



# 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*

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Tuesday, November 12, 2019

6:00 PM

Town Hall, 363 N. Main Street

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### AMENDED

#### CALL TO ORDER

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

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

**Present:** 5 - Mayor Will Lee, Vice Mayor Bernie Norvell, Councilmember Tess Albin-Smith, Councilmember Jessica Morsell-Haye and Councilmember Lindy Peters

#### AGENDA REVIEW

Mayor Lee moved Item 8A to the top of the agenda.

**8A.** [19-422](#) Receive Report and Consider Appointment of City of Fort Bragg Representative to the Mendocino County Library Advisory Board

City Clerk Lemos gave the staff report on this agenda item. City Councilmembers asked the applicant brief questions. No public comment was received.

**A motion was made by Councilmember Peters, seconded by Vice Mayor Norvell, that this Appointment be approved. The motion carried by the following vote:**

**Aye:** 5 - Mayor Lee, Vice Mayor Norvell, Councilmember Albin-Smith, Councilmember Morsell-Haye and Councilmember Peters

#### 1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

**1A.** [19-465](#) Recognize Administrative Assistant Brenda Jourdain Upon Her Retirement for her Service to the City of Fort Bragg: April 25, 2001 to December 30, 2019

Mayor Lee, City Manager Miller and City Councilmembers made remarks about Brenda Jourdain's 18 years of service and thanked her for her dedication and hard work on behalf of the City. Mayor Lee presented her with a City plaque and retirement pin. Ms. Jourdain expressed her gratitude and appreciation for her employment with the City.

**1B.** [19-488](#) Presentation of Proclamation Welcoming Pastor John Carrick as the New

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First Presbyterian Church Pastor in Fort Bragg

Mayor Lee read a proclamation welcoming Pastor Carrick to Fort Bragg. The Pastor thanked the community and announced that he is looking for volunteers to help serve Thanksgiving dinners at the Presbyterian Church.

- 1C. [19-491](#) Presentation of Fundraising Proceeds for Guest House Stained Glass Windows by the Fort Bragg-Mendocino Coast Historical Society to the Fort Bragg City Council

David Maki of the Fort Bragg-Mendocino County Historical Society presented a check to the City for \$7,200 raised from the recent raffle for the stained glass window project at the Guest House Museum.

- 1D. [19-489](#) Appoint Councilmember Tess Albin-Smith as the City of Fort Bragg Economic Development & Financing Corporation (EDFC) Representative, Replacing Staff Representative Scott Perkins

Mayor Lee appointed Councilmember Albin-Smith to serve on the Economic Development and Financing Corporation, replacing Public Works Manager Perkins.

## **2. PUBLIC COMMENTS ON: (1) NON-AGENDA, (2) CONSENT CALENDAR & (3) CLOSED SESSION ITEMS**

### (1) Non-Agenda Items:

- Sue Boecker commented that Item 8B should not be at the back end of the agenda.
- Paul McCarthy modeled an ADA compliant radiation helmet from the Mendocinosportsplus Research Division, currently on sale for \$10K each. He noted that if the City purchases six of these helmets by the end of the week, he will throw in a special bag woven by blind elderly handicapped virgins from the hills east of Elk and will donate \$1,000 toward Steve Dunlap's bar tab at the Tip Top Lounge.
- Michael Crowell asked that the City Attorney look into the scams and fraud happening in the city.
- Rex Gressett said that 70 percent of the Mill Site will remain fenced off and toxic under the Local Coastal Plan.
- Shay Wachtel would like the MTA bus to stop by the Grange near Inglenook and asked that a couple later runs to Mendocino from Fort Bragg be added to the schedule.
- Helen Sears cautioned residents to check out the voltage regulator on their generators to avoid fires when generators are used during outages.

(2) Consent Calendar Items: None.

(3) Closed Session Items: None.

## **3. STAFF COMMENTS**

In honor of Veterans Day, City Manager Miller acknowledged the veterans who work at the City. She summarized the steps taken by the City during the recent PG&E Public Safety Power Shutoff (PSPS) event and what the City hopes will occur during any future outages. The Council requested that a special evening meeting of the Public Safety Committee be held to get public input on these type of PSPS events. City Manager Miller reported on a meeting with

Tom Lanphar of the Department of Toxic Substances Control (DTSC), noting that the feasibility study for Operable Unit E has been approved by DTSC. The City Manager reported that AutoZone has filed an appeal of the Planning Commission denial of their Coastal Development Permit. It is publicized for a public hearing on November 25 because the Municipal Code requires that a hearing be scheduled for the next regular City Council meeting, however the parties have agreed that this will be continued to a date certain, as they need more time to prepare. Assistant Director of Public Works Smith reported that the CV Starr Pool Basin Rehabilitation Project is scheduled to begin November 22. The aquatic center will be closed during that time, but the other areas of the CV Starr Center will be open. The project is scheduled to be complete and the pools open by January 1, 2020, if not sooner. Smith reported that Fort Bragg Electric states there is a \$52,000 credit on the Sewer Lift Station Project at this time.

