



CONSENT CALENDAR **April 12, 2010**



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

A. Waive the Second Reading and Adopt, by Title Only, Ordinance 885-2010, an Ordinance Repealing Section 14.04.120 (Cross Connections – Protection Requirements) and Replacing with Chapter 14.05 (Cross Connection Control Program)

Ordinance 885-2010 was introduced, by title only, at the Council meeting of March 22, 2010. This Ordinance will update the City's cross connection control requirements to ensure public health and safety by preventing actual or potential pollution and/or contamination through cross connections and backflow. If adopted, the Ordinance will become effective on May 12, 2010.

Recommendation: Waive the Second Reading and Adopt, by Title Only, Ordinance 885-2010, an Ordinance Repealing Section 14.04.120 (Cross Connections - Protection Requirements) and Replacing with Chapter 14.05 (Cross Connection Control Program).

B. Adopt City Council Resolution Approving a Subrecipient Agreement with Community Development Commission to Use Funds from Community Development Block Grant #09-STAR-6384 for Rehabilitation of Rental Apartments to Benefit 43 Households and Authorizing City Manager to Execute Same (Amount NTE: \$789,500; Source: CDBG Grant #09-STAR-6384)

The City was awarded a 2009 Community Development Block Grant Recovery (CDBG-R) grant to perform an activity that originally was applied for in the City's 2008-2009 CDBG General Allocation Application but was not funded at the time. The CDBG-R program is funded pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA), and the grant provides a total of \$813,917, comprised of Administration funding of \$24,417, Activity Delivery funding of \$94,740, and Activity funding of \$694,760. The grant activity is to rehabilitate of 43 affordable housing units owned by Community Development Commission of Mendocino County (CDC). The CDC units are at three

locations in Fort Bragg: the Glass Beach Housing Development, Sanderson Way Housing Development, and Seacliff Housing Development. The City's CDBG application identified CDC as the intended grant subrecipient. If the subrecipient agreement is approved, CDC will receive up to \$789,500 for Activity Delivery and Activity tasks as described in the Subrecipient Agreement Scope of Service including development of final plans and specifications, procurement and oversight of a construction contractor, labor standards activities, and other activities required in order to comply with the CDBG and CDBG-R program. The City will retain Administration funding of up to \$24,417 to perform grant administration, management and reporting tasks. In addition to grant funding, the Fort Bragg Redevelopment Agency previously approved an allocation of \$40,000 in Redevelopment Housing Funds towards the rehabilitation project, to be matched by \$40,000 in CDC funds. In addition, CDC will provide up to \$25,000 in energy efficiency improvements for the project. CDC has provided documentation that it has applied for and received required Federal environmental clearances for the rehabilitation project from the US Housing and Urban Development (HUD). The project received a federal categorical exclusion because the rehabilitation will not result in significant environmental impacts. CDC has prepared numerous CDBG grant applications and has managed a variety of CDBG-funded activities for Mendocino County jurisdictions. CDC currently administers the CDBG General Allocation program for the County of Mendocino, and in that capacity has recently completed a major CDBG-funded rental housing reconstruction project. In addition, CDC has recently expanded its CDBG housing technical services contract with the City of Ukiah to include CDBG technical assistance and grant application assistance.

Recommendation: Adopt City Council Resolution Approving a Subrecipient Agreement with Community Development Commission to Use Funds from Community Development Block Grant #09-STAR-6384 for Rehabilitation of Rental Apartments to Benefit 43 Households and Authorizing City Manager to Execute Same (Amount NTE: \$789,500; Source: CDBG Grant #09-STAR-6384).

C. Accept Certificate of Completion with Coast Construction for Safe Routes to School Project – Fort Bragg High School/Dana Gray Elementary, Project No. 2007-03, and Direct City Clerk to Record Notice of Completion

On April 14, 2008, the City Council awarded a contract to Coast Construction, Inc. to complete the Safe Routes to School Project near Dana Gray Elementary and Fort Bragg High Schools. This project called for installation of ADA compliant ramps; raised/stamped cross walk, additional sidewalk width, installation of new sidewalk infill; installation of digital speed signs and new thermoplastic striping. Funding for this project was from the Safe Routes to School 2006 Grant Program, and the project required completion by June 30, 2010.

All work as provided for in the bid documents and contract has been completed and CalTrans Local Assistance staff conducted a final inspection of the work and has approved the final close-out of the project. City staff further conducted a final inspection and is satisfied that the contractor has met the obligations of the contract. David Goble, City Director of Public Works, has executed the Certificate of Completion for the Safe

Routes to School Project – Fort Bragg High School/Dana Gray Elementary, and staff recommends acceptance of the certificate and direction to the City Clerk to record.

Recommendation: Accept Certificate of Completion with Coast Construction for Safe Routes to School Project - Fort Bragg High School/Dana Gray Elementary, Project No. 2007-03, and Direct City Clerk to Record Notice of Completion.

