



# City of Fort Bragg

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## Meeting Minutes City Council

*THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY AS  
THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT NO. 1  
AND THE FORT BRAGG REDEVELOPMENT SUCCESSOR  
AGENCY*

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Monday, December 9, 2019

6:00 PM

Town Hall, 363 N. Main Street

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### CALL TO ORDER

Mayor Lee called the meeting to order at 6:04 PM.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present:** 4 - Mayor Will Lee, Vice Mayor Bernie Norvell, Councilmember Tess Albin-Smith and Councilmember Lindy Peters

**Absent:** 1 - Councilmember Jessica Morsell-Haye

### AGENDA REVIEW

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

Mayor Lee announced that Item 1B. would be taken out of order and heard before 1A.

**1B.** [19-532](#) Receive Presentation from Mendocino Coast Humane Society Executive Director Chuck Tourtillott

Chuck Tourtillott, Executive Director of the Mendocino Coast Humane Society (MCHS), gave his annual presentation on MCHS statistics.

**1A.** [19-533](#) Presentation of Proclamation to Ricardo Garcia for Providing Life-Saving Actions

Mayor Lee read a Proclamation recognizing Ricardo Garcia for his life saving efforts during the recent house fire on Redwood Avenue. Chief Lizarraga read the same proclamation in Spanish. Mr. Garcia and his family and business partners presented gifts to the family who was affected by the fire, and the Mayor asked that donations to help the family be made through the Mendocino Coast Children's Fund.

**1C.** [19-528](#) Presentation by Mendocino County Fifth District Supervisor Ted Williams on the County's Proposed Transient Occupancy Tax (TOT) on Campground and Recreational Vehicle Parks

Fifth District Supervisor Ted Williams spoke about the transient occupancy tax for campgrounds ballot measure that will go before voters in March 2020 and asked the Council to approve a letter of support on a January 2020 Consent Calendar.

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

### (1) Non-Agenda Items:

- A concerned member of the public spoke about the treatment of homeless people.
- Rex Gressett asked the Council for a resolution saying that the City of Fort Bragg respects homeless people.
- Becky Walker urged the Council to consider placing a stop sign at the intersection of Chestnut and Dana Streets.
- Kerryjane Garner of Sugar Coated Catering thanked the Council for relaxing restrictions on food trucks, stating that her sales have grown massively since the new regulations have been in effect.
- Richard Mack spoke on his experiences with being homeless and the poor treatment homeless people receive.

### (2) Consent Calendar Items:

- None.

### (3) Closed Session Items:

- None.

## **3. STAFF COMMENTS**

City Manager Miller gave a reminder that the Council will not meet on December 23, 2019 and that City Hall will be closed on December 24 and 25 due to the holiday. Miller stated that the League of California Cities will host a division meeting in Fort Bragg next May. Chief Lizarraga said the Holiday Lights parade was a success; there were no reported incidents. He reminded the public about a Neighborhood Watch meeting next week. The Chief announced that his last day with the City of Fort Bragg will be May 1, 2020.

## **4. MATTERS FROM COUNCILMEMBERS**

Vice Mayor Norvell spoke about the homeless winter shelter situation and the recent gang sweep. Councilmember Peters mentioned the community forum regarding Public Safety Power Shutoff events. Mayor Lee commented on the holiday lights parade and wished everyone in Fort Bragg a happy holiday, saying it is his honor to serve as Mayor.

## **5. CONSENT CALENDAR**

Councilmember Peters requested that Item 5A be removed from the Consent Calendar for further discussion.

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

**A motion was made by Vice Mayor Norvell, seconded by Councilmember Albin-Smith, to approve the Consent Calendar with the exception of Item 5A. The motion carried by the following vote:**

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

**Absent:** 1 - Councilmember Morsell-Haye

- 5B.** [19-529](#) Adopt by Title Only and Waive the Second Reading of Ordinance 955-2019 Repealing and Replacing Chapter 6.10 (Weed Abatement Procedures) and Adding Chapter 6.11 (Integrated Pest Management) to Title 6 (Health and Sanitation) of the Fort Bragg Municipal Code  
**This Ordinance was adopted on the Consent Calendar.**  
Enactment No: ORD 955-2019
- 5C.** [19-487](#) Approve Maddy Act Notice Providing List of Appointed Terms Expiring in 2020  
**The Maddy Act Notice was approved on the Consent Calendar.**
- 5D.** [19-512](#) Receive and File Minutes of October 2, 2019 Finance and Administration Committee Meeting  
**These Committee Minutes were received and filed on the Consent Calendar.**
- 5E.** [19-514](#) Receive and File Minutes of August 21, 2019 Public Safety Committee Meeting  
**These Committee Minutes were received and filed on the Consent Calendar.**
- 5F.** [19-531](#) Receive and File Minutes of October 9, 2019 Public Works and Facilities Committee Meeting  
**These Committee Minutes were received and filed on the Consent Calendar.**
- 5G.** [19-536](#) Approve Minutes of November 25, 2019  
**These Minutes were approved on the Consent Calendar.**

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

- 5A.** [19-525](#) Adopt Resolution of the Fort Bragg City Council Amending the FY 2019-20 Budget (Amendment No. 2020-06) Approving the Use of \$91,000.00 of General Fund Fund Balance to Make a Prepayment to CalPERS Against the City's Unfunded Pension Liability ( Account 110-0000-0220)

Councilmember Peters presented clarifying comments explaining the background and reason for the prepayment to CalPERS of the \$91,000.

Public Comment: None.

