

**Fort Bragg, California
December 10, 2012
Town Hall**

The City Council of the City of Fort Bragg, meeting concurrently as the District Board of the Fort Bragg Municipal Improvement District No. 1 and the Agency Board of the Fort Bragg Redevelopment Successor Agency, met in regular session on the above date at the hour of 6:00 p.m. in Town Hall, southwest corner of N. Main and Laurel Streets (363 N. Main Street), Fort Bragg, with Mayor Dave Turner presiding.

PLEDGE OF ALLEGIANCE

ROLL CALL as acknowledged by Mayor Turner:

Present: Councilmembers Meg Courtney, Scott Deitz, Doug Hammerstrom, and Mayor Dave Turner.

AGENDA REVIEW

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

A. Presentation of Proclamation Recognizing Jim Larson

Mayor Turner read the proclamation and presented it to Jim Larsen. Larsen thanked the Council and stated that all he is doing is taking care of his community. #143

5. CONDUCT OF BUSINESS

A. 2012 CITY COUNCIL REORGANIZATION

1. Adopt City Council Resolution Reciting the Fact of the General Municipal Election Held on November 6, 2012, Declaring the Result and Such Other Matters as Provided by Law

City Clerk VanWormer reviewed the Agenda Item Summary prepared for this item with the City Council. Discussion: The following was noted during discussion of this item:

- Mayor Turner noted that the voter turnout was 73% and stated that he is proud of the community's civic mindedness.

Moved by Courtney, seconded by Turner, to adopt City Council Resolution (3580-2012) reciting the fact of the General Municipal Election held on November 6, 2012, declaring the result and such other matters as provided by law.

VOTE: Ayes: Councilmembers Courtney, Deitz, Hammerstrom, and Mayor Turner.

2. Administer Oaths of Office and Issue Certificates of Election

City Clerk VanWormer then administered Oaths of Office and issued Certificates of Election to Councilmembers Scott Deitz and Doug Hammerstrom.

3. Conduct City Council Reorganization

• Selection of Mayor

Mayor Turner turned the meeting over to City Clerk VanWormer who called for nominations for Mayor.

Moved by Courtney, seconded by Hammerstrom, to nominate Councilmember Turner for Mayor.

VOTE: Ayes: Councilmembers Courtney, Deitz, Hammerstrom, and Turner.

• Selection of Vice Mayor

The meeting was turned over to Mayor Turner who then called for nominations for Vice Mayor.

Moved by Turner, seconded by Deitz, to nominate Councilmember Courtney for Vice Mayor.

VOTE: Ayes: Councilmembers Courtney, Deitz, Hammerstrom, and Mayor Turner. #283-12

2. STAFF COMMENTS

Community Development Director Jones reported that there will be a meeting at Town Hall

tomorrow starting at 6:00 p.m. regarding the Guest House Master Plan.

3. MATTERS FROM COUNCILMEMBERS

Mayor Turner congratulated City staff on a winning float in the Holiday Lights parade. He gave a special thank you to Crystal Prairie for organizing the float and driving the truck and Lynda & Frank Davis for their incredible work on putting together the train set. Turner then noted that the judges reversed themselves regarding the Ten Mile Court and the community will continue to have the Court for at least six months. He encouraged everyone to write their State legislators to tell them to give the courts enough money to keep it open and noted that the Administrative Office of the Courts (AOC) is the department that needs to release the funds necessary to run the court. He felt that the community should work on getting a second judge in Fort Bragg so people don't have to do jury duty in Ukiah.

Vice Mayor Courtney reported on discussions she had with Mendo-Lake Credit Union regarding a public (City or County) bank and can now see why there are not a lot of public banks. She stated that she found that for now the best way for people to deal with issues with giant banks is to take their money to a local bank like the Savings Bank of Mendocino County. Courtney noted that the plastic bag ban went into effect today at the six big stores (Safeway, Harvest, Purity, CVS and the two Rite Aid stores) and she went around to each of them and was thrilled to see everyone was in compliance. The only problem was at the self-checkout at Safeway because they have told people to say that they didn't use any bags for the past six week and now have to retrain people to say how many bags they used. Courtney noted that Fort Bragg is the first city in Mendocino County to implement this ordinance. She concluded by noted that today is Mayor Dave's birthday and led everyone in singing Happy Birthday.

Councilmember Deitz reported that the Fort Bragg Fire Protection Authority Board met and discussed improvements to the Highway 20 facility. They have secured another building and are getting designs together. The Board also had a demonstration of the new air tanks the Fire Department bought with a grant and noted that they will declare the old air tanks as surplus and give them to some of the other fire departments in the area. Deitz felt that changing the date of the parade was great as it seemed like more people attended on First Friday. He concluded by noting that the Safety Committee met twice to discuss cutbacks at Ten Mile Court and commended Chief Mayberry for his relationship with other law enforcement in the County and their support for keeping the Court open.