D. Adopt City Council Resolution Approving a Professional Services Agreement with KASL Consulting Engineers, Inc. for Replacement of Raw Water Pipeline from Highway 20 to Brush Creek Road and Authorizing City Manager to Execute Same (Amount not to Exceed \$46,500; Account No. 610-4610-0310) and Authorizing Transfer of \$17,200 from Account No. 610-4614-0731 (Newman Reservoir) to Account No. 610-4610-0310

Over the past few years, the City has experienced numerous breaks in the raw water transmission line running from Waterfall Gulch to Newman Reservoir, and more particularly in the area between Highway 20 and Brush Creek Road. Funding was included in the FY 2009-10 budget to seek engineering services to evaluate that section of main line and develop plans and specifications for replacement or rehabilitation of the line.

In January 2010, the City issued a Request for Proposals (RFP) for Consultant Services for design for the Raw Water Pipeline from Highway 20 to Brush Creek Road. The RFP included tasks to identify and map the existing raw water transmission line, including deeds and easements; complete a field investigation and assessment of existing conditions; complete land surveying/mapping; prepare analysis of project practicability, hydraulic analysis and operations and maintenance costs; preparation of preliminary design and description to support environmental; engineers cost estimate; preparation and submittal of various stages of design; attendance of meetings and final preparation of plans and specifications for bid, submitted electronically.

Twelve (12) proposals were received and copies were distributed to City staff for review and evaluation. Staff reviewed the proposals and came to a unanimous consensus that KASL Engineering from Citrus Heights provided the preferred proposal and met all the requirements set out in the RFP.

KASL Engineering is currently under contract with the City and has nearly completed the water model and evaluation/recommendation for the East Fort Bragg Pressure Zone. Staff has worked closely with KASL Engineering staff on the East Fort Bragg Pressure Zone Project and is confident that KASL has the expertise and experience to complete design of the replacement of the raw water transmission line from Highway 20 to Brush Creek Road.

Funding for this project is included in this fiscal year's budget under Water Enterprise Engineering at \$29,300, and staff recommends that the remaining \$17,200 be provided by the Water Reservoir Design Fund in the Water Enterprise, as this project is integrally related to the Newman Reservoir Project.

Recommendation: Adopt City Council Resolution Approving a Professional Services Agreement with KASL Consulting Engineers, Inc. for Replacement of Raw Water Pipeline from Highway 20 to Brush Creek Road and

Authorizing City Manager to Execute Same (Amount not to Exceed \$46,500; Account No. 610-4610-0310) and Authorizing Transfer of \$17,200 from Account No. 610-4614-0731 (Newman Reservoir) to Account No. 610-4610-0310.

E. Adopt Joint Improvement District/Redevelopment Agency Resolution Approving a Professional Services Agreement with All Inclusive Water/Wastewater Solutions Inc. for Design & Bid Documents for Wastewater Treatment Projects and Authorizing District Manager to Execute Same (Amount not to Exceed \$76,800; Account No. 710-4716-0310) and Authorizing an Interfund Loan of \$76,800 from the Redevelopment Agency (Fund 170) to the Municipal Improvement District No. 1

During FY 2009-10 Budget discussions, the City Council/District Board directed staff to prepare a Request for Proposal (RFP) for design of wastewater projects so that “shovel ready” projects would be available in order to pursue future grant funding opportunities. Three high priority projects identified in the Wastewater Facility Master Plan were selected: Sludge Thickener/Grit Removal Improvements; Primary Clarifier Mechanism Replacement; and Trickling Filter Improvements. Staff prepared an RFP for design services to complete full bid documents for the first two projects and conceptual design of the trickling filter improvements. Tasks included in the RFP require gathering of data, meeting with staff, preparation of schedule, preparation of project descriptions to be used in future environmental permitting, provision of data for grant/loan applications, submittal of progress plans and specifications and final sets of bid documents; preparation of engineers cost estimate and preparation of an Operations and Maintenance Manual.

Four proposals were received by the City and copies were distributed to District staff for review and evaluation. Staff came to a consensus that All Inclusive Water/Wastewater Solutions, Inc. provided the preferred proposal and met all the requirements set out in the RFP. Staff followed up with reference checks and reviewed project experience and is satisfied that All Inclusive Water/Wastewater Solutions Inc. has the experience and knowledge to complete the projects designs as requested within the RFP.

Funding for this Professional Services Agreement is recommended as a loan from the Redevelopment Agency to the Wastewater Enterprise Fund as directed by the Redevelopment Board/District Board during budget discussions. The loan in this case would be an amount not to exceed \$76,800 and would be structured in accordance with the City’s interfund loan policy.

Recommendation: Adopt Joint Improvement District/Redevelopment Agency Resolution Approving a Professional Services Agreement with All Inclusive Water/Wastewater Solutions Inc. for Design & Bid Documents for Wastewater Treatment Projects and Authorizing District Manager to Execute Same (Amount not to Exceed \$76,800; Account No. 710-4716-0310) and Authorizing an Interfund Loan of \$76,800 from the Redevelopment Agency (Fund 170) to the Municipal Improvement District No. 1.

