th day of March, 2016

DAVE TURNER, Mayor

ATTEST:

June Lemos, City Clerk

No. 05-2016



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Text File

File Number: 16-100

Agenda Date: 3/28/2016

Version: 1

Status: Mayor's Office

In Control: City Council

File Type:
Recognition/Announcements

Agenda Number: 1B.

Presentation by Leadership Mendocino Executive Director Heidi Cusick Dickerson and 2015
Scholarship Recipients



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Text File

File Number: 16-090

Agenda Date: 3/28/2016

Version: 1

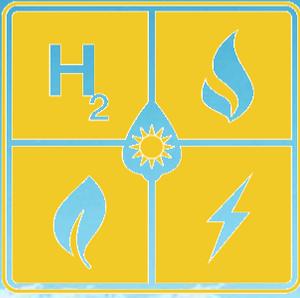
Status: Mayor's Office

In Control: City Council

File Type:
Recognition/Announcements

Agenda Number: 1C.

Receive Presentation Regarding the Northwest California Alternative Fuels Readiness Plan (AFRP) Project



Northwest California Alternative Fuels Readiness Project



The Northwest California Alternative Fuels Readiness Project is developing a readiness plan for the counties of Del Norte, Siskiyou, Humboldt, Trinity, and Mendocino.

Focus on the Future

- Create a roadmap for wise and effective alternative fuel infrastructure deployment.
- Identify activities that encourage regional alternative fuel vehicle adoption.
- Coordinate regional efforts that support the successful introduction of alternative fuel vehicles.
- Highlight training and first responder needs for safe deployment and adoption.
- Facilitate robust market development for alternative fuels.

Promote Economic Development

To address multiple barriers to alternative transportation fuel adoption in the region, this project:

- Promotes the need for alternative fuel infrastructure;
- Encourages the use of locally processed fuels;
- Informs consumers about alternative fuels;
- Addresses permitting and regulatory hurdles with local and regional government agencies;
- Engages local and regional fleets about alternative fuel conversion opportunities.

Project Partners

This is a cooperative effort between the Redwood Coast Energy Authority, the Schatz Energy Research Center at Humboldt State University, the Mendocino Council of Governments, the North Coast Unified Air Quality Management District, and the Siskiyou County Economic Development Council. Funding is provided by the California Energy Commission under grant number ARV-13-012.



Change More Than Just the Car You Drive

Through accelerated commercialization of alternative and renewable fuels, this project not only ensures the region meets its share of the State's low carbon fuel standard, but also improves air quality, encourages energy sustainability, and improves regional resilience to natural disasters.



Align with State Goals

The State of California has set ambitious goals for adopting alternative fuels. Through the State Alternative Fuels Plan (AB 1007), current State policy is to:

- Transition away from petroleum consumption via AB 1076 and the *Reducing California's Petroleum Dependence* plan;
- Reduce greenhouse gas emissions through AB 32 and adoption of the low carbon fuel standard;
- Increase in-state biofuel production and use through the *Bioenergy Action Plan for California*;
- Improve air quality through state mandates set by the California Air Resources Board.

The Northwest California Alternative Fuels Readiness Project promotes State goals by assessing the opportunity to commercialize and adopt low carbon fuels in the unique setting of the Northwest Region. The project also integrates local needs and challenges into a strategic planning and outreach effort that effectively enhances the adoption of alternative fuels.

Clean, Sustainable, and Secure

Fuels that are cleaner than gasoline or diesel can be sourced within the United States, and in our region, to facilitate a more secure energy future. Fuels under consideration are **electricity, natural gas and propane, hydrogen, and biofuels such as biodiesel and biogas.**

Project Stakeholder Input Is Needed

Numerous stakeholders will have a voice in this project, including:

- Local governments
- Fuel producers and distributors
- Emergency responders
- Fleet operators
- Auto dealers
- Many others

Stakeholder Outreach Timeline

- | | | | |
|---|---------------------------|--------|--------|
| | ● 2014 | ● 2015 | ● 2016 |
| • Assess alternative fuel infrastructure and deployment options (including an assessment of planning, permitting and deployment challenges) | April 2014 - August 2015 | | |
| • Analyze and recommend incentives to increase alternative fuel adoption | May 2014 - June 2015 | | |
| • Develop strategic plan for alternative fuel market development | August 2014 - June 2015 | | |
| • Cooperatively develop training materials for infrastructure owners, operators, managers, and emergency response teams | May 2015 - November 2015 | | |
| • Create outreach materials and strategies to communicate alternative fuel benefits | July 2015 - December 2015 | | |
| • Develop and finalize a regional readiness plan | July 2015 - October 2015 | | |

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City of Fort Bragg

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Text File

File Number: 16-109

Agenda Date: 3/28/2016

Version: 2

Status: Mayor's Office

In Control: City Council

File Type: Proclamation

Agenda Number: 1D.

Proclamation of the Fort Bragg City Council Expressing Continuing Support and Admiration for the Town of Otsuchi, Japan on the Occasion of the Inauguration of a New Community Facility at Namiita Beach

PROCLAMATION

CONGRATULATING AND HONORING THE CITIZENS OF OTSUCHI, JAPAN ON THE DEDICATION OF THEIR NEW “REMEMBER HOPE NAMIITA BEACH VILLAGE” ON APRIL 17, 2016

WHEREAS, the cities of Fort Bragg and Otsuchi, Japan became sister cities in 2005, after several years of participation in a student exchange program; and

WHEREAS, many strong and lasting friendships have developed as a result of the cultural exchange program between the two sister cities; and

WHEREAS, on April 17, 2016, the citizens of Otsuchi will dedicate the opening of a new “Remember HOPE Namiita Beach Village” facility to bring energy and life back to the beach which was heavily damaged by the earthquake disaster; and

WHEREAS, the Fort Bragg City Council congratulates the City of Otsuchi on its ability to rebuild what was once a beautiful white sand beach with a new Beach Village; and

WHEREAS, the City of Fort Bragg humbly offers pieces of beach glass from its own Glass Beach, a former dump site that is now a world-famous visitor attraction, as a symbol of hope and affirmation for the efforts to restore Namiita Beach to its former beauty; and

WHEREAS, this beach glass is testament to the strength and resilience of the people of Otsuchi and the lasting friendship that exists between our two communities; and

WHEREAS, the Fort Bragg City Council regrets not being able to attend the inaugural ceremony to offer this glass in person and we hope to visit Otsuchi and the new “Remember HOPE Namiita Beach Village” very soon.

NOW, THEREFORE, I, Dave Turner, Mayor of the City of Fort Bragg, on behalf of the entire City Council, do hereby congratulate the Mayor and citizens of Otsuchi on the “Remember HOPE Namiita Beach Village” facility, and affirm our strong support for the Fort Bragg-Otsuchi Cultural Exchange Program.

SIGNED this 28th day of March, 2016.

DAVE TURNER, Mayor

ATTEST:

June Lemos, City Clerk
No. 06-2016



City of Fort Bragg

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Text File

File Number: 16-106

Agenda Date: 3/28/2016

Version: 1

Status: Business

In Control: City Council

File Type: Staff Report

Agenda Number: 6A.

Receive Council Ad Hoc Committee Report on Interviews with Lodging Owners; Receive Committee Recommendations Regarding Potential Ballot Measure to Increase Fort Bragg's Transient Occupancy Tax (Bed Tax) Rate and Modifications to the City's Marketing and Promotions Program; and Provide Direction to Staff



AGENCY: City Council
MEETING DATE: March 28, 2016
DEPARTMENT: Administration
PRESENTED BY: Turner/ Peters/
Ruffing

AGENDA ITEM SUMMARY REPORT

TITLE:

RECEIVE COUNCIL AD HOC COMMITTEE REPORT ON INTERVIEWS WITH LODGING OWNERS; RECEIVE COMMITTEE RECOMMENDATIONS REGARDING POTENTIAL BALLOT MEASURE TO INCREASE FORT BRAGG'S TRANSIENT OCCUPANCY TAX (BED TAX) RATE AND MODIFICATIONS TO THE CITY'S MARKETING AND PROMOTIONS PROGRAM; AND PROVIDE DIRECTION TO STAFF

ISSUE:

At the February 8, 2016 City Council meeting, an ad hoc committee comprised of Mayor Dave Turner and Vice Mayor Lindy Peters was formed to explore the possibility of a ballot measure to increase the transient occupancy tax (TOT) rate to generate revenue for activities that will help expand Fort Bragg's slice of the California tourism business. TOT is a surcharge imposed on visitors staying at lodging facilities. The committee was tasked with talking to local lodging owners and operators to receive feedback on the possibility of a TOT increase.

In late February and early March, the committee met with owners and/or operators of nearly all of Fort Bragg's 23 lodging establishments. This agenda item allows the ad hoc committee to report back to the entire Council on its findings and recommendations.

RECOMMENDED ACTION:

1. Provide direction to the ad hoc committee and staff regarding drafting two ballot measures (for the November 2016 ballot) for the Council's consideration with the following key components:
 - A general tax measure that increases the TOT rate in the City of Fort Bragg to 12%, effective April 1, 2017. The TOT rate is currently 10%, meaning that the proposed measure, if passed, would generate an additional 2% in revenue per year.
 - A companion non-binding advisory measure that informs the Council, if the voters approve the general tax measure, about how the revenues generated by the TOT increase should be used in relation to the following purposes:
 - 1% (i.e., one-half of the revenues) to substantially increase promotions and marketing for Fort Bragg;
 - 0.5% (i.e., one-quarter of the revenues) to enhance Coastal Trail maintenance and security;
 - 0.25% (i.e., one-eighth of the revenues) to support establishment of the Noyo Center Oceanarium (also known as the Whale House or Discovery Center) as a premiere visitor attraction; and
 - 0.25% (i.e., one-eighth of the revenues) to undertake special projects that support tourism and benefit the community, including but not limited to repair and enhancement of local athletic fields.
2. Provide direction to staff to initiate the actions necessary to re-form the Fort Bragg Promotions Committee as a Council-appointed advisory committee with seats assigned to specific business

sectors; and to prepare to take responsibility for implementation of marketing and promotion activities in-house effective July 1, 2016.

ALTERNATIVE ACTION(S):

1. No action. Under this alternative, a TOT measure would not be placed on the November 2016 ballot.
2. Continue action on the matter and request additional information.
3. Provide direction to staff to proceed with drafting of ballot measure as recommended by the ad hoc committee, but with the increase identified as a special tax rather than a general tax measure.
4. Provide alternative direction regarding changes to the Fort Bragg Promotions Committee.

