



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, September 9, 2019

6:00 PM

Town Hall, 363 N. Main Street

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: 4 - Mayor Will Lee, Vice Mayor Bernie Norvell, Councilmember Tess Albin-Smith and Councilmember Jessica Morsell-Haye

Absent: 1 - Councilmember Lindy Peters

AGENDA REVIEW

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

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

(1) Non-Agenda Items:

- Cindy Plank, co-president of the League of Women Voters, invited the public to participate in a community-wide walkout and stand-up for climate action event on September 20.
- George Reinhardt announced a meeting at Town Hall on September 12 hosted by the Fort Bragg Headlands Consortium.
- George Mansfield shared his plan to file a motion against the State of California regarding a health care system that has caused him to be homeless for 17 years.

(2) Consent Calendar Items: None.

(3) Closed Session Items: None.

3. STAFF COMMENTS

City Manager Miller reported that Community Development Director Jones is no longer working for the City; recruitment for that position will begin soon. City Clerk Lemos gave a status report on the NextRequest public records platform. Public Works Director Varga announced Coastal Cleanup Day will be on September 21.

4. MATTERS FROM COUNCILMEMBERS

Vice Mayor Norvell reported on a recent site visit to a legally permitted cannabis grow in Redwood Valley. He said it looks like the Emergency Weather Shelter will be operational this year. Councilmember Albin-Smith announced that the first public forum presented by the Election Systems Review Committee will be held next Wednesday. Councilmember Morsell-Haye recapped the recent Start Up Mendocino rally for entrepreneurs in Ukiah. Mayor Lee thanked the City and the Police Department for organizing the Paul Bunyan Days 80th anniversary celebration. He reported on the 35th WineSong fundraiser and noted that the Hospital Affiliation ad hoc committee will make a presentation to City Council on September 23.

5. CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Vice Mayor Norvell, seconded by Councilmember Morsell-Haye, to approve the Consent Calendar. The motion carried by the following vote:

Aye: 4 - Mayor Lee, Vice Mayor Norvell, Councilmember Albin-Smith and Councilmember Morsell-Haye

Absent: 1 - Councilmember Peters

5A. [19-388](#) Receive and File Minutes of the June 5, 2019 Finance and Administration Committee Meeting

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

5B. [19-386](#) Receive and File Minutes of the July 17, 2019 Public Safety Committee Meeting.

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

5C. [19-397](#) Approve Minutes of August 12, 2019

These Minutes were approved on the Consent Calendar.

6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

Both Vice Mayor Norvell and Councilmember Morsell-Haye disclosed: (1) conversations with Jeff Green, the owner of Akeff Construction, concerning Akeff's bid on the Glass Beach Stairs Replacement Project, and (2) a meeting with the Garden Group about the community garden resolution.

7. PUBLIC HEARING

7A. [19-400](#) Receive Report, Conduct Public Hearing, and Consider: 1) Adoption of a Resolution of the Fort Bragg City Council Adopting Mitigated Negative Declaration for the Fort Bragg 2019 Housing Element; 2) Adoption of a Resolution of the Fort Bragg City Council Amending the Fort Bragg Inland General Plan by Adopting the 2019 Housing Element (GPA 1-19); and 3)

Adoption of a Resolution of the Fort Bragg City Council Authorizing Submittal of a Local Coastal Program Amendment (LCP 1-19) for the 2019 Housing Element Update to the Coastal General Plan

Mayor Lee opened the public hearing at 6:20 PM.

Assistant Planner McCormick presented the staff report on this agenda item.

Public Comment was received from:

- Pamela Patterson stated she feels strongly that the reason housing is holding back our economy is because leadership is not doing enough. She asked that the Council take a look at the housing programs and decide on what they really want to do.
- Linda Jo Stern, coordinator of the Street Medicine Program and Housing Action Team, spoke in support of the Housing Element, stating it has good and innovative ideas.
- Ann Rennacker said the City needs more housing like the Danco project.
- Jacob Patterson stated he had a procedural issue and objected to the Council proceeding with the Housing Element public hearing, claiming there was a lot of missing public comment.

Mayor Lee closed the public hearing at 6:40 PM.

Discussion: The Council deliberated on the vacation rental language, and the general consensus was that they did not wish to change the language.

