



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*

Monday, February 24, 2020

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

AGENDA REVIEW

Mayor Lee read a note from Mr. Stevens, thanking Fort Bragg Interim Police Chief Naulty for saving his son's life 30 years ago.

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

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

(1) Non-Agenda Items:

- Ann Rennacker spoke about the environmental issues associated with plastics on land and in the ocean.

(2) Consent Calendar Items:

- None.

(3) Closed Session Items:

- None.

3. STAFF COMMENTS

City Manager Miller commented on: (1) Public Safety Power Shutdown grant from California Office of Emergency Services for emergency generators and supplies; (2) An upcoming meeting with PG&E and Sonoma Clean Power regarding the application for a small microgrid during emergencies; (3) A tsunami warning test on March 25 between 11 AM and noon; and (4) Visit Fort Bragg Committee's Restaurant Week March 9-15. Government Accountant Whippy summarized the results of the recent Transient Occupancy Tax audit. Chief Naulty reported that: (1) Officer Zavala finished field training program and is released to patrol on his own; (2) Officer Lopez is now Campus Resource Officer at the high school, with salary paid for by a grant; (3) A new all-way stop sign has been installed at Maple and Harold Streets.

4. MATTERS FROM COUNCILMEMBERS

Councilmember Peters spoke about the new all-way stop at Maple and Harold and about the Postal Service parcel boxes being installed in