ANALYSIS:

Summary of lodging interviews

The Council's ad hoc committee, accompanied by the City Manager, spent the better part of four days visiting lodging establishments and talking with their proprietors or site managers about a number of issues. Discussions were held with representatives from a total of 22 of the 23 lodging establishments in Fort Bragg. While the conversations were informal and free-ranging, the committee attempted to ask each owner the following questions:

1. Would you consider supporting a TOT increase for:
 - ~ Coastal Trail maintenance and security?
 - ~ Marketing and Promotion to Visitors?
 - ~ Whale House on Coastal Trail?
 - ~ Playing field upgrades (to attract tournaments)?
2. If the tax were used to support your priorities, would you support a 2% increase?
3. What are your thoughts regarding visitor promotion/ marketing of Fort Bragg?
 - ~ Are you aware of the work of the Fort Bragg Promotion Committee?
 - ~ Are there other ways in which the City could help your business?
 - ~ Any other suggestions for marketing and promotions?
4. Other issues or concerns?

Attachment 1 is a matrix that summarizes the responses received from lodging owners.

Overall, the ad hoc committee heard support from local lodging establishments for a TOT increase. Of the 22 lodging establishments surveyed, representatives of 16 establishments supported an increase, five were not supportive, and one was undecided but leaning towards supporting it. The support was qualified insofar as nearly all of the respondents wanted to ensure that the revenues collected were used for the specified purposes. There was a call for transparency and reporting on how funds are spent. Specific suggestions included the following:

- ~ Provide an annual report on expenditures;
- ~ Start implementation of the tax after the winter season;
- ~ Start with a 1% increase and then increase to 2%;
- ~ Exempt Bed & Breakfast establishments from the increase.

There was near unanimity among lodging that more marketing and promotion of Fort Bragg is needed. Feedback on the fortbragg.com website was generally negative. Nearly half of the respondents either were unaware of the Fort Bragg Promotion Committee or had misconceptions about it. Suggestions included:

- ~ Fix the website; “website should be amazing!”
- ~ Market the coastal trail; “who knows about it?”
- ~ Define Fort Bragg’s brand- what makes this place so special (quiet; peaceful; uncrowded; nature; ocean; beauty; hiking and biking; coastal trail; whales; history; weather; Skunk; sport fishing)
- ~ Target markets: Sacramento Valley and north to Chico and Redding; Bay Area; families; retirees; outdoor enthusiasts; techies; hipsters

The ad hoc committee believes that, with some exceptions, Fort Bragg lodging owners/operators would be supportive of a 2% increase in the TOT rate, provided that the revenues generated are used for the following purposes:

- ~ 1% to substantially increase promotions and marketing for Fort Bragg;
- ~ 0.5% to enhance Coastal Trail maintenance and security;
- ~ 0.25% to support establishment of the Noyo Center Oceanarium (i.e., the Whale House) as a premiere visitor attraction; and
- ~ 0.25% to undertake special projects and activities that support tourism and benefit the community, including but not limited to repair and enhancement of local athletic fields.

A 2% increase in the TOT rate would generate nearly \$400k per year in additional revenue. If allocated in the amounts recommended by the committee, this would mean an additional \$200k per year for marketing and promotion (in addition to the \$70k currently allocated), which could include efforts to improve the City’s website. Approximately \$100k would be available for the Coastal Trail, helping to offset the costs of an additional Maintenance Worker position in the Public Works Department and costs associated with increased patrols and calls for service by the Police Department. Approximately \$50k would be dedicated to the Noyo Center as a local funding commitment that is necessary in order to attract the large foundation funding necessary to complete the Oceanarium. And the remaining \$50k would be available for special projects, including repair and maintenance of the school district’s athletic fields.

The ad hoc committee recommends that the measure be put forth as a general tax, as opposed to a special tax, because a general tax can be passed by 50%+1 of the voters. A special tax requires a 2/3 majority vote to pass. A “general tax” is defined as any tax imposed for general governmental purposes. See Cal. Const., art. XIIC, §1(a). A “special tax” is defined as any tax imposed for specific purposes, including those taxes that are imposed for specific purposes where the revenues are placed in the general fund. See Cal. Const., art. XIIC, §1(d).

The practice of presenting a general tax measure for imposition of a tax that can be used for general governmental purposes, along with a companion non-binding advisory measure whereby the voters can express their preference for the expenditure of those funds for specific purpose, raises the prospect of an argument that the tax measure is really a special tax cloaked as a general tax and thus ought to be subject to the 2/3rd voter approval requirements. However, in *Coleman v. Santa Clara County* (1998) 64 Cal. App. 4th 662, the Court allowed the local agency to place a general tax on the ballot along with a non-binding, advisory measure stating the voters’ preferences on how the revenue raised by the general tax should be spent noting that (a) the proceeds of the tax were deposited into the local agency’s general fund; (b) the measures were

presented to the voters as two separate and distinct measures; and (c) the advisory measure did not bind the local agency in making decisions about how to spend the general tax. Accordingly, the TOT measure and non-binding advisory measure would need to conform to these principles in order to maintain the tax measure's status as a general tax.

The ad hoc committee's recommendations for a TOT ballot measure are as follows:

- 1. A general tax measure should be placed on the November 2016 ballot which, if approved by the voters, would increase the City's TOT rate to 12% of the room rate.**
- 2. The ballot measure should establish an effective date for the TOT increase of April 1, 2017. This would give lodging establishments an opportunity to ease in to the new rates, and would start the collection as business picks up for the summer season.**
- 3. The ballot measure should identify specific requirements for reporting on expenditures of the new revenues to ensure transparency and accountability.**
- 4. A companion non-binding advisory ballot measure should also be placed on the November ballot, whereby the voters can inform the Council about how the new TOT revenues should be used in relation to the purposes listed above.**

In addition to the ballot measure, the ad hoc committee has prepared a recommendation regarding the City's promotion and marketing efforts. After talking with lodging owners, it was clear that it is time for a shift in the City's marketing and promotion program.

Since 1999, the City's promotional efforts have been overseen and, in large part, implemented by the Fort Bragg Promotion Committee (FBPC). The FBPC has created an annual marketing plan and advised the City on how to spend the funds that are earmarked for marketing and promotion. Initially, the FBPC was appointed by the City Council with each Councilmember nominating one member. Then, in 2010, the Council contracted with the Mendocino Coast Chamber of Commerce to administer the FBPC, and the FBPC morphed into a subcommittee of the Chamber. With the administrative support of Chamber staff, the FBPC has continued to prepare and implement an annual marketing plan, but in recent years progress on some items has been hampered for a variety of reasons.

The ad hoc committee believes that it is time for the City to recommit itself to a strong and effective marketing and promotions program. Regardless of whether a TOT measure is put to the voters, the City should dedicate additional staff resources to supporting the FBPC and to development and implementation of a marketing plan. The committee has talked this over with the City Manager and she believes that, with the recent reorganizations in the Community Development Department and the Administrative Services Department, an effective staff team can be created to oversee marketing and promotions utilizing existing staff resources. Bringing the FBPC back in-house also creates an opportunity to revitalize the committee and recruit additional members. It is hoped that the existing FBPC members would continue to serve.

Specific recommendations of the ad hoc committee are as follows:

- 1. The City should work with the Chamber of Commerce to smoothly transition the FBPC and the City's marketing and promotion program back in-house, effective July 1, 2016.**
- 2. A new FBPC should be established with seats assigned to various business sectors and a majority of seats held by lodging (one seat each to: B&B; motel-chain; local motel; unassigned lodging; restaurant; downtown business; visitor attraction).**
- 3. A representative of the Chamber of Commerce and a representative of the Mendocino County Tourism Commission should be requested to sit on the FBPC as non-voting members.**

4. **The City Council should appoint members to the FBPC and the committee should operate in accordance with Brown Act procedures.**
5. **The FBPC should have regular quarterly meetings, as well as special meetings on an as-needed basis.**
6. **Each year, the FBPC should present an annual report and a marketing plan for Council approval.**
7. **The City Manager should be directed to assign appropriate staff resources to support the FBPC, to implement the marketing program, and to oversee the work of consultants and contractors.**

FISCAL IMPACT:

If the Council moves forward with the ballot measures, there will be some staff and attorney costs associated with preparation of the measures. There would also be costs associated with the election. Because the election would be consolidated with the general statewide election, the City Council election, and possibly other local measures, the costs are estimated to be in the \$5,000 range. A 2% TOT increase would yield an estimated additional \$400k per year in revenue.

IMPLEMENTATION/TIMEFRAMES:

If the Council chooses to move forward with the ballot measures, the specific language will be drafted and the measures will be brought forward for Council consideration. The last day to call the election for the measures is no less than 88 days prior the November 8, 2016 general election. Thus, the deadline for transmitting a ballot measure to the County Elections Office is in mid-August. It is anticipated that the measure would be brought back for Council action well in advance of the deadline.

ATTACHMENTS:

1. Matrix summarizing results of interviews with Fort Bragg lodging owners and operators

NOTIFICATION:

1. Fort Bragg Lodging Owners (via email)
2. Fort Bragg Promotion Committee
3. Chamber of Commerce, Executive Director
4. Mendocino County Tourism Board, Executive Director

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: _____
--

	type of lodging	would you support a 2% TOT increase	are your customers concerned about TOT	should we be doing more marketing & promotion	FBPC; fortbragg.com website	what draws your visitors to Fort Bragg	how's business	are you satisfied with police response	other concerns	suggestions
Weller House	B&B	no	B&B's have a price point; tax eats into my profit	no; individual purposeful marketing is needed	hokey; need stats; coastal trail-who knows about it?	what they don't have there is what we do have here	B&Bs are struggling; five are for sale		derelect housing on Main Street	should target retreat, conference market; make alliances with silicon valley
Surf Motel	motel	yes; if money goes to marketing	no	yes; tv, magazines, websites, show people what we have	not aware of FBPC	coast	last few months very bad	no, poor follow-through	workforce is a challenge	tell visitors to not take glass; advertise coastal trail
Harbor Lite	motel	yes; specify what it should be used for; provide annual reports	no: Fort Bragg has some of lowest TOT in state. 13-14% is norm	yes; need coordination with VMC	is FBPC still a partnership with Chamber?		Jan-Feb rain a problem	yes	workforce a challenge	need more reasons for people to come that aren't date specific; access trails to harbor; fix playing fields
Seabird	motel-chain	no; should use existing TOT for promotion; shouldn't have built trail if you can't afford it		yes; coastal trail needs promotion, promote Fort Bragg	not aware of FBPC		online travel agencies getting big cut	yes	need to address homeless issues; increase occupancy rates	coastal trail needs promotion
Colombi's	motel	yes- put it on ballot	yes	yes	not aware of FBPC until last night (Chamber mtg)			yes	need more things for people to do; people need to feel safe; be more pro-business	concerts; more shopping; motocross events; healing/massage & meditation; nursing program
Motel 6	motel-chain	yes		yes		repeat customers; skunk train, glass beach, abalone, mendocino				
Travelodge	motel-chain	yes		yes	not aware of FBPC			yes!	need more things for people to do	fix playing fields