A motion was made by Vice Mayor Norvell, seconded by Councilmember Morsell-Haye, that the Resolution on the Mitigated Negative Declaration for the Fort Bragg 2019 Housing Element (4194-2019) be adopted. The motion carried by the following vote:

Aye: 4 - Mayor Lee, Vice Mayor Norvell, Councilmember Albin-Smith and Councilmember Morsell-Haye

Absent: 1 - Councilmember Peters

Enactment No: RES 4194-2019 / RES 4195-2019 / RES 4196-2019

A motion was made by Vice Mayor Norvell, seconded by Councilmember Albin-Smith, that the Resolution Adopting the 2019 Housing Element (4195-2019) be adopted. The motion carried by the following vote:

Aye: 4 - Mayor Lee, Vice Mayor Norvell, Councilmember Albin-Smith and Councilmember Morsell-Haye

Absent: 1 - Councilmember Peters

Enactment No: RES 4194-2019 / RES 4195-2019 / RES 4196-2019

A motion was made by Vice Mayor Norvell, seconded by Councilmember Morsell-Haye, that the Resolution Authorizing the Submittal of a Local Coastal Program Amendment for the 2019 Housing Element (4196-2019) be adopted. The motion carried by the following vote:

Aye: 4 - Mayor Lee, Vice Mayor Norvell, Councilmember Albin-Smith and Councilmember Morsell-Haye

Absent: 1 - Councilmember Peters

Enactment No: RES 4194-2019 / RES 4195-2019 / RES 4196-2019

8. CONDUCT OF BUSINESS

- 8A. [19-410](#)** 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

Councilmember Morsell-Haye recused herself from hearing Agenda Items 8A and 8B, citing a business conflict of interest. She left the Council chamber at 6:57 PM.

City Manager Miller presented the staff report on this agenda item, explaining that the resolution is needed to make findings so the ordinance can be moved forward.

Public Comment:

- Jeanette Colombi said \$75,000 can add up very quickly in construction costs and recommended that exterior repairs should be eliminated as part of the threshold.
- Jeff Green of Akeff Construction commented on parking lots, sidewalks and driveways. (City Manager Miller noted that those items are excluded from the \$75K threshold).

Discussion: Brief discussion was held regarding breaking projects into several permits to avoid triggering the \$75K limit. The code states that owners cannot divide permits to avoid the sprinkler requirement. The \$75K is based on cumulative open permits.

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

Aye: 3 - Mayor Lee, Vice Mayor Norvell and Councilmember Albin-Smith

Absent: 1 - Councilmember Peters

Recuse: 1 - Councilmember Morsell-Haye

Enactment No: RES 4197-2019

- 8B. [19-409](#)** Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance No. 951-2019 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 for this item.

Public Comment: None.

Discussion: A brief discussion was held regarding the contents of the new ordinance and the requirements that trigger the \$75K threshold.

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

Aye: 3 - Mayor Lee, Vice Mayor Norvell and Councilmember Albin-Smith

Absent: 1 - Councilmember Peters

Recuse: 1 - Councilmember Morsell-Haye

Mayor Lee recessed the meeting at 7:14 PM. Councilmember Morsell-Haye rejoined the meeting at 7:21 PM. Mayor Lee reconvened the meeting at 7:21 PM.

- 8C.** [19-408](#) Receive Report and Consider Adoption of City Council Resolution Accepting the Bid of Akeff Construction, Inc. as the Lowest Responsive Bid, Awarding the Glass Beach Stairs Replacement Project, City Project No. PWP-00115, to Akeff Construction, Inc. and Authorizing City Manager to Execute Contract (Amount Not to Exceed \$196,900; Account No. 407-5052-0731), Amending the FY 2019-20 Budget (Amendment No. 2020-02), Approving the Reallocation of \$100,000 from the Parkland Monitoring/Reporting Fund (Account No. 122-7999-0799) and the Appropriation of \$199,261 from the General Fund's Unassigned Balance to Fund the Glass Beach Stairs Replacement Project (Account No. 407-5052-0731)

Public Works Manager Perkins presented the staff report on this agenda item and responded to questions about funding sources for the project.

Public Comment was received from:

- Jacob Patterson recommended putting the project on hold until more grant money can be obtained rather than using General Fund money.
- Jeff Green, Akeff Construction, noted that the bid is under the engineer's estimate for the project and said that it made no sense that the Council would waste staff and contractor time if they had no intention of awarding the job.

Discussion: Much discussion was held on whether or not to build the stairs, the issue of sea level rise impacting the stairs, and the funding for the project. Finance Director Damiani noted that the money has been in the Parkland Monitoring account for five years unused.

Mayor Lee deferred action on this item until after the staff report and public comment on Item 8D.