Councilmember Hammerstrom thanked everyone for working on the Court issue noting that Town Hall was packed. He recommended keeping involved and helping the Mendocino courts with their budget problem and noted that their funding went down from a high of \$8.5 million to \$4 million. The State needs to understand the significant travel required from the coast to the inland courts and that consolidating isn't appropriate in this fiscal situation as it will be a big impact on the City's budget. Hammerstrom noted that he went to Ukiah last Monday for Local Agency Formation Commission (LAFCO) and Mendocino Council of Governments (MCOG) meetings. One item of discussion at LAFCO involving the coastal area is the area north of Ten Mile River that wants to be annexed into the Fort Bragg Rural Fire District; this item will be on the February agenda for action. An item discussed at MCOG was the Caltrans project (funded through a grant MCOG received) to look at bicycle facilities on Highway 1 in Mendocino County. They are identifying all the issues that need to be addressed as highways are improved.

4. PUBLIC HEARING

A. Receive Report, Conduct Public Hearing, and Consider Adoption of the Following:

- 1. City Council Resolution Adopting Updated Fees for Various Planning and Building Services**
- 2. City Council Resolution Adopting a Fee Schedule for Miscellaneous City Services**
- 3. City Council Resolution Amending the Water Capacity Charges and the Water**

Service Connection Fees

4. Improvement District Resolution Amending the Sewer Capacity Charges, the Sewer Service Connection Fees and Other Improvement District Fees

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

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

- The Engineer News Record (ENR) increase is based on increases to construction and engineering costs.
- **Change “initial” to “annual” on the Tobacco Seller’s License fees.**

Mayor Turner opened the public hearing at 6:35 p.m.

1. Mark Safron noted that the fees seem to be very complex with some increasing and some decreasing and asked if it would be possible to publish them in the newspaper.

Mayor Turner closed the public hearing at 6:36 p.m.

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

- Mayor Turner noted, in response to Safron’s comment, that the fees are posted on the City website.

Moved by Hammerstrom, seconded by Courtney, to adopt City Council Resolution (3581-2012) adopting updated fees for various planning and development services.

VOTE: Ayes: Councilmembers Courtney, Deitz, Hammerstrom, and Mayor Turner.

Moved by Hammerstrom, seconded by Deitz, to adopt City Council Resolution (3582-2012) adopting a fee schedule for miscellaneous City services, as amended.

VOTE: Ayes: Councilmembers Courtney, Deitz, Hammerstrom, and Mayor Turner.

Moved by Deitz, seconded by Courtney, to adopt City Council Resolution (3583-2012) amending the Water Capacity Charges and the Water Service Connection fees.

VOTE: Ayes: Councilmembers Courtney, Deitz, Hammerstrom, and Mayor Turner.

Moved by Turner, seconded by Courtney, to adopt Improvement District Resolution (ID 351-2012) amending the Sewer Capacity Charges, the Sewer Service Connection fees, and other Improvement District fees.

VOTE: Ayes: Board Members Courtney, Deitz, Hammerstrom, and Chair Turner. #314-10/A

5. CONDUCT OF BUSINESS (Continued)

B. Receive Report and Provide Direction to Staff Regarding Conceptual Plan for Capital Improvements at Fort Bragg Wastewater Treatment Plant

6:39 p.m.

Director of Public Works Goble reviewed the Agenda Item Summary prepared for this item with the Board Members, including the additional information that was prepared by the District Manager and distributed this evening.

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

- While the current plant is not at capacity in terms of effluent flow it is at capacity in terms of Biochemical Oxygen Demand (BOD) processing capacity. This would be addressed with an activated sludge system.

Public comment on this agenda item was received from: Derek Hoyle, George Reinhardt and Mark Safron.

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

- Staff noted that Dave Richard of NV5 Engineering stated that the process the District is dealing with would not benefit from having a polishing marsh like the one in Arcata. Also, it would take approximately 10 acres for the marsh. Bob Gearhart’s study concluded that utility of a marsh in our situation would only be for tertiary polishing of water after initial treatment. The system being

proposed would treat the effluent so well that a polishing marsh would not be necessary.

- The issue with a UV system is the incredible energy cost and high maintenance costs associated with cleaning of the UV tubes.