#### **4. MATTERS FROM COUNCILMEMBERS**

Councilmember Norvell called for a moment of silence to honor Arnulfo Santiago Solis, crew member of the F/V Miss Hailee, who was tragically lost at sea last week. Councilmember Albin-Smith reported on meetings with County Parks personnel and Mendocino Transit Authority. She noted that she will go to a California Association of Councils of Government (CALCOG) meeting this Thursday. Councilmember Morsell-Haye gave a report on the homelessness policy workshop she recently attended in Sacramento. Councilmember Peters spoke on the last Finance and Administration Committee meeting, the Zero Waste forum last week, and the parking situation in front of Project Sanctuary. The Council asked Chief Lizarraga and the Traffic Committee to look into giving Project Sanctuary an exemption from the two-hour parking time limit outside their offices.

#### **5. CONSENT CALENDAR**

Councilmember Morsell-Haye requested that Items 5A and 5B be removed from the Consent Calendar so she could recuse herself from voting on these two ordinances, citing a business conflict of interest.

#### **Approval of the Consent Calendar**

**A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, to approve the Consent Calendar. The motion carried by the following vote:**

**Aye:** 5 - Mayor Lee, Vice Mayor Norvell, Councilmember Albin-Smith, Councilmember Morsell-Haye and Councilmember Peters

- 5C.** [19-476](#) Adopt Municipal Improvement District Resolution Approving an Amendment to the Professional Services Agreement with HDR, Inc. to Provide Engineering Services During Construction for the Wastewater Treatment Plant Upgrade Project, City Project No. 2018-01, and Authorize District Manager to Execute Amendment (Amount of Increase Not to Exceed \$46,266; Total Amount of Contract Not to Exceed \$1,008,259; Account No. 716-7001-0731)

**This ID Resolution was adopted on the Consent Calendar.**

Enactment No: RES ID 423-2019

- 5D.** [19-492](#) Receive and File Minutes of the September 11, 2019 Public Works and Facilities Committee

**These Committee Minutes were received and filed on the Consent Calendar.**

- 5E.** [19-469](#) Approve Minutes of October 15, 2019

**These Minutes were approved on the Consent Calendar.**

- 5F.** [19-483](#) Approve Minutes of Special Meeting of October 24, 2019

**These Minutes were approved on the Consent Calendar.**

- 5G.** [19-484](#) Approve Minutes of October 28, 2019

**These Minutes were approved on the Consent Calendar.**

### **ITEMS REMOVED FROM CONSENT CALENDAR**

- 5A.** [19-466](#) Adopt by Title Only and Waive the Second Reading of Ordinance 952-2019 Amending Article 2 (Zoning Districts and Allowable Land Uses), Article 4 (Standards for Specific Land Uses), and Article 10 (Definitions) of Title 18 (Inland Land Use and Development Code) of the Fort Bragg Municipal Code Relating to Cannabis Regulations

**A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, that this Ordinance be adopted. The motion carried by the following vote:**

**Aye:** 4 - Mayor Lee, Vice Mayor Norvell, Councilmember Albin-Smith and Councilmember Peters

**Recuse:** 1 - Councilmember Morsell-Haye

Enactment No: ORD 952-2019

- 5B.** [19-468](#) Adopt by Title Only and Waive the Second Reading of Ordinance 953-2019 Repealing Chapters 9.30 (Medical Marijuana Dispensaries), 9.32 (Marijuana Cultivation), and 9.33 (Cannabis Manufacturing), and Replacing them with Chapter 9.30 (Cannabis Businesses) of Title 9 (Public Peace, Safety and Morals) of the Fort Bragg Municipal Code

**A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, that this Ordinance be adopted. The motion carried by the following vote:**

**Aye:** 4 - Mayor Lee, Vice Mayor Norvell, Councilmember Albin-Smith and Councilmember Peters

**Recuse:** 1 - Councilmember Morsell-Haye

Enactment No: ORD 953-2019

## **6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS**

None.