	type of lodging	would you support a 2% TOT increase	are your customers concerned about TOT	should we be doing more marketing & promotion	FBPC; fortbragg.com website	what draws your visitors to Fort Bragg	how's business	are you satisfied with police response	other concerns	suggestions
Emerald Dolphin	motel	yes; don't think a 2% increase would turn anyone away	no; Fort Bragg is at lower end for bed tax	yes	not impressed; all hotels should be on there in same capacity. Website should be amazing	repeat business; they can just breathe; skunk train, party boats		yes	façade improvements- appearance; need more things to do; skunk train	colorful history; sporting events; videos go viral; little clips of movies shot here; Santa Cruz boardwalk?
Oceanside Suites	motel	yes; 1% at a time							need year-round business; people run out of things to do	target kids and families; have them stay longer; special events help in off
Ebb Tide Lodge	motel	yes; 1% at a time		yes	vaguely familiar with FBPC	skunk train, nature, beaches	winter is very dead			
Best Western Vista Manor	motel-chain	maybe; need to ensure it is used for promotion		yes	nobody has ever told me anything about the FBPC	repeat visitors; quaint, quiet, peaceful. People come to relax. Nature a big draw. Hiking, biking a big thing.	full in peak season; winter is brutal	yes	collecting TOT has costs to lodging if payment is by credit card	might not want to change things too much
Beachcomber	motel	yes; if it is used for specific things- need binding policy	no							market coastal trail; whales; wine industry; spread word about what makes area special; generate loyalty to area- define brand of FB; OJ Park is an enchanted forest; define brand of Fort Bragg; people expect history; generate
Surf and Sand	motel	yes; if it is used for specific things- need binding policy	no		thought we didn't have FBPC b/c money going to Chamber; "don't care for website"; social media a little better	silence and tranquility; coastal trail; whales; lots to discover, explore				
Beach House	motel	yes; if it is used for specific things- need binding policy	no	yes; should use Scott Schneider (in-house talent)				yes; we love the police; heard they need a raise	homeless people	loyalty to area

		would you support a 2% TOT increase	are your customers concerned about TOT	should we be doing more marketing & promotion	FBPC; fortbragg.com website	what draws your visitors to Fort Bragg	how's business	are you satisfied with police response	other concerns	suggestions
Glass Beach Inn	B&B	yes! Marketing needs to be well coordinated		yes; I want Scott Schneider back	FBPC needs to be abolished- its not working			yes	homeless people; lighting at night; need meeting facility instead of tents	list of everything to do. Bluff trails, music, galleries; events in off-season; retreat and conference center; see what other small communities have done
The Atrium	B&B	no (probably)		yes; have PR company do work; professional agency with a strategic plan	website is terrible; having Chamber administer promotions is iffy; getting volunteers to work difficult; need one person to be king of website; need good content;	uncrowded coastal destination; value			City needs to be more engaged with lodging. Skunk train? Derelict house next to Gray Whale Inn; signage; need to raise the bar-should have more value for rooms	PR; get word out to wealthy techy people; brand FB-uncrowded coastal destination; online forum for lodging owners; have Councilmember engaged with lodging
Living Light Inn	B&B	yes; what will happen with money; how would marketing firm be chosen	no	yes		Nature, air, trails, beach, weather, breathe, hear the ocean; get away from the City			replace picnic tables at Bainbridge?	videos; webcam; add picnic tables at north end of coastal trail; Problem if too many people come; weather is a draw; Fort Bragg is more real than Mendocino

			are your customers concerned about TOT	should we be doing more marketing & promotion	FBPC; fortbragg.com website	what draws your visitors to Fort Bragg	how's business	are you satisfied with police response	other concerns	suggestions
type of lodging	would you support a 2% TOT increase									
Oceanview Lodge	motel	no- owner; yes- manager need to hire the right PR agency	yes, guests ask about TOT. San Francisco, Sonoma Co have higher rates.	yes	don't know	Lots of returning guests. Once you come here, you fall in love. FB- Best kept secret on the coast. Beauty, ocean	?	?	people should stay longer; why are we paying for playing field upgrades?	have people stay for 3 days- give them something to do; events are good (not tournaments); State Parks should have doggie bags; fix haul road
Holiday Inn Express	motel-chain	yes; 1% don't mind; 2% seems a little steep	no	yes; didn't like favoritism of BID	don't know	coastline; guest book online- brand name		yes		local cruise ships; more local attractions would be good; promote tournaments; day trips exploring the coast
Grey Whale Inn	B&B	yes; I like paying taxes; special TOT exemption for B&Bs?	?	yes; about how to effectively spend money to get right people here	?	Fort Bragg is a really inviting place; not manicured like Mendocino; fusion-cultural renaissance; friendly; fusion/cultural renaissance in FB		?	Marijuana industry attracts punks	historic B&B district; respect the past- embrace the future; have MCHC do trail maintenance?; living history; marijuana tourism
Super 8	motel-chain	yes	no; our town is a lot lower than other towns	yes	uses fortbragg.com to see what events are coming up.	glass beach; Mendocino a draw, but not kid friendly; hiking and biking	?	yes; Police patrol around Perkos once in a while	people dashing across Hwy 1 to south trail; homeless	maps of hiking and biking trails; stormwatch packages; whales all winter long; promote fishing charters; events help

			are your customers concerned about TOT	should we be doing more marketing & promotion	FBPC; fortbragg.com website	what draws your visitors to Fort Bragg	how's business	are you satisfied with police response	other concerns	suggestions
Country Inn	B&B	no; might put us out of business	customers might be willing to pay it	yes	website could be modernized	Mendocino- bargain hunting; repeat customers; Mendo is like museum- FB, people live here; seeing more hipsters who want to be able to walk to town & interact with other guests	difficult year, bad winter; skunk train and crab season hurting us	yes; very responsive and helpful	traffic speeds-enforcement; noise; homeless issues; abandoned buildings; downtown seems rundown	coastal trail signage; have TOT measure take effect at beginning of summer;



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
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Text File

File Number: 16-111

Agenda Date: 3/28/2016

Version: 1

Status: Business

In Control: City Council

File Type: Staff Report

Agenda Number: 6B.

Receive Report and Provide Direction to Staff Regarding Use of Electric Personal Assistive Mobility Devices on the Fort Bragg Coastal Trail



AGENCY:	City Council
MEETING DATE:	March 28, 2016
DEPARTMENT:	Public Works
PRESENTED BY:	Tom Varga

AGENDA ITEM SUMMARY REPORT

TITLE:

RECEIVE REPORT AND PROVIDE DIRECTION TO STAFF REGARDING USE OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES ON THE FORT BRAGG COASTAL TRAIL

ISSUE:

An Electric Personal Assistive Mobility Device (EPAMD) is a self-balancing, non-tandem, two-wheeled vehicle with a low-powered electric motor. EPAMDs are commonly known as "Segways," the brand name of one of the commercial products. A local entrepreneur has applied for and received a business license for a guided tour business with four participants using Segways. Her business plan identifies Coastal Trail tours as the primary activity of the business. Staff is bringing this issue to Council because motorized vehicles are not permitted on the Coastal Trail except "for temporary access for activities as may be approved by the City." [FBMC Section 9.68.010(A)]

It should be noted that California Vehicle Code Section 467 defines a "pedestrian" as "a person who is afoot or who is using any of the following...(2) An electric personal assistive mobility device".

One interpretation of Section 467 is that EPAMDs are actually pedestrians, such that they are not captured by a ban on motorized vehicles.¹

Additionally, the business license application raises the broader issues of commercial use of the Coastal Trail and, if commercial use is to be allowed, how the City wishes to regulate it.

RECOMMENDED ACTION:

Provide direction to staff regarding commercial use of the Coastal Trail and Noyo Headlands Park, including the use of EPAMDs. If the Council wishes to authorize such use, the Council should provide additional direction to staff regarding the scope and nature of the authorized activity.

ALTERNATIVE ACTION(S):

No alternatives have been identified. Council direction will determine the desired course of action.

ANALYSIS:

Currently, the use of motorized vehicles is prohibited in all parks in Fort Bragg, except for emergency vehicles and motorized strollers and wheelchairs, or if the City issues a permit for temporary access for such use. FBMC Section 9.68.010(A) states:

Motorized vehicles of any kind or nature shall be prohibited from accessing any portion of a park (other than parking lots and/or access roads), except for the following: emergency vehicles; vehicles of the City and its duly authorized representatives or agents; strollers and similar children's

¹ The City of Healdsburg has addressed this argument in Section 12.16.020(C), the portion of its Municipal Code regulating EPAMDs: "Pedestrian' shall not, for any purposes, be deemed to include a person who is using an "electric personal assistive mobility device," as defined in Section [313](#) of the Vehicle Code, as the same may be amended from time to time."

carriages; wheelchairs; and vehicles whose owners have first obtained a permit from the Director of Public Works for temporary access for activities as may be approved by the City.

Further, FBMC Section 9.68.010(J) states:

Motorized bicycles and scooters are prohibited in all City parks.

While Section 9.68.010(J) does not specifically address EPAMDs, the prohibition of motorized bicycles and scooters is indicative of the Council's intent to prohibit motorized recreational vehicles in City parks.

A local entrepreneur has requested and obtained a business license to operate a business that would like to provide guided tours along the Coastal Trail in Noyo Headlands Park, with tour participants using Segways for transportation. While the business license permits the establishment of the business at an appropriately-zoned location on West Spruce Street, the question remains as to whether or not Segway tours may be conducted on the Coastal Trail. In hindsight, the business license should not have been issued until this policy issue was addressed by the City Council. Nevertheless, pursuant to the FBMC, the business may not operate Segways on the Coastal Trail without a specific permit from the City to allow temporary access. If the use is to be allowed on a long-term basis, it is advisable for the City to modify the Code accordingly. (See **Attachment 1**: FBMC Chapter 9.68 "Preservation of Parks.")

This request gives the Council the opportunity to consider several questions regarding commercial use of the Coastal Trail, including:

- (1) Whether EPAMDs should be permitted on the Coastal Trail;
- (2) Whether the FBMC should be amended to specifically address the use of EPAMDs in City parks and elsewhere in the City; and
- (3) Broader issues regarding commercial use of the Coastal Trail.

State Law Allows Local Regulation of EPAMDs

A Segway is considered an "Electric Personal Assistive Mobility Device," or EPAMD, as defined by Section 313 of the California Vehicle Code. Other EPAMDs include hoverboards and Rascals. (See **Attachment 2**: Photos of various EPAMDs.)

The Cal. Vehicle Code permits EPAMDs to operate on sidewalks, bike paths, pathways, trails, bike lanes, streets, roads, or highways, subject to certain restrictions, including:

- The EPAMD cannot be operated at a speed greater than that which is reasonable and prudent given the surroundings;
- The EPAMD cannot be operated at a speed that endangers the safety of persons or property;
- The person operating the EPAMD must yield the right-of-way to all pedestrians on foot.

In addition to the above, Cal. Vehicle Code Section 21282 specifically authorizes a city to regulate the time, place, and manner of EPAMDs, including by limiting or prohibiting entirely their operation in certain areas of the city, or in the entire city. (See **Attachment 3**: Cal. Vehicle. Code sections related to EPAMDs.)