The Council concurred with the following recommended actions:

1. Repair the primary biofilter. This work will be performed in 2013.
2. Complete conceptual planning process for Wastewater Treatment Plant (WWTP) upgrade using activated sludge treatment process. This work would be performed by Dave Richard of NV5 in coordination with Public Works staff. It is estimated that this step will take approximately six months, beginning in 2013. The engineering evaluation will address the following:
 - a. Confirm ability of activated sludge treatment process, as specified, to deal with peak flows.
 - b. Evaluate whether one or both clarifiers can be re-purposed as equalization basins for use during high flow periods.
 - c. Evaluate whether headworks screening will need to be modified. Evaluate energy requirements.
 - d. Determine specifications for new sludge press to reduce/eliminate need for drying beds.
 - e. Evaluate on-site chlorine generation and other options to eliminate use of gaseous chlorine.
 - f. Evaluate energy use associated with new activated sludge treatment process.
 - g. Evaluate possibility of using methane from digester to fire the boilers for heating the digester.
 - h. Evaluate UV component and operation costs for comparison with activated sludge treatment.
 - i. Prepare conceptual cost estimate and timeline for project implementation.
3. Once conceptual planning is completed, Municipal Improvement District (MID) Board authorization will be needed prior to moving forward with project permitting and design. The permitting process will take approximately 12 months to complete and would include the following tasks:
 - a. Prepare CEQA document.
 - b. Prepare Report of Waste Discharge to modify NPDES permit for WWTP.
4. After the conceptual planning is underway and, assuming no fatal flaws are identified, MID Board approval of a design and engineering contract will be needed for the following services:
 - a. Perform design and engineering for tankage, piping, sequencing, etc.
 - b. Prepare bid documents and specifications.
 - c. Prepare engineers cost estimate.
5. Final project implementation will require additional authorization from MID Board. If no insurmountable obstacles are encountered, construction could begin in 2014 or 2015. The final steps include:
 - a. Approval of financing mechanism(s) and allocation of funds for project construction.
 - b. Award of contract for project construction. #367-13/A

Mayor Turner recessed the meeting at 7:28 p.m.; the meeting was reconvened at 7:41 p.m.

C. Receive Report and Recommendation from Community Development Committee Regarding Beach Glass Depletion and Provide Direction to Staff

The Agenda Item Summary prepared for this item was reviewed with the City Council by Community Development Director Jones.

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

- Jones stated that her belief is that the chance of getting the permits approved by all the agencies for this project is about 25%, partly due to them not understanding what glass cullet is.
- There is a 5-10 year supply of glass on Glass Beach #2 so the Council has some time before they have to make a decision but they should not wait until it is completely gone before taking action or the Coastal Commission will not see it as maintaining the glass but as dumping garbage on the beach.
- In response to a question by Vice Mayor Courtney, Mayor Turner stated that this item was placed on the Council agenda by the Community Development Committee. Councilmember Hammerstrom noted that there are a lot of different points of view regarding replenishment and, as one of the Community Development Committee Members, he felt it was important to have this discussion at the Council level.

Public comment on this agenda item was received from: Lisa Walker (who read and provided for the record a prepared statement), Cass Forrington, Sheila Tracy, and Derek Hoyle; comments included:

- Many people in the sea-glass community are appalled at the idea of replenishment.
- The City will have lost an important resource if glass is allowed to be depleted.
- Art glass and terracotta should be included in the replenishment.
- The multiple site approach is good but if the City doesn't replenish Site #1 it will be depleted.
- Members of the public did not support enforcement, fines or jail sentences.

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

- Council supported signage to discourage excessive removal of glass from the beach as they felt that signage would create peer pressure.
- Councilmembers expressed concern about spending money on a replenishment project that has such a low potential success rate in terms of permitting.

Council consensus was that there is no desire to move forward with replenishment due to the cost and feasibility of permit approvals; in terms of signage they are looking for stronger language that includes information about the history of the beach, how the glass got there, how it has been disappearing, and include information regarding an appropriate amount to take, including wording that if someone is taking too much, however that is defined, there needs to be consequences.