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

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

**Absent:** 1 - Councilmember Morsell-Haye

Enactment No: RES 4217-2019

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

Vice Mayor Norvell disclosed that he attended meetings with board members of Mendocino Coast Hospitality Center regarding the bridge loan.

## **7. PUBLIC HEARING**

## **8. CONDUCT OF BUSINESS**

- 8A. [19-530](#)** Receive Report and Consider Adoption of City Council Resolution Approving Professional Services Agreement with R.E.Y. Engineers, Inc. to Provide Design and Engineering Services for the 2020 Maple Street Storm Drain and Alleys Rehab Project, City Project No. PWP-00116, and Authorizing City Manager to Execute Contract (Amount Not to Exceed \$124,890.00; Account No.405-4870-0731)

**Vice Mayor Norvell recused himself, citing a business conflict of interest, as he owns a business near one of the locations in the project's scope of work. He left the Council chamber at 7:05 PM.**

Engineering Technician O'Neal presented the staff report on this agenda item.

Public Comment was received from:

- Rex Gressett suggested that the City pave its own streets.
- Jeff Wright spoke of his concern for people sleeping in alleyways.
- Jim Britt asked for a clarification on which alleys were included in the project.

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

**Aye:** 3 - Mayor Lee, Councilmember Albin-Smith and Councilmember Peters

**Absent:** 1 - Councilmember Morsell-Haye

**Recuse:** 1 - Vice Mayor Norvell

Enactment No: RES 4218-2019

- 8B. [19-520](#)** Receive Report and Recommendation from the Election Systems Review Ad Hoc Committee

**Vice Mayor Norvell returned to the Council Chamber at 7:33 PM.**

Councilmember Albin-Smith presented the report on this agenda item.

Public Comment was received from Andrew Jordan and Rex Gressett.

Discussion: After brief discussion, the Council unanimously agreed to accept the report.

**This Report was accepted by a unanimous voice vote.**

- 8C. [19-523](#)** Receive Presentation From JJACPA, Inc. and Finance Director Victor Damiani on the Comprehensive Annual Financial Report (CAFR) for the Year Ended June 30, 2019 for the City of Fort Bragg and Consider

Accepting the CAFR as Presented

Finance Director Damiani and JJACPA President/CEO Joe Arch presented a report to the Council on this agenda item.

Public Comment was received from Rex Gressett and Jeff Wright.

**A motion was made by Vice Mayor Norvell, seconded by Councilmember Albin-Smith, that the Comprehensive Annual Financial Report for Year Ended June 30, 2019 be accepted. The motion carried by the following vote:**

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

**Absent:** 1 - Councilmember Morsell-Haye

- 8D. [19-527](#)** Receive Report on Limited Term Permit and Consider Adoption of City Council Resolution Approving a Short-term Bridge Loan to Mendocino Coast Hospitality Center for Initial Opening and Operations of Winter Shelter and Authorizing City Manager to Execute Loan Agreement and Promissory Note

**Mayor Lee recessed the meeting at 8:11 PM; the meeting reconvened at 8:19 PM.**

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

Public Comment was received from:

- A concerned member of the public spoke about the budget and unnecessary expenses.
- Rex Gressett said it is cruel to have people go to the Food Bank to get on the bus.
- Jeff Wright said the monies should be in the form of a grant, not a loan.
- Judy Valadao spoke in support of approving the loan and read a statement from the United Methodist Church.
- Krystal Malone commented on problems in the homeless population.

Discussion: Council discussed the yearly difficulties with the winter shelter arrangements. The Council unanimously agreed to provide the loan without interest and directed that the resolution be amended to strike the language about interest in the first finding.

**A motion was made by Councilmember Peters, seconded by Vice Mayor Norvell, that this Resolution be adopted as amended, by striking everything after the phrase "(53) days" at the end of paragraph 1 of the findings. The motion carried by the following vote:**

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

**Absent:** 1 - Councilmember Morsell-Haye

Enactment No: RES 4219-2019

- 8E. [19-537](#)** Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance No. 956-2019 Repealing and Replacing Chapter 15.04 (Construction Codes - Adopted by Reference) and Chapter 15.05 (California Fire Code) of Title 15 (Buildings and Construction) of the Fort Bragg Municipal Code

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

Public Comment was received from Jeff Wright.

Discussion: This ordinance will require a public hearing before adoption. Council directed staff to set this matter for public hearing on January 13, 2020.

**A motion was made by Vice Mayor Norvell, seconded by Councilmember Albin-Smith, that this Ordinance be introduced, and a public hearing set for January 13, 2020. The motion carried by the following vote:**

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

**Absent:** 1 - Councilmember Morsell-Haye

**8F. [19-539](#)** Receive Report and Consider Adoption of City Council Resolution Adopting Legislative Findings Supporting Amendments and Changes to the California State Building Standards Code as Contained in the Fort Bragg International Fire Code and California Fire Code, Chapter 15.05 of the Fort Bragg Municipal Code; and Consider Introducing by Title Only and Waiving the First Reading of Ordinance No. 957-2019 Repealing and Replacing Chapter 15.06 (Automatic Fire Sprinkler and Alarm Systems) of Title 15 (Buildings and Construction) of the Fort Bragg Municipal Code

City Manager Miller gave the staff report on this item. There was no public comment.

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

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

**Absent:** 1 - Councilmember Morsell-Haye

Enactment No: RES 4220-2019

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

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

**Absent:** 1 - Councilmember Morsell-Haye

**9. CLOSED SESSION**

**ADJOURNMENT**

**Mayor Lee adjourned the meeting at 9:01 PM.**

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WILLIAM V. LEE, MAYOR

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June Lemos, CMC, City Clerk

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