Coastal Trail Deed Restriction

The prospect of Segway tours on the Coastal Trail raises the question as to whether or not such use is consistent with the State Coastal Conservancy's restrictions on use of the parkland. One of

the requirements of the \$4.065 million grant from the State that the City used to purchase the parkland was that uses of the property be restricted:

“For the purposes of public access, passive recreation and natural resource, open space and scenic protection, as permitted by the bond act and the terms of the special deposit fund; and no use of the real property inconsistent with these purposes is permitted. As used in the paragraph, ‘passive recreation’ means those recreational activities typically associated with coastal open space that generally are non-structured and require minimal or no developed facilities or improvements to land. Such activities include walking, biking, jogging, hiking, dog walking, bird watching, tide-pooling, beach combing, informal sports activities such as Frisbee or ball throwing and kite-flying, nature viewing, picnicking, and public events that avoid impact to significant cultural and natural resources. Some improvements and ancillary facilities necessary to support visitor access to the coastal open space are permitted in connection with passive recreation uses, including, but not limited to, parking lots interpretive signage, visitor kiosks, trail and stairway improvements, benches and restrooms. Passive recreational activities do not include activities such as: playgrounds, community gardens, ball-fields, and skate parks. The uses enumerated in this paragraph as being included in or excluded from ‘passive recreation’ are by way of example only, and are not an exhaustive list of permitted or unpermitted uses, but may be used to illustrate the types of uses and facilities contemplated as being consistent with ‘passive recreation.’”

Staff asked State Coastal Conservancy Project Manager Joel Gerwein whether Segway tours on the Coastal Trail would be consistent with the deed restriction. He responded:

“I would say that the deed restriction would preclude anything motorized except for wheelchairs. My thinking is that Segway tours would be great if they got people out on the trail who otherwise would not be physically able to get out there. However, it would change the feel of the park to have groups of people zipping around on Segways rather than walking and biking. I am guessing the tours are targeted at people who would rather not walk and who might have fun riding Segways, rather than people who are not physically able. I can check with our legal staff if you would like me to pursue this further.”

Staff requested that the Conservancy’s legal counsel weigh in on the interpretation of the deed restriction. As of the writing of this staff report, we have not heard back. If the Conservancy concludes that Segway tours are not consistent with the deed restriction, the City must abide by its interpretation.

Risk Issues Associated with Segway Use on Coastal Trail

As with any wheeled vehicle, there is a potential for a Segway accident to occur on the Coastal Trail. The risk may be higher for Segways than bicycles due to the fact that users may be unfamiliar with operation of the vehicle. Furthermore, the Coastal Trail is an 8-foot wide paved path with a 4-foot wide rockered shoulder. Segway use was not contemplated when the trail was designed and there are some locations (particularly the area between the Elm Street parking lot and the Glass Beach stairway) that are very congested in the summer months and during other peak visitor periods.

California law (Cal. Gov. Code Section 831.4) protects public landowners from lawsuits filed by citizens using public roads and trails for recreational purposes. That immunity does not apply if the landowner was paid or given consideration for granting permission to enter the property for recreational purposes. Furthermore, nothing in the law limits the liability of an independent concessionaire, whether or not that person has a contractual relationship with the public entity to use the property, for injuries or damages suffered as a result of operation of a hazardous recreational activity on public property. While conditions could be imposed on the operation of Segway tours to reduce risks, the possibility of an accident and a claim against the City remains. The general manager of the Redwood Empire Municipal Insurance Fund (the City’s pooled insurance) has indicated that the City should require a Segway tour operator to provide

indemnification and to maintain in effect a \$2 million commercial general liability policy with an endorsement adding the City as an “additional insured.”

Regulation of Segways in Other Communities

Several communities, including Healdsburg, Coronado, and San Francisco have adopted regulations addressing the use of EPAMDs on public paths. Examples of regulations include:

- The City of Healdsburg prohibits the use and operation of EPAMDs on sidewalks, walkways, and pathways located within the downtown business district. The ordinance (Healdsburg Municipal Code Chapter 12.16) notes that “The City Council finds that the use and operation of EPAMDs on all sidewalks, walkways and pathways in the downtown business district jeopardizes public health and safety because such use and operation puts pedestrians at risk of being injured or being forced off public sidewalks, walkways and pathways to avoid injury.” The prohibition does not apply if the EPAMD is being used as part of an activity or event for which a permit allowing such devices has been issued by the City.
- The City of Coronado prohibits the use of EPAMD businesses within the City limits unless a “business operations permit” has been issued for the business (Coronado Municipal Code Chapter 20.42). The Code establishes regulations requiring that customers wear helmets; establishing age limits; prohibiting use, lease or rent of an EPAMD to a customer under the influence of alcohol, drugs or controlled substances. The businesses are also required to provide on-site education and safety training to customers; require tours to travel in single-file process; maintain in effect commercial general liability insurance coverage; etc. The Code also prohibits the use and operation of EPAMDs along Orange Avenue, a beachfront thoroughfare (Chapter 56.90).
- The City of San Francisco has enacted a ban on the use of Segways on bike trails or any other places intended for foot- or bicycle traffic.

Fort Bragg’s Options

As explained above, the CVC authorizes cities to regulate (or even prohibit) the use of EPAMDs on City paths, sidewalks and streets. The City could thus ban the use of Segways entirely. Or, the City could maintain its current park regulations as found in FBMC Chapter 9.68, which prohibit operation of motorized vehicles (including EPAMDs) in any park, except on a temporary basis and with a specific permit from the City. This approach would allow the City to evaluate each requested use on a case-by-case basis. This approach does not, however, address the overall policy question of commercial use of the Coastal Trail.² Moreover, given the (albeit slight) ambiguity in the City’s Municipal Code, and the argument that EPAMDs are pedestrians, if the City wishes to ban EPAMDs entirely, it is advisable that it amend its Code accordingly. The Council could also direct staff to prepare amendments to Chapter 9.68, which could include regulations governing the use of EPAMDs, similar to those enacted in other communities and referenced above. If the Council is interested in pursuing this option, it may want to remand the matter to a Council standing committee or an ad hoc committee to obtain more public input and to work with staff on developing specific recommendations for an ordinance.

² The Department of Justice has determined that EPAMDs may be used as assistive devices for persons with mobility, circulatory, respiratory, or neurological disabilities. If the City wishes to ban Segway, or any EPAMD, use entirely, it should direct staff to ensure any revised Ordinance, or the application of the current Ordinance, appropriately addresses the needs of persons with disabilities.

FISCAL IMPACT:

Beyond the expense of staff's time to develop the desired regulations, there is no fiscal impact expected at this time. There could be some revenues generated from business licenses and, if required, special concessionaire permits issued to businesses to operate along the Coastal Trail.

IMPLEMENTATION/TIMEFRAMES:

Any follow up actions will be consistent with Council's direction.

ATTACHMENTS:

- 1. Fort Bragg Municipal Code Chapter 9.68
- 2. Photographs of EPAMDs
- 3. California Vehicle Code sections pertaining to EPAMDs

NOTIFICATION:

- 1. Lynn Baumgartner

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: _____
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CHAPTER 9.68 PRESERVATION OF PARKS

Section

- [9.68.010](#) Parks – Generally
- [9.68.020](#) Park hours – Generally
- [9.68.030](#) Wiggly Giggly Playground rules
- [9.68.035](#) Exceptions
- [9.68.040](#) Penalty for violation

9.68.010 PARKS – GENERALLY.

In order to promote and protect public health and welfare and provide for the general safety of the users of City parks, the following rules shall apply:

- A. Motorized vehicles of any kind or nature shall be prohibited from accessing any portion of a park (other than parking lots and/or access roads), except for the following: emergency vehicles; vehicles of the City and its duly authorized representatives or agents; strollers and similar children's carriages; wheelchairs; and vehicles whose owners have first obtained a permit from the Director of Public Works for temporary access for activities as may be approved by the City.
- B. Vehicles shall not stop, stand, park, or be left standing in any of the designated parking lots during park closure hours listed in § [9.68.020](#), except that the City Manager may issue night use permits for parking in connection with organized activities.
- C. Alcoholic beverages or controlled substances, as that term is defined in Cal. Health and Safety Code § [11007](#) (as the same may be amended from time to time), are not allowed within City parks.
- D. Dogs must be kept on leash at all times. The City Council may, by resolution, designate "off leash" areas of any City park. Areas designated by City Council resolution to be "off leash" shall not be subject to this leash requirement.
- E. Dog owners are required to clean up and properly dispose of excrement of their animals.
- F. Overnight camping is not allowed in City parks.
- G. Firearms are not allowed in City parks.
- H. Barbecues and fires are not allowed in City parks except in designated areas.
- I. Bicycles may only be ridden on designated bicycle trails.
- J. Motorized bicycles and scooters are prohibited in all City parks.
- K. Horses are not allowed in City parks.
- L. Littering or disposal of household refuse is not allowed in City parks.
- M. Destruction or removal of any park property is prohibited.

- N. Rollerblades are permitted only on the bicycle and pedestrian trail at Pomo Bluffs Park and Noyo Headlands Park.
- O. Entry into habitat protective areas is prohibited (as designated by habitat protective fencing and/or signage).
- P. Removal of beach glass is prohibited at Noyo Headlands Park.
- Q. The use of ropes and/or other equipment to scale the bluffs is prohibited in Pomo Bluffs Park and Noyo Headlands Park.
- R. Digging and scavenging (use of metal detectors) are prohibited in parks, unless expressly authorized by the Director of Public Works.
- S. Fireworks are not permitted in City parks, unless authorized as part of City-approved pyrotechnic display.
- T. Smoking is prohibited in City parks.

(Ord. 915, passed 07-13-2015)

9.68.020 PARK HOURS – GENERALLY.

It shall be unlawful for any person to enter, traverse, or be present in City parks from dusk to dawn the following day, except that the prohibited hours at Bainbridge Park tennis court shall be 10:00 p.m. to dawn the following day. The City Manager may issue night use permits for organized activities. For purposes of this chapter, “dusk” is defined as 1 hour after sunset and “dawn” is defined as 1 hour preceding sunrise.

(Ord. 915, passed 07-13-2015)

9.68.030 WIGGLY GIGGLY PLAYGROUND RULES.

- A. No glass containers shall be allowed within the playground area.
- B. No skateboards, scooters (electric, motorized, or “push”), bicycles, rollerblades, roller skates, big wheels, unicycles, tricycles, or other wheeled forms of transportation (other than wheelchairs, strollers, and the like) shall be utilized within the playground boundaries.

(Ord. 915, passed 07-13-2015)

9.68.035 EXCEPTIONS.

The provisions of this chapter shall not be applicable to the Skate Park located at the C.V. Starr Community Center, 300 S. Lincoln Street, Fort Bragg, which is separately governed and regulated by the provisions of Chapter [9.69](#).