After the conclusion of Item 8D, Council referred this item to staff, to be reconsidered on September 23, 2019.

- 8D.** [19-411](#) Receive Report and Consider Adoption of City Council Resolution Approving Professional Services Agreement with Questa Engineering Corp. to Provide Construction Management Services for the Glass Beach Stairs Replacement Project, City Project No. PWP-00115, and Authorizing City Manager to Execute Contract (Amount Not to Exceed \$75,156; Account No. 407-5052-0731)

Public Works Manager Perkins presented the staff report on this agenda item; Public Works Director Varga gave background information on the project and explained the need for construction management.

Public Comment was received from:

- Jeff Green, Akeff Construction, said that the project is limited to a small area, so it would not be a big effort to monitor environmental issues and sensitive areas. He predicted that the

stairs would not wash away in his lifetime, as they would be drilled into bedrock. He recommended SHN for construction management.

- Ann Rennacker outlined the history of how glass gets washed up on the beach and said that having safe stairs is not a bad idea.
- George Reinhardt spoke in support of Akeff Construction, but predicted the stairs would not be there long because of wave action, sea level rise, and coastal bluff erosion.
- Linda Lightner said Glass Beach should be looked at in a different way and should be used as an environmental site to educate the public about not polluting the ocean.

Discussion: Councilmembers expressed concern about the cost of the construction management contract, as it is approximately 40% of the total cost of the project. This item as well as 8C will be continued to the meeting of September 23, 2019.

Council directed staff to return in two weeks with a plan to reduce the construction management costs and to provide better detail to describe the resources to be used to pay for the project.

- 8E. [19-412](#)** Receive Report and Consider Adoption of City Council Resolution Supporting Fort Bragg, California as a Garden Friendly City, Encouraging the Community to Organize a Garden Friendly Community Committee and Declaring Fort Bragg as the First Garden Friendly Community in the World

City Manager Miller summarized the staff report for this item.

Public Comment was received from:

- Ann Rennacker spoke in support of the resolution.
- Jeanette Colombi noted that the Botanical Gardens provides a healthy outlet for people and gardening is good to incorporate into the community.
- Linda Lightner recognized the people who plant gardens in town.

Discussion: Councilmembers support local gardens and farmers.

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

Aye: 4 - Mayor Lee, Vice Mayor Norvell, Councilmember Albin-Smith and Councilmember Morsell-Haye

Absent: 1 - Councilmember Peters

Enactment No: RES 4198-2019

Mayor Lee recessed the meeting at 8:34 PM; the meeting reconvened at 8:43 PM. Mayor Lee announced that 8J would be taken out of order so the representative of Solid Waste of Willits would not have to wait until the end of the agenda.

- 8J. [19-391](#)** Receive Report and Consider Adoption of City Council Resolution Approving Professional Services Agreement with Diversion Strategies to Review and Evaluate the Financial Viability of a Central Coast Transfer Station and Authorizing City Manager to Execute Contract (Amount Not To Exceed \$57,850)

City Manager Miller gave the report on this agenda item.

Public Comment was received from:

- Jerry Ward of Solid Waste of Willits thanked the Council for moving this item up in the order. He noted that the Caspar site is deteriorating and this study will not be completed until 2020. He spoke about the cost of building a Coastal Transfer Station, the contract with Waste Management that is coming up for bid, and noted that it is important to move this matter forward and make a decision one way or the other.

Discussion: Consensus was that the Council is in support of finally moving this matter forward.

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

Aye: 4 - Mayor Lee, Vice Mayor Norvell, Councilmember Albin-Smith and Councilmember Morsell-Haye

Absent: 1 - Councilmember Peters

Enactment No: RES 4204-2019

- 8F. [19-415](#)** Receive Report and Consider Adoption of City Council Resolution Accepting the Bid of Adams Pool Solutions as the Lowest Responsive Bid, Awarding the CV Starr Pool Basin Reconstruction Project, City Project No. PWP-00113, to Earl Adams Tile-Coping & Plastering, Inc. dba Adams Pool Solutions and Authorizing City Manager to Execute Contract (Amount Not to Exceed \$237,500.00, Account No. 810-4812-0751)

Assistant Director of Public Works Smith presented the staff report on this item and responded to questions from Councilmembers about the contractor, their experience and the equipment to be used for the project.

Public Comment: None.

Discussion: Brief discussion was held regarding the project and the time period scheduled for the job.