#282-12/B

6. PUBLIC COMMENTS ON NON-AGENDA, CONSENT CALENDAR AND CLOSED SESSION ITEMS

1. Sheila Dawn Tracy thanked the Councilmembers who attended the recent Occupy Mendocino meeting and discussed the concept of public banking. She stated that the public banking they envision is not in conflict with the banking system in the community. The intent of public banking is to fill the hole of what banks aren't doing now by taking mortgages that are underwater, reassessing the value of those houses to market value, and refinance those loans. This is not what the big banks are doing even though it is in their interest to do that. Tracy noted that one of their members, Agnes Woolsey, has researched public banking on the Internet and Jessie VanSant will present that information tonight. She concluded by encouraging the Council to read The Occupy Handbook.
2. Mark Safron stated that he is giving his time to Jessie VanSant.
3. Jessie Lee VanSant read the letter Agnes Woolsey wrote and provided it to the City Council.
4. Agnes Woolsey, resident of Mendocino, noted that public banks work in other area and read information from the website mentioned in her letter. She felt that public banks are a viable solution as they are owned by the people of the state or community.
5. Richard Karch stated that he has his own questions about how the banks actually benefit the city or county and believes there is quite of bit of information available. Other areas are doing it and it

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seems like a real fit for this area. He noted that the City will have to be courageous to take this on and encouraged the Council to look at it carefully.

6. George Reinhardt stated that there is a very exciting campaign by 350.org dealing with college and university endowments and getting universities to divest themselves of fossil fuel investments such as oil, coal and pipelines. This is an exciting bottom up attempt to get something happening around climate change. He noted that City staff has been looking at the City's contribution to climate change and stated that it is not going to be very fruitful to look at federal government leaders to do much about this as their efforts have been stalled. Reinhardt stated that he thinks the City should go to CalPers, other State pension plans, and community investments and request they do the same as the universities. This is a good way to express displeasure with the fossil fuel industry as they are far more toxic than the tobacco industry ever was.
7. Jessie Lee VanSant, County resident, addressed a number of issues including: 1) whether all votes counted during an election; 2) requested that information about the courts be put on the City website; and 3) the College of the Redwoods cutbacks and whether this would be a good time to switch to Mendocino College.

7. CONSENT CALENDAR

Councilmember Deitz asked if the May 7th election date is the earliest possible date to fill former Councilmember Gjerde's seat; City Clerk VanWormer stated that there are lengthy deadlines under State Election Codes so this is the earliest date available.

Moved by Deitz, seconded by Hammerstrom, to accept the Consent Calendar, as received, with the actions noted, namely:

- A. **Waive the Second Reading and Adopt Ordinance 905-2012 Repealing Chapter 6.14 and Replacing it in its Entirety with a New Chapter 6.14 (Licensing of Tobacco Sellers) to Title 6 of the Fort Bragg Municipal Code. #204-12**
- B. **Adopt City Council Resolution (3584-2012) Calling and Giving Notice of the Holding of a Special All-Mail Ballot Election to be Held on Tuesday, May 7, 2013, for the Election of a City Councilmember to Fill a Vacancy as Required by the Provisions of the Laws of the State of California Relating to General Law Cities and Requesting the Services of the Registrar of Voters in Conducting Said Election. #358-12**
- C. **Approve Maddy Act Notice Providing List of Appointed Terms Expiring in 2013. #421**
- D. **Adopt City Council Resolution (3585-2012) Approving an Agreement for Legal Services Between the City of Fort Bragg and Meyers Nave Riback Silver & Wilson and Authorizing the City Manager to Execute Same. #912-99**
- E. **Reject Claim of Cassandra L. Graham. #306-12/A**
- F. **Reject Claim of Wayne R. Graham. #306-12/B**
- G. **Approval of City Council Letters**
 - (1) **Approve Letter of Support for Recreational Trail Program (RTP) Grant Application for the Rehabilitation of the MacKerricher Haul Road. #421**

H. Matters from Committee

(1) Community Development Committee

- (a) Receive and File Minutes of September 27, 2012, wherein the following items were discuss: Approval of August 23, 2012 Minutes; 1) Receive Report on Economic Development Strategy and Discuss Next Steps; and Matters from Committee Members/Staff. #301-12

(2) Public Safety Committee

- (a) Receive and File Minutes of October 22, 2012, with the following items of discussion: Approval of September 12, 2012 Minutes; 1) Receive Report from Staff and City Attorney Regarding Medical Marijuana Cultivation Ordinance (FBMC Chapter 9.32); 2) Receive Oral Update from Chief on Fort Bragg Police Department Priority Activities and Projects; 3) Receive Letter from Super 8 Concerning Transients and Discuss Transient Issues; and Matters from Committee Members/ Staff. #267-12

I. Approval of Minutes

- (1) Minutes of November 26, 2012.
(2) Minutes from Special Meeting of November 30, 2012.

VOTE: Ayes: Councilmembers Courtney, Deitz, Hammerstrom, and Mayor Turner.

8. CLOSED SESSION

Mayor Turner adjourned the meeting at 8:50 p.m.

DAVE TURNER, Mayor

ATTEST:

Cynthia M. VanWormer, CMC
City Clerk

INDEXED: _____(____)

IMAGED: _____(____)