(Ord. 915, passed 07-13-2015)

9.68.040 PENALTY FOR VIOLATION.

Any person violating the provisions of this chapter is guilty of an infraction, and upon conviction thereof shall be punishable as provided in Chapter [1.12](#).

(Ord. 915, passed 07-13-2015)

The Fort Bragg Municipal Code is current through Ordinance 923, passed January 25, 2016.

Disclaimer: The City Clerk's Office has the official version of the Fort Bragg Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.



Attachment 2: Examples of Electric Personal Assistive Mobility Devices (EPAMDs)



Two person EPAMD



Standing wheelchair



Electric scooter



Electric wheelchair



Self-balancing electric scooter, (aka "Hoverboard" type of device)

VEHICLE CODE

SECTION 21280-21282

21280. (a) The Legislature finds and declares all of the following:

(1) This state has severe traffic congestion and air pollution problems, particularly in its cities, and finding ways to reduce these problems is of paramount importance.

(2) Reducing the millions of single passenger automobile trips of five miles or less that Californians take each year will significantly reduce the pollution caused by fuel emissions and aggravated by automobile congestion.

(3) Electric personal assistive mobility devices that meet the definition in Section 313 operate solely on electricity and employ advances in technology to safely integrate the user in pedestrian transportation.

(4) Electric personal assistive mobility devices enable California businesses, public officials, and individuals to travel farther and carry more without the use of traditional vehicles, thereby promoting gains in productivity, minimizing environmental impacts, and facilitating better use of public ways.

(b) The Legislature is adding this article as part of its program to promote the use of no-emission transportation.

21280.5. For purposes of this article, an electric personal assistive mobility device is defined in Section 313.

21281. Every electric personal assistive mobility device, or EPAMD, shall be equipped with the following safety mechanisms:

(a) Front, rear, and side reflectors.

(b) A system that enables the operator to bring the device to a controlled stop.

(c) If the EPAMD is operated between one-half hour after sunset and one-half hour before sunrise, a lamp emitting a white light that, while the EPAMD is in motion, illuminates the area in front of the operator and is visible from a distance of 300 feet in front of the EPAMD.

(d) A sound emitting device that can be activated from time to time by the operator, as appropriate, to alert nearby persons.

21281.5. (a) A person shall not operate an EPAMD on a sidewalk, bike path, pathway, trail, bike lane, street, road, or highway at a speed greater than is reasonable and prudent having due regard for weather, visibility, pedestrians, and other conveyance traffic on, and the surface, width, and condition of, the sidewalk, bike path, pathway, trail, bike lane, street, road, or highway.

(b) A person shall not operate an EPAMD at a speed that endangers the safety of persons or property.

(c) A person shall not operate an EPAMD on a sidewalk, bike path, pathway, trail, bike lane, street, road, or highway with willful or

wanton disregard for the safety of persons or property.

(d) A person operating an EPAMD on a sidewalk, bike path, pathway, trail, bike lane, street, road, or highway shall yield the right-of-way to all pedestrians on foot, including persons with disabilities using assistive devices and service animals that are close enough to constitute a hazard.

21282. Notwithstanding Section 21966, for the purpose of assuring the safety of pedestrians, including seniors, persons with disabilities, and others using sidewalks, bike paths, pathways, trails, bike lanes, streets, roads, and highways, a city, county, or city and county may, by ordinance, regulate the time, place, and manner of the operation of electric personal assistive mobility devices as defined in Section 313, and their use as a pedestrian pursuant to paragraph (2) of subdivision (a) of Section 467, including limiting, prohibiting entirely in the local jurisdiction, or prohibiting use in specified areas as determined to be appropriate by local entities. State agencies may limit or prohibit the time, place, and manner of use on state property.



City of Fort Bragg

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

File Number: 16-094

Agenda Date: 3/28/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Consent Calendar

Agenda Number: 7A.

Authorize City Manager to Execute a Grant of License Permitting the Placement of Steps in the Public Right of Way in front of 144 East Laurel Street

The owners of the building at 144 East Laurel Street have an unusually high doorway threshold. To improve accessibility to the storefront, they have requested permission to construct steps, (up to two steps high), in front of the doorway. As the sidewalk abuts the building, this can be done only in the public right of way. A revocable grant of license would permit these steps over the long term without creating a permanent easement or right. The sidewalk is 10.5 feet wide at this location, the step encroachment will be less than 2.5 feet, and adjacent to the building.

Recording requested by and when recorded
please return to:

City of Fort Bragg
416 North Franklin Street
Fort Bragg, CA 95437
Attention: June Lemos
City Clerk

(Space above this line reserved for Recorder's use)

Grant of License

Landmark Land Company, LLC to Encroach Upon Public Right of Way- 144 East Laurel Street

APN No. 008-152-10

This GRANT OF LICENSE dated _____ is made by and between the City of Fort Bragg, a municipal corporation ("City") and Landmark Land Company, LLC ("Landmark").

IN CONSIDERATION OF THE EXPRESS TERMS AND CONDITIONS HEREINAFTER SET FORTH, IT IS AGREED:

1. Grant

That City hereby grants to Landmark a revocable license to encroach upon the public right of way for the purpose of constructing private steps and railings at the location and in the manner as set forth below.

2. Property Affected

That the encroachment granted herein shall apply to the property known as 144 East Laurel Street as described in the attached Exhibit A. Said encroachment shall be located and in accordance with the attached Exhibit B entitled "PLAT OF BENEFITING PROPERTY AND AREA OF ENCROACHMENT- 144 East Laurel Street".

3. Costs of Installation

That all installations made pursuant to this grant shall be without any expense to City.

4. Performance of Work in Accordance with Minimum Standards

That the installations constructed within said public right of way shall be in accordance with the minimum requirements of the Department of Public Works of the City and as shown in Exhibit B.

5. Maintenance

That Landmark shall maintain said private steps and railings in a state of good repair and in a safe condition, at his own expense and to the satisfaction of City.

6. Revocation

That this grant is made subject to all future requirements and more necessary uses of City and be revoked by City upon sixty (60) days notice in writing to remove said private steps and railings.

7. Grant Conditions Binding on Successors

That the conditions of this grant, for the property described in Exhibit A, shall be binding upon the successors in interest of Landmark.

8. Hold Harmless and Indemnification

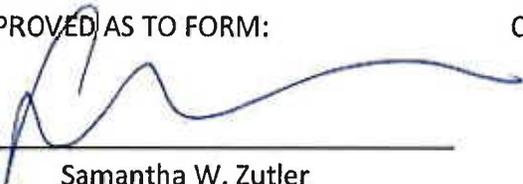
Landmark shall hold City, its officers, boards and commission, and members thereof, its employees and agents harmless of and free from any and all liabilities which might arise out of or relating to this grant of license. Should City or any of its officers, boards and commissions, and members thereof, its employees or agents, be named in any suit, or should any claim be made against it or any of them by suit or otherwise, whether the same may be groundless or not, arising out of or relating to this grant of license, Landmark shall defend City and said officers, boards and commissions, and members thereof, its employees and agents, shall indemnify them for any judgment rendered against them or any sums paid out in settlement or otherwise.

IN WITNESS THEREOF, the parties hereto, by their officers thereunto duly authorized, have executed this agreement as of the date set forth above.

APPROVED AS TO FORM:

CITY OF FORT BRAGG, A Municipal Corporation

By:



Samantha W. Zutler
City Attorney

By:

Linda Ruffing
City Manager

By:

Landmark Land Company, LLC

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY (PROPERTY OWNED BY LANDMARK LAND COMPANY, LLC)

All that certain real property situate in the City of Fort Bragg, County of Mendocino, State of California described as follows:

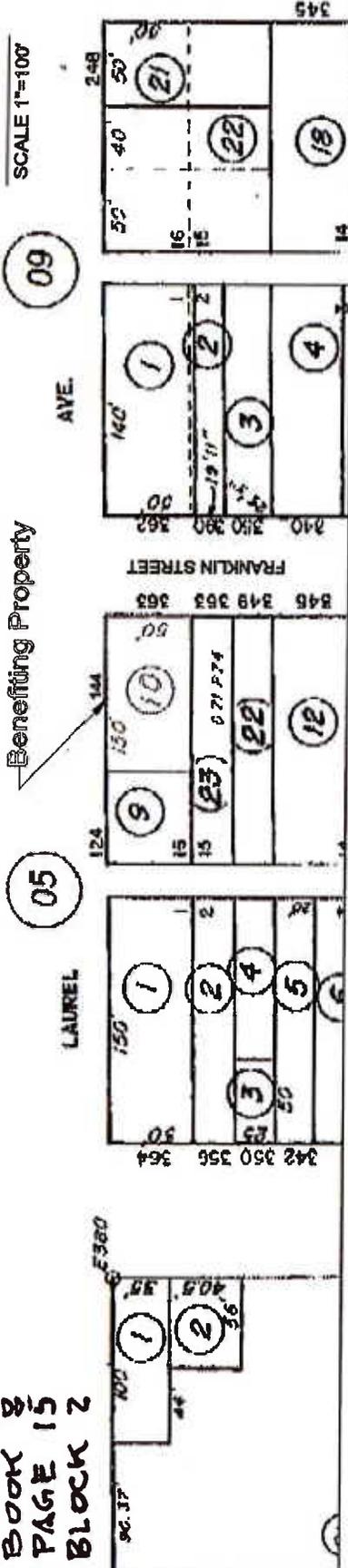
Starting at the corner to Sections 1 and 12, Township 18 North, Range 18 West, and Sections 6 and 7, Township 18 North, Range 17 West, Mount Diablo Base and Meridian, and running hence East 684 feet to the point of beginning; and thence on the exterior boundaries of such parcel of land, East 96 feet; thence South 50 feet; thence West 96 feet; thence North 50 feet to the point of beginning. Being in Lot 16, Block 16 of the City of Fort Bragg.