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

Aye: 4 - Mayor Lee, Vice Mayor Norvell, Councilmember Albin-Smith and Councilmember Morsell-Haye

Absent: 1 - Councilmember Peters

Enactment No: RES 4199-2019

- 8G. [19-416](#)** Receive Status Report on the Wastewater Treatment Plant Upgrade Project (City Project No. 2018-01) and Consider Adoption of Fort Bragg Municipal Improvement District Resolution Authorizing District Manager to Execute Contract Reduction, Reducing the Amount of the Construction Management and Inspection Contract with SHN Consulting Engineers & Geologists, Inc. by \$173,754

Assistant Director of Public Works Smith gave an update on the Wastewater Treatment Plant

Project.

Public Comment: None.

A motion was made by Councilmember Morsell-Haye, seconded by Vice Mayor Norvell, that this ID Resolution be adopted. The motion carried by the following vote:

Aye: 4 - Mayor Lee, Vice Mayor Norvell, Councilmember Albin-Smith and Councilmember Morsell-Haye

Absent: 1 - Councilmember Peters

Enactment No: RES ID 421-2019

- 8H. [19-417](#)** Receive Report and Consider Adoption of Fort Bragg Municipal Improvement District Resolution Authorizing District Manager to Execute Contract Change Order No. 7 for the Wastewater Treatment Plant Upgrade Project, Project No. 2018-01, Increasing the Amount of the Construction Contract with Wahlund Construction, Inc. by \$144,028.34

Assistant Director of Public Works Smith gave the staff report on this agenda item, noting that project money has to be spent down prior to March 2020 or the grant funds will need to be returned.

Public Comment: None.

A motion was made by Vice Mayor Norvell, seconded by Councilmember Morsell-Haye, that these ID Resolution be adopted. The motion carried by the following vote:

Aye: 4 - Mayor Lee, Vice Mayor Norvell, Councilmember Albin-Smith and Councilmember Morsell-Haye

Absent: 1 - Councilmember Peters

Enactment No: RES ID 422-2019

- 8I. [19-413](#)** Accept Development Impact Fees Reports for Fiscal Year Ending June 30, 2016, Fiscal Year Ending June 30, 2017 and Fiscal Year Ending June 30, 2018 and Adopt City Council Resolutions Making Additional Required Findings

Finance Director Damiani summarized the staff report on this agenda item.

Public Comment:

- Mayor Lee read a comment from Mendocino Action Council for Accountable Government Organizations into the record.

A motion was made by Mayor Lee, seconded by Councilmember Albin-Smith, that this Resolution (4200-2019) be adopted. The motion carried by the following vote:

Aye: 4 - Mayor Lee, Vice Mayor Norvell, Councilmember Albin-Smith and Councilmember Morsell-Haye

Absent: 1 - Councilmember Peters

Enactment No: RES 4200-2019 / RES 4201-2019 / RES 4202-2019 / RES 4203-2019

A motion was made by Vice Mayor Norvell, seconded by Mayor Lee, that this Resolution (4201-2019) be adopted. The motion carried by the following vote:

Aye: 4 - Mayor Lee, Vice Mayor Norvell, Councilmember Albin-Smith and Councilmember Morsell-Haye

Absent: 1 - Councilmember Peters

Enactment No: RES 4200-2019 / RES 4201-2019 / RES 4202-2019 / RES 4203-2019

A motion was made by Councilmember Albin-Smith, seconded by Councilmember Morsell-Haye, that this Resolution (4202-2019) be adopted. The motion carried by the following vote:

Aye: 4 - Mayor Lee, Vice Mayor Norvell, Councilmember Albin-Smith and Councilmember Morsell-Haye

Absent: 1 - Councilmember Peters

Enactment No: RES 4200-2019 / RES 4201-2019 / RES 4202-2019 / RES 4203-2019

A motion was made by Councilmember Morsell-Haye, seconded by Vice Mayor Norvell, that this Resolution (4203-2019) be adopted. The motion carried by the following vote:

Aye: 4 - Mayor Lee, Vice Mayor Norvell, Councilmember Albin-Smith and Councilmember Morsell-Haye

Absent: 1 - Councilmember Peters

Enactment No: RES 4200-2019 / RES 4201-2019 / RES 4202-2019 / RES 4203-2019

9. CLOSED SESSION

ADJOURNMENT

Mayor Lee adjourned the meeting at 9:38 PM.

WILLIAM V. LEE, MAYOR

June Lemos, CMC, City Clerk

IMAGED (_____)