F. Approve Scope of Services for Request for Proposals for Architectural Services for the Noyo Center for Science and Education

The City received a 2008 Sustainable Communities Grant from the California Pollution Prevention Financing Corporation to partially fund planning activities associated with the Mill Site Specific Plan. In 2009, the City was able to realign the grant funds so that they could be expended on “public purpose” components of the Specific Plan (e.g. the Coastal Trail, South Fort Bragg Main Street Project, and the Noyo Center design, engineering and CEQA review). City staff is currently preparing a \$7 million Prop 84 grant application to construct the Noyo Center. In order to proceed with the grant application, the City will need to complete a draft conceptual site and floor plan for the Noyo Center by mid-June. Both of these activities are included in the scope of work of the Noyo Center Design RFP. The work described in the RFP will ultimately result in 30 percent designs for the facility, which can be used to complete the CEQA review of the project.

Recommendation: Approve Scope of Services for Request for Proposals for Architectural Services for the Noyo Center for Science and Education.

G. Matters from Committee

(1) Finance and Administration Committee

(a) Minutes of January 6, 2010

Recommendation: Receive and File.

(b) Minutes from Special Meeting of January 25, 2010

Recommendation: Receive and File.

(c) Adopt Improvement District Resolution Authorizing Modification to North Coast Brewery’s Sewer Rate Calculations

On March 17, 2010, the Finance and Administration Committee met and discussed a request from the North Coast Brewery to modify their sewer rate charge to take into consideration the large volume of water that is packaged as product (i.e., beer) rather than being discharged into the wastewater stream.

Several years ago, North Coast Brewery co-owner Mark Ruedrich proposed a sewer rate modification for the Brewery to account for the fact that a certain amount of water is consumed in the beer production process and not all water coming into the facility is discharged to the sewer. At that time, North Coast Brewery staff identified a water use ratio of 4.98. The ratio was determined by taking the water volume into the plant, less the volume of beer shipped. The ratio means that it takes 4.98 gallons of water to produce 1 gallon of beer, therefore the brewery asked for a 20% reduction in sewer rate charges. There was discussion with City staff regarding options to measure water use for the brewing process and the volume potentially discharged, but no final agreement was reached and no adjustments were made.

On January 13, 2010, City staff again met with Mark Ruedrich and Doug Moody to discuss a potential rate adjustment for the North Coast Brewery’s sewer discharge. The Brewery provided updated numbers that quantify water

use in more detail and indicate a one week water difference of 23% for beer sent to market only. They also included a percentage of steam to atmosphere of 1.6% and water removed in mash for agriculture of 2.1%. While it is apparent how the quantity was determined for beer sent to market, there are no hard facts for the percentages identified for the other two variables.

Staff recommended to the Finance & Administration Committee that the City consider applying a 20% modification to the Brewery's monthly water use to adjust the sewer rate calculation. Additionally, documentation of beer production quantities would need to be submitted on a regular basis to ensure that production volumes warrant the 20% modification. At the meeting, it was agreed that the Brewery should provide annual packaging volumes to the City Finance Department upon which the subsequent year's sewer rate modification would be based. The other two water use issues presented (steam to atmosphere and water in mash) should not be considered in any modifications to wastewater fees. According to Brewery management, new improvements to the process will route the steam currently discharged into the atmosphere back into the system; this discharge should not be a consideration in the future. The water in mash does not have a definite number that can be confirmed, so no consideration for this issue in the rate reduction.

The strength factor is not a consideration and does not enter into this evaluation of sewer fees, the issue relates strictly to a difference based on water usage and discharge.

The Finance Manager prepared a spread sheet that identifies North Coast Brewery Sewer Account information and provides data on past use and projected use and the potential impact of reduced revenues going into the future (attached). It should be noted that this rate adjustment mechanism is not intended to provide a discounted wastewater rate for the Brewery, but rather it will provide an accurate accounting of water used in packaging versus water discharged to the sewer.

The Finance & Administration Committee recommended to the District Board that the monthly sewer rates for the North Coast Brewery be calculated based on the actual volume of water metered at the facility less 20%. This reduction is conditioned on Brewery staff providing annual production volumes of packaged beer that can be compared to annual water usage. Annual adjustments may be necessary depending on actual volumes of beer packaged versus water intake to the Brewery.

Recommendation: Adopt Improvement District Resolution Authorizing Modification to North Coast Brewery's Sewer Rate Calculations.

H. Letters from Councilmembers

- (1) **Letter to David Blumenthal, MD, Office of the National Coordinator for HIT Supporting Heberden Telemedicine Grant Application for the Beacon**

Community Cooperative Agreement Program for a Health Information Exchange (HIE) Network In Northern California

Recommendation: Approve

I. Approval of Minutes

(1) Minutes of Special Meeting March 22, 2010

Recommendation: Approve.

(2) Minutes of March 22, 2010

Recommendation: Approve.

City Clerk's Office Use Only

Agency Action **Approved** **Approved as Amended**

Moved by: _____ **Seconded by:** _____

Vote: _____

Deferred/Continued to meeting of: _____

Referred to: _____