APN: 008-152-10

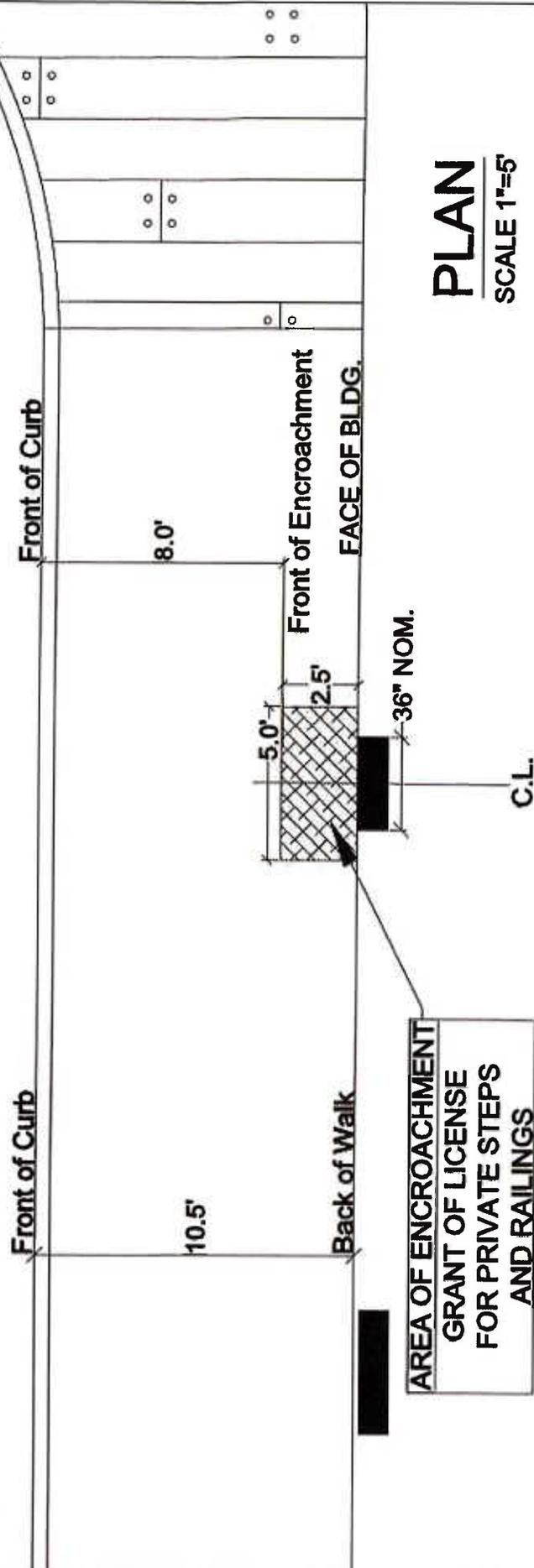
Blks. 16,17,20,21,22 City of Fort Bragg

PLAN
SCALE 1"=100'

BOOK 8
PAGE 15
BLOCK 2



EAST LAUREL STREET



PLAN
SCALE 1"=5'

EXHIBIT B: PLAT OF BENEFITING PROPERTY AND AREA OF ENCROACHMENT -
144 EAST LAUREL STREET



SHEET: 1 OF 1

DRAWN: SF

CHK: TV

APPVD: TV

DATE: SEP 21, 2015



City of Fort Bragg

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

File Number: 16-103

Agenda Date: 3/28/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: 7B.

Adopt Joint City Council/Municipal Improvement District No. 1 Resolution Amending the FY 2015/16 Budget for Mid-Year Budget Adjustments

On March 10, 2016, the City Council/Municipal Improvement District No. 1 (Council/MID) conducted a Mid-Year Budget Review workshop to receive an overview of the status of the current fiscal year expenditures and revenues in all major operating funds and to compare mid-year fiscal performance to budgeted appropriations and revenues. The workshop provided analysis and discussion of revenues received and expenditures to date during the first half of the fiscal year as compared to those projected in the FY 2015/16 Adopted Budget.

As a result of the Mid-Year Budget Review, several budget adjustments were identified as necessary to reallocate appropriations. The attached resolution listing the proposed budget line item adjustments is recommended for approval.

RESOLUTION NO. ____-2016
RESOLUTION OF THE FORT BRAGG CITY COUNCIL
and
RESOLUTION NO. ID ____-2016

RESOLUTION OF THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT BOARD
AMENDING FY 2015/16 BUDGET FOR MID-YEAR BUDGET ADJUSTMENTS

WHEREAS, on June 22, 2015, the Fort Bragg City Council and the Fort Bragg Municipal Improvement District No. 1 District Board adopted the Fiscal Year (FY) 2015/16 Budget; and

WHEREAS, on March 10, 2016, the City Council/District Board conducted a Mid-Year Budget Review Workshop; 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 are identified on Exhibit "A" attached hereto; and

WHEREAS, there is sufficient revenue and adequate fund balance to fund the allocations; and

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

1. Certain mid-year adjustments to the FY 2015/16 Budget are necessary as shown in Exhibit "A".
2. There are sufficient funds to fund the allocations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg/District Board of the Fort Bragg Municipal Improvement District No. 1 does hereby amend the previously adopted FY 2015/16 Budget to incorporate the changes enumerated in Exhibit "A".

The above and foregoing Resolution was introduced by Council/Board Member _____, seconded by Council/Board Member _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg/District Board of the Fort Bragg Municipal Improvement District No. 1 held on the 28th day of March, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

DAVE TURNER,
Mayor/Chair

ATTEST:

June Lemos
City/District Clerk

EXHIBIT A

FY 2015/16 Requested Mid-Year Budget Adjustments

<u>Account Number</u>	<u>Account Description</u>	<u>Department</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Adjusted Budget</u>	<u>Justification</u>
110-4130-0316	Pre-employment costs	Administrative Services	\$ 7,000	\$ 7,000	\$ 14,000	Number of recruitments has exceeded expectations.
110-4130-0366	Travel/Training	Administrative Services	6,050	3,000	9,050	Additional training needed for new staff.
110-4130-0381	Small Tools & Equipment	Administrative Services	-	3,000	3,000	Per ergonomics audit, new desks, chairs needed.
110-4131-0381	Small Tools & Equipment	City Clerk	-	700	700	Per ergonomics audit, new furnishings needed.
110-4131-0315	Elections Costs	City Clerk	-	4,000	4,000	Costs for June 8, 2016 election for Measure U.
110-4131-0381	Small Tools & Equipment	City Clerk	-	950	950	New metal shelves needed for archival storage.
110-4131-0741	Machinery & Equipment	City Clerk	-	6,450	6,450	2 Fire proof file cabinets needed to properly and safely store historical documents.
110-4131-0366	Travel/Training	City Clerk	2,500	5,500	8,000	Additional training for the City Clerk. Costs partially offset with scholarships.
110-4131-0364	Legal Notices	City Clerk	2,500	1,500	4,000	Unanticipated expenses associated with legal notices for multiple ordinances.
110-4200-0381	Small Tools and Equipment	Police Department	17,700	7,000	24,700	8 Officer's radios at \$900 each plus ammunition.
110-4200-0366	Travel/Training	Police Department	24,000	20,000	44,000	Increased need for POST and other mandated trainings. Costs partially offset by approximately \$6,400 in POST reimbursements.
110-4200-0319	Professional Services	Police Department	335,100	1,700	336,800	Additional funds needed for evidence tows. Funds for erosion repairs at Noyo Headlands Park. May be offset by grant funds, if available.
110-4392-0375	General Supplies	Public Works Parks	15,000	8,000	23,000	
General Fund; Total Requested Budget Amendments				68,800		
<u>Account Number</u>	<u>Account Description</u>	<u>Department</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Adjusted Budget</u>	<u>Justification</u>
520-4393-0353	Facilities Maint & Repair	ISF	100,500	8,000	108,500	Multiple unplanned expenses: PD A/C system, City Hall carpeting, City Hall East heater, Gym heater, Gym doors and Fort Building carpentry.
Facilities Maint Internal Service Fund; Total Requested Budget Amendm				8,000		
522-4550-0352	Vehicle Repair & Maint	ISF	33,000	3,000	36,000	New Transmission for PD vehicle. Required to keep vehicle on road.

EXHIBIT A

FY 2015/16 Requested Mid-Year Budget Adjustments

<u>Account Number</u>	<u>Account Description</u>	<u>Department</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Adjusted Budget</u>	<u>Justification</u>
522-4550-0741	Machinery and Equipment	ISF	-	4,000	4,000	Replace car hoist. Unable to find replacement parts for the current hoist due to its age.
Fleet Internal Service Fund; Total Requested Budget Amendments				7,000		
615-7999-0799	Summers Lane Reservoir	Water Capital Project	-	365,000	365,000	Appropriate funds to complete Summers Lane Reservoir Project. While the CIP identifies costs of \$1.87M, only \$1.5M was appropriated (\$700k grant; \$800k Water Enterprise Capacity Fees)
Water Enterprise				365,000		
710-4712-0319	Professional Services	Wastewater Operations	213,000	9,600	222,600	Sludge hauling was inadvertently not budgeted
715-4721-0731	Sodium Hypo Chlorite - CIP	Wastewater Capital	-	28,000	28,000	Additional \$28,000 needed to complete the Sodium Hypochlorite project. Original FY2015 budget was \$85k. New total is \$113k.
Wastewater Enterprise; Total Requested Budget Amendments				37,600		
280-4860-0619	FBFPA Equipment	Fire Tax Fund	88,275	23,955	112,230	New truck for the Fire Chief. City's contribution to the purchase is 57% and comes from the Fire Tax Fund (280).
Fire Equipment Fund; Total Requested Budget Amendments				23,955		
Grand total				\$ 510,355		



City of Fort Bragg

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

File Number: 16-096

Agenda Date: 3/28/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Certificate of
Completion

Agenda Number: 7C.

Accept Certificate of Completion with Granite Construction for the Fort Bragg Coastal Restoration and Trail Project, Project No. 2014-01

On June 27, 2014, City Council awarded a contract to Granite Construction for the Fort Bragg Coastal Restoration and Trail Project, City Project 2014-01. The project involved construction of an approximately 4.5 mile trail system with various public enhancements. These additional improvements include: trails, boardwalks, viewing areas, new parking lots, storm water management facilities, plazas, passive recreation areas, restrooms, interpretive signage, stairs to the beach, and habitat protection. The work has been completed and Director of Public Works Tom Varga signed the Certificate of Completion on March 17, 2016, certifying that all work has been performed to the specifications in the bid documents.

Following acceptance of the Certificate of Completion by the City Council, the City Clerk will file the Notice of Completion with the County Recorder.



CITY OF FORT BRAGG

Incorporated August 5, 1889

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

CERTIFICATE OF COMPLETION

All items of work and the provisions of the contract executed with Granite Construction, Inc. for labor, materials, equipment, and supervision for the Fort Bragg Coastal Restoration and Trail Project, City Project 2014-01, dated July 2014 have been completed.

This project as described above was awarded by the Fort Bragg City Council by resolution at their meeting June 23, 2014.

It is recommended that the completed project be accepted by the City Council.

Tom Varga, P.E.
Public Works Director

DATED: March 17, 2016

EXHIBIT "A"



City of Fort Bragg

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

Text File

File Number: 16-110

Agenda Date: 3/28/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Minutes

Agenda Number: 7D.

Approve Minutes of Special Meeting of March 10, 2016



City of Fort Bragg

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

Meeting Minutes Special 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*

Thursday, March 10, 2016

3:00 PM

Town Hall, 363 N. Main Street
AND
411 Park Street, Fort Bragg

AMENDED Mid-Year Budget Review

MEETING CALLED TO ORDER

Mayor Turner called the meeting to order at 3:01 PM.

ROLL CALL

Vice Mayor Peters appeared by telephone from 411 Park Street, Fort Bragg.

Present: 5 - Vice Mayor Lindy Peters, Councilmember Michael Cimolino, Councilmember Scott Deitz, Councilmember Doug Hammerstrom and Mayor Dave Turner

1. CONDUCT OF BUSINESS

1A. [16-087](#) FY 2015/16 Mid-Year Budget Review- City Council Work Session

1. **Introduction & Overview** - City Manager Ruffing

2. **Review City Council's Goals & Priorities** - City Manager Ruffing

- Goal 1.0: Maintain & Improve City Infrastructure
 - ❖ Summers Lane Reservoir: bid opening, March 31; completion date, early July; anticipate reservoir to be partially full in the fall.
 - ❖ Waste Water Treatment Facility plans: grant funding requests ongoing; CEQA review in progress; plans completion date, early June; construction anticipated in 2017/2018, depending on availability of funding.
 - ❖ Streets & Alleys Repair: Ongoing.
 - ❖ Solid Waste Transfer Station: Ongoing.
- Goal 2.0: Create Walkable & Bike-Friendly Community/Promote Healthy Lifestyles
 - ❖ Coastal Trail: Grand Opening of Coastal Trail set for early June.
 - ❖ Coastal Trail Phase II (Middle Segment): RFP for design services open March 8 to April 29.
 - ❖ Park Maintenance: Ad hoc committee appointed to investigate Transient Occupancy Tax (TOT) increase of 1%; will report to Council before June.
 - ❖ Sidewalks: Public Works Director Varga to conduct sidewalk assessment and work with Caltrans and Mendocino Council of Government (MCOG) staff regarding funding to fix trip and fall hazards.
 - ❖ City of Trails: Conceptual design and feasibility study by WRA Environmental

Consultants completion date, June 30.

- Goal 3.0: Establish Fort Bragg as Leader in Sustainable Practices
 - ❖ Climate Action Plan needs refreshing.
- Goal 4.0: Foster a Strong, Resilient and Prosperous Local Economy
 - ❖ Mill Site Operable Units C&D, action taken this year; Unit E, next year.
 - ❖ Ruffing to explore possible meeting with Georgia-Pacific decision makers regarding disposition of Mill Site property.
 - ❖ Make Preservation of Historic Buildings in Downtown a higher priority.
- Goal 5.0: Improve Community Access to City Services
- Goal 6.0: Develop Partnerships with Various Community Groups and Agencies
 - ❖ Downtown Watch meetings have been productive.
 - ❖ Marijuana legalization report from Public Safety Committee to be brought to Council in May.
- Goal 7.0: Update City's Emergency Plans and Educate Community about Emergency Preparedness

Public Comment: George Reinhardt remarked on the low attendance of community members at this meeting, saying it should be the City's responsibility to make budget meetings fun and inclusive. He spoke about incentivizing water catchment systems, planting bee-friendly plants, the challenges of Housing First, teaching technology in Fort Bragg, and the ineffectiveness of the City's website.

3. **FY 2015/16 Mid-Year Performance Report** - Finance Director Damiani
Director Damiani introduced Isaac Whippy, new Government Accountant II. Damiani gave the mid-year performance report followed by the FY 2015/16 Mid-Year Budget Review. The bottom line is that at mid-year, there are no red flags and no major issues. **Mayor Turner recessed the meeting at 5:08 PM; the meeting reconvened at 5:28 PM.**

4. Departmental Progress Reports

- Community Development Department - Director Jones
 - ❖ Updates on projects completed, started, and in progress.
 - ❖ Mill Site remediation work underway with Department of Toxic Substances Control.
 - ❖ Ordinance regarding home sharing and vacation rentals being drafted.
- Administration - City Manager Ruffing; Administrative Services Director Schneider
 - ❖ Summarized six months of Council action, water emergency, ordinances, litigation, and voter initiative.
 - ❖ Updates on website, social media, downtown Wi-Fi, telephone system.
- Finance - Director Damiani
 - ❖ Fully staffed department; personnel being cross-trained.
 - ❖ Comprehensive Annual Financial Report completed more quickly than last year.
 - ❖ Grant recording and invoicing process being updated.
- Police Department - Chief Lizarraga
 - ❖ Updates on personnel and acquisition of new K-9, Takoda.
 - ❖ New drone purchase for trail monitoring and special events.
 - ❖ Police Department Annual Report in progress.
 - ❖ Working with Downtown Business Watch to research video surveillance cameras for local businesses.

- Public Works/Water/Wastewater - Director Varga, Operations Manager Smith & Project Analyst Prairie
 - ❖ Updates on projects completed, started, and in progress.
 - ❖ Researching desalination plants and other water supply and availability methods.
 - ❖ Working with Rural Community Assistance Corporation to apply for funding for upgrades to the Waste Water Treatment Facility (WWTF).
 - ❖ WWTF upgrade project: HDR, Inc. has completed the 50% plans; environmental documents are being drafted; design is on time and under budget; construction projected for 2018.
- 5. **FY 2015/16 Proposed Mid-Year Budget Adjustments** - City Manager Ruffing
Ruffing went over the list of Mid-Year Budget Adjustments. Brief discussion was held regarding purchase of equipment and vehicles.
- 6. **FY 2016/17 Budget Planning Issues** - City Manager Ruffing
Issues are:
 - ❖ Keeping Revenues and Expenditures in balance.
 - ❖ Concern with relatively flat sales tax. Ruffing distributed a chart showing sales tax forecast by fiscal year.
 - ❖ How to increase both sales tax and Transient Occupancy Tax.
 - ❖ Successor Agency activities have wound down and admin fee is declining.
 - ❖ Personnel costs continue to go up.
 - ❖ Health premiums will increase this year; REMIF will advise in April what the increase will be.
 - ❖ Staffing: Addition of a facilities/maintenance worker in Public Works and a Community Services Officer in the Police Department.
 - ❖ Capital Improvement Projects will slow down a bit in 2016/17.
- 7. **Wrap-Up**
A City Council budget workshop will be held in mid-May.

This Staff Report was received and filed; direction was given to staff regarding several items that will return for action on future agendas.

ADJOURNMENT

Mayor Turner adjourned the meeting at 7:17 PM.

DAVE TURNER, MAYOR

June Lemos, City Clerk

IMAGED (_____)



City of Fort Bragg

416 N Franklin Street
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Text File

File Number: 16-105

Agenda Date: 3/28/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Minutes

Agenda Number: 7E.

Approve Minutes of March 14, 2016



City of Fort Bragg

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

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, March 14, 2016

6:00 PM

Town Hall, 363 N. Main Street

MEETING CALLED TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: 5 - Vice Mayor Lindy Peters, Councilmember Michael Cimolino, Councilmember Scott Deitz, Councilmember Doug Hammerstrom and Mayor Dave Turner

AGENDA REVIEW

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

- 1A. [16-081](#)** Proclamation Acknowledging Lynda Bengtsson-Davis, Mateo Ortiz, and Rob Buch for their Work in Completing the Downtown Wi-Fi Project

Mayor Turner asked Scott Deitz to present the Proclamation for the completion of the Downtown Wireless project to Lynda Bengtsson-Davis, Mateo Ortiz, and Rob Buch. Davis, Ortiz, and Buch were called to the podium. Deitz reviewed their various qualifications which made them appropriate for the task and named them as an integral part of the Technology Committee. The technology future for our community is based on the success of this committee. Mendocino Coast Network (MCN) was recognized for their administration of the network free of charge, which made the project possible.

Lynda Bengtsson-Davis thanked Rob, Mateo, and MCN which provided the cloud based service and allowed this project to be possible. Rob spoke about the specific details of the project launch, the limitations intentionally implemented to limit certain bandwidth, and the future for potential range expansion of the network. Mateo expressed his gratitude for working as part of a great team.

2. STAFF COMMENTS

City Manager Ruffing, showed her appreciation for Victor Damiani, Director of Finance, for his excellent work on the budget and corresponding report at the Special City Council Meeting on Thursday, March 10. Ruffing mentioned two upcoming events at Town Hall; Tuesday, March 22, there will be a World Water Day Celebration and Friday, March 25, the City will host City Dialogue. City Dialogue is a round table style discussion forum where City Department representatives will be available to talk about what's going on in the City and answer questions from the public.

3. MATTERS FROM COUNCILMEMBERS

Mayor Turner reported that a tsunami preparedness workshop will be held Wednesday, March 23 from 12-2 PM at the Fort Bragg Police Department as part of Tsunami Awareness Week. There will be a test of the emergency alert system, the tsunami sirens, and aircraft flyover with a loud speaker. Mayor Turner reported on a good turnout at the Downtown Watch meeting and many of the recommendations introduced will be implemented. Mayor Turner noted that the primary feedback from his recent visits with local hospitality facilities was the need for promotion.

Vice Mayor Peters reported on his conversations with the lodging industry and categorized the local hospitality facilities into various categories. Peters compiled information which will be presented to Council, tentatively March 28, to aid in deciding to include an increased Transient Occupancy Tax on the November ballot. Peters announced that Mendocino Transit Authority (MTA) interviewed numerous qualified candidates for the General Manager position and is in the final selection stage.

Councilmember Cimolino shared several citizen encounters which made him reconsider the way in which information is disseminated from meetings, to staff and Councilmembers. 1) Speed bump removal on Cedar and the public intention to raise concerns at a Council Meeting, 2) Water causing issues to the foundations of houses in proximity to green alleys, 3) Citizens who are concerned about their privacy being violated by potential cameras in downtown and drone use on the Coastal Trail, 4) Concern that City Council agenda items are not publicized ahead of time, 5) Is there a summary report about City expenditures which would show if the City is shopping locally, and 6) Lack of participation at the mid-year budget review and the difficulty in hearing what was being said on the conference call. Cimolino expressed the importance of information sharing, as the public expects Council and City staff to be in the know.

Councilmember Deitz encouraged more participation at subcommittee meetings, as this forum allows for more open discussion and public comment at the design phase. Councilmember Deitz reported that the budget was televised and made available on the website for live stream.

Councilmember Doug Hammerstrom reported on a reception at the Mendocino Odd Fellows Hall which benefits Noyo Center for Marine Science and encouraged others to go and see the exhibit.

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

- Judy Valadao spoke about the Downtown Watch meeting and the proposed cameras. Valadao expressed concerns about the need for cameras. Valadao asked about the Giving Garden, program skills, and CDBG monitoring.
- Rex Gressett commended Councilmember Cimolino for speaking about information dissemination and his citizen encounters. Gressett gave his opinion about City transparency, self-promotion of bureaucrats, and the City's takeover of the Public, Education and Government (PEG) Access Television network.
- Jay Rosenquist asked for clarification about City Dialogue. Rosenquist stated that there was a date error on the February 22 City Council video. Rosenquist asked for an update on the open position at CV Starr Center. Rosenquist promoted Yes on Measure U and provided additional information for supporting the measure.
- Rosalee Taylor expressed her gratitude to Council and the Mayor. Taylor spoke about encouraging increased attendance at the Council meetings, a broken light fixture at the corner of Bush and West Streets, and keeping the water topic on high alert.

- Evan Dick expressed concerns that the Bike Trail around the City was being reconsidered and spoke in opposition to the City using eminent domain to acquire property for this trail. Dick stated his concerns about the suffering businesses whose agenda is not being served. Dick spoke against the increasing presence of vagrants and he wants a Grand Jury investigation on several City of Fort Bragg employees.
- Richard Nash reported that he has complained to various agencies about his civil rights being violated, by denying access to medical marijuana. Nash promoted marijuana legalization and his Green and Silver Company.

5. PUBLIC HEARING

None.

6. CONDUCT OF BUSINESS

6A. [16-091](#) Receive Report Regarding Various Water-Related Topics and Provide Direction to Staff

Public Works Director Varga presented the staff report and clarified that no action will be required by Council on this item. Varga reviewed rainfall data over the last four months and clarified that despite these increased rainfall totals, this region remains in a moderate drought according to climatologists. The exceptionally wet weather will make this water year above average but it will not be enough to completely undo the impacts of the extended drought conditions. Varga described the impacts of the increased rainfall on existing flows for current City water sources.

Varga reviewed the emergency preparedness strategies. If the 2016 water year presents any interruptions in flows or repeats of last year, the Summers Lane reservoir will meet a portion of the City's water needs. Water conservation measures like HELP H2O which provides financial assistance, public outreach, and information on water saving measures, and the City's work toward streamlining permits for greywater systems are additional methods being used to safeguard the water supply. Director Varga provided a fiscal update from the Stage 3 Water Emergency spending last fall; of the \$50,000 allocated for emergency drought funds \$27,000 was spent and reimbursed as of January 2016. The drilling of test wells is expected to cost \$40,000 and will not be a reimbursable expense from the emergency fund.

Varga reported on the Summers Lane Reservoir implementation schedule and holding capacity, and concluded that it will be completed and partially filled this summer. The goal of the reservoir is to supplement City water, not to replace existing sources. Varga explained that the reservoir will be filled by diverting flows from Waterfall Gulch and the goal is to fill the reservoir to 40% by August 31, a capacity which could supplement City water for approximately four months using 2015 estimates. Councilmember Peters asked if the timeline was realistic. Varga expressed his confidence in task completion, clarifying that the job is not technologically demanding, the necessary permits have been acquired and the remaining work is a dig and fill operation.

Varga identified the two primary goals of the five year Water Enterprise Capital Improvement Projects as the completion of the Summers Lane Reservoir of \$1.5M and the \$1M replacement of an old City water storage tank from 1955 with a glass lined tank. Funding for the replacement tank is anticipated from CDBG block grant and these funds will be available in early 2017.

Varga reported that the City is evaluating other water acquisition options which include groundwater wells which produce at least 200 gallons per minute and desalination technologies. Research needs to be done to determine if groundwater will be injected directly into the system or

whether it will need to go through the treatment plant first. Current drilling and groundwater testing has been postponed due to weather constraints. Desalination projects along the central California coast were reviewed in order to estimate costs and determine feasibility for the City. Varga stated the cost for the City to construct a desalination plant would be approximately \$1-2M with an additional \$50,000/year electricity cost; these estimates do not include other major concerns like environmental mitigation, permitting, regulatory compliance, and the possibility of lawsuits.

Varga presented information about consideration of City acquisition of Pudding Creek reservoir. Varga pointed out that this information was compiled by Community Development Director Jones, and she deserves the credit for the report. Varga reviewed reservoir capacity; historically it held 200 acre-feet (AF) and currently due to sedimentation is holding approximately 34 AF. Georgia Pacific (GP) does not want to keep the reservoir and has considered removing the dam; initial responses show some regulatory support. Varga summarized that using the reservoir does present a number of challenges; 1) Water rights, quality, and storage capacity, 2) dam reliability, and 3) dredging.

- 1) GP's License 6449 for Pudding Creek is a year round diversion of 1 cubic feet per second (cfs) and storage of 200 AF from October to December. GP's water right (S009771) is an uncapped diversion right but is potentially susceptible to a claim of abandonment. GP also holds license 9143 which allows diversion from the Noyo to Pudding Creek at the same point of diversion as the City. This water right authorizes 475 AFY to be used on the mill site for industrial use. The transfer of water rights is simple, however changing the use from industrial to municipal will require a tremendous amount of funding and work by a water attorney. Salt water intrusion is another concern, as the tide rises, saltwater flows under the dam and into the reservoir. The heavy saltwater lays on the bottom which allows fresh water to be collected off the top and this affects the placement location of the freshwater intake.
- 2) Pudding Creek Dam is not registered with Department of Dam Safety since it is less than 6 feet, thus the City would need to hire a structural engineer before making any determination about acquisition.
- 3) The land under the dam is the property of Hawthorne Timber Company and the City would need to acquire it before conducting any work on the reservoir. Historically there have been dramatic decreases in the available capacity of the reservoir, evidenced by the photos in the staff report. Dredging the reservoir would be a way to recover the lost volume. Dredging would require an EIR and a lengthy permitting process with no guarantee of success.

Varga pointed out the cost and time estimate table in the staff report which summarizes total costs for getting the reservoir online are \$12M-\$37M and it will take five years to complete. It is important to compare these costs to the Summers Lane Reservoir which was about \$1M.

Varga reiterated the current water related priorities are completing the groundwater test wells, performing pump tests under demanding conditions, continuing to investigate other potential water sources, getting Summers Lane Reservoir up and running, and securing funds for the new water tank.

Discussion: Councilmembers discussed potential risks and benefits of purchasing the various GP water rights. Staff clarified that the primary problem facing the City water system is one of storage which necessitates the use of a water ponding area. Councilmembers asked about the cost of buying the dam without alterations for use as a water supply, the possible costs associated with relocating the City pipe which currently crosses Pudding Creek Dam, special dispensation uses for

streambeds, effects of dredging on water temperature and endangered species, and potential environmental impacts associated with the dam removal.

Public comment on this agenda item:

- George Reinhardt expressed concerns about the return of salinity issues in the future. Reinhardt recommended staff research solar powered water purification. He spoke against desalination in this community, expressed interest in daylighting the Mill Site creeks, and encouraged increased attendance at committee meetings.
- Eric Clark spoke in opposition of acquiring Pudding Creek for a water source stating that the water quality is in jeopardy evidenced by many years without a good fish spawn.
- Rosalee Taylor expressed her concerns about City water leaks, water quality, and source.
- Judy Valadao refuted Mr. Clark's statement about the absence of fish in Pudding Creek stating fish can be seen in the stream from the Skunk Train.

Discussion:

Mayor Turner expressed his disappointment with the report. Councilmembers had asked that staff provide a cost estimate to just acquire the dam; the extraneous costs could come later. Mayor Turner inquired about the real cost to GP for removal of the City water line and the dam. Mayor Turner clarified the purpose of the Pudding Creek water study was to evaluate potential long term uses like recreation or Mill Site development. Mayor Turner expressed his reluctance to dismiss the acquisition of Pudding Creek Dam and requested that staff perform additional research on the subject.

Vice Mayor Peters expressed his optimism about Summers Lane and local well testing. Peters expressed his concerns about the financial ramification of the Pudding Creek acquisition, clarifying the potential costs of the dam are equivalent to the implementation of two small desalination plants. Peters spoke in favor of desalination as the future of the City's water development needs.

Councilmember Cimolino recommended pursuing acquisition of the Pudding Creek, not dredging, and using reservoir to supplement water storage needs. Cimolino recommended the City increase expectation for well production from 200gpm to 400gpm. Cimolino requested clarification on the processes involved with the replacement of the old water tank. Cimolino expressed his support in the Pudding Creek acquisition with deferred extraneous costs.

Councilmember Deitz requested additional information about the current condition of the dam, asked how time sensitive this decision is, and if dam acquisition could be used as a negotiating tool. Deitz recommended the City evaluate public preference, City's future development goals, and the long term liability of the Pudding Creek acquisition as key factors in decision making. Deitz recommended well drilling as a top priority.

Councilmember Hammerstrom expressed concerns about the ongoing costs associated with dredging Pudding Creek as sedimentation will recur. Hammerstrom recommended the Pudding Creek acquisition report be taken to Public Works and Facilities committee to increase public opportunity for input and emphasized water requirements for Mill Site development as crucial in the decision making process. Hammerstrom expressed his preference towards brackish water treatment instead of desalination.

Additional comments were made with regard to environmental impacts of utilizing Pudding Creek as a water source, disaster preparedness, and timeframes associated with obtaining additional information and securing funds.

City Manager Ruffing summarized Council recommendations as follows:

1. Determine the current condition of Pudding Creek Dam, the minimum requirements to

- make it sustainable, and the cost of ongoing maintenance;
2. Consider the long term community vision;
 3. Evaluate build-out scenarios to determine potential water needs for Mill Site development;
 4. Estimate costs of dam removal and relocation of the City's water line; and
 5. Investigate the probability for draw down on Pudding Creek and use as a stand alone reservoir.

Council directed staff to address items raised during discussion, bring data to Public Works and Facilities Committee, and then back to City Council.

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 Hammerstrom, 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. [16-073](#)** Adopt 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 3890-2016
- 7B. [16-079](#)** Accept Certificate of Completion for Green Alley Phase II Project, City Project 2015-03, and Direct City Clerk to File Notice of Completion
- This Certificate of Completion was approved on the Consent Calendar.**
- 7C. [16-085](#)** Receive and File Minutes from the December 9, 2015 Public Safety Committee Meeting
- These Committee Minutes were received and filed on the Consent Calendar.**
- 7D. [16-083](#)** Receive and File Minutes from the January 11, 2016 Special Finance and Administration Committee Meeting
- These Committee Minutes were received and filed on the Consent Calendar.**
- 7E. [16-086](#)** Receive and File Minutes from the January 21, 2016 Public Works and Facilities Committee Meeting
- These Committee Minutes were received and filed on the Consent Calendar.**
- 7F. [16-084](#)** Receive and File Minutes from the January 29, 2016 Special Finance and Administration Committee Meeting
- These Committee Minutes were received and filed on the Consent Calendar.**

7G. [16-080](#) Approve Minutes of February 22, 2016

These Minutes were approved on the Consent Calendar.

8. CLOSED SESSION

Mayor Turner recessed the meeting at 8:18 PM; the meeting reconvened to closed session at 8:27 PM.

8A. [16-072](#)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

Significant Exposure to Litigation Pursuant to Paragraph (2) or (3) of Subdivision (d) of California Government Code Section 54956.9:
Number of potential cases: 1

Mayor Turner reconvened the meeting to open session at 9:31 PM and reported that no reportable action was taken.

ADJOURNMENT

Mayor Turner adjourned the meeting at 9:31 PM.

DAVE TURNER, MAYOR

Chantell O'Neal, Administrative Assistant

IMAGED (_____)