## **7. PUBLIC HEARING**

## **8. CONDUCT OF BUSINESS**

- 8B. [19-472](#)** Receive Report and Consider Adoption of City Council Resolution Revising and Updating the City's Aesthetic Guidelines and Standards for Deployment of Telecommunication Facilities in the City of Fort Bragg

City Manager Miller presented the staff report on this agenda item and responded to questions from Councilmembers.

Public Comment was received from:

- Helen Sears suggested 90-day advance notification to people within 1,000 feet of wireless cell towers and increasing the liability insurance.
- Pam Morey spoke in opposition to 5G wireless.
- Annemarie Weibel spoke in opposition to 5G wireless.
- Justin Pattersby spoke in opposition to 5G wireless.

**Mayor Lee recessed the meeting at 8:00 PM; the meeting reconvened at 8:08 PM.**

- Rex Gressett spoke in opposition to 5G wireless and urged the public to support activism to prevent 5G.
- Marjorie DeAtley noted that fire stations are exempt from FCC regulations relating to 5G.
- Sue Boecker suggested uniting with other cities and counties to fight FCC regulations.
- Lisa Carrillo thanked the Council for going as far as they can within legal boundaries and spoke in favor of reducing radiation emissions.
- Mayor Lee read a comment from Corinne Pickett in opposition to 5G.
- Leslie Kashiwada spoke in favor of connecting with other cities to see if 5G cell tower permits can be denied.
- David Gurney spoke in opposition to 5G wireless.
- Mayor Lee read a comment from Heather de Herget in opposition to 5G.
- Richard Mack suggested the City join a class action lawsuit with other cities against the FCC.
- Roslyn Suttan read a petition opposing wireless facilities.
- Carrie Durkee read a letter from the Sierra Club in opposition to 5G.
- Mike Crowell spoke in opposition to 5G wireless.
- Gabriel Quinn Maroney said he suspends judgment until he understands the issues better, but he noted this is a good reason to have a local university, to study these issues so the public can know what it is they are talking about.

Discussion: After discussion, the Council asked staff to investigate the cost of joining any active class action suits regarding 5G and report back to Council. The Councilmembers were in agreement that the resolution should be amended as follows: Add the phrase "including trail systems" after the words "public recreation facilities" in Section 4, Paragraph B, on Page 8 of Exhibit A to the resolution.

**A motion was made by Councilmember Peters, seconded by Vice Mayor Norvell, that this Resolution be adopted as amended. The motion carried by the following vote:**

**Aye:** 5 - Mayor Lee, Vice Mayor Norvell, Councilmember Albin-Smith, Councilmember Morsell-Haye and Councilmember Peters

Enactment No: RES 4210-2019

- 8C. [19-485](#)** Receive Report and Consider Adoption of City Council Resolution Approving Professional Services Agreement with Creative Thinking, Inc. DBA The Idea Cooperative to Provide Strategic and Creative Marketing Services for Visit Fort Bragg and Authorizing City Manager to Execute Contract (Amount Not To Exceed \$99,000; Account No. 110-4321-0319)

City Manager Miller gave the staff report on this agenda item.

Public Comment was received from:

- Jenny Shattuck asked that the website be ADA accessible for the vision impaired.
- James Hannah prefers that the City hire someone local for this contract.

Discussion: The Council consensus was not to approve this contract but rather to return the matter to the Visit Fort Bragg (VFB) Committee to work out a new scope of work with more accountability and milestones or benchmarks. Staff was directed to invite the contractor to the VFB meeting to discuss new ideas.

**This Resolution was referred to staff.**

- 8D. [19-473](#)** Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance No. 954-2019 Adding Chapter 15.36 (Deferral of Development Impact Fees) to Title 15 (Buildings and Construction) of the Fort Bragg Municipal Code

City Manager Miller gave the staff report on this item.

Public Comment: None.

Discussion: Council agreed to introduce the ordinance tonight, with one change - deleting the word "residential" from Section 15.36.080, Security - and return the ordinance to the next meeting of the Public Works Committee (PWC) for a discussion of how the fees are used. Staff was directed to report back to Council when the ordinance is up for adoption on the results of the meeting of the PWC.

**A motion was made by Vice Mayor Norvell, seconded by Councilmember Albin-Smith, that this Ordinance be introduced as amended. The motion carried by the following vote:**

**Aye:** 5 - Mayor Lee, Vice Mayor Norvell, Councilmember Albin-Smith, Councilmember Morsell-Haye and Councilmember Peters

## **9. CLOSED SESSION**

### **ADJOURNMENT**

**Mayor Lee adjourned the meeting at 9:54 PM.**

\_\_\_\_\_  
WILLIAM V. LEE, MAYOR

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June Lemos, CMC, City Clerk

IMAGED (\_\_\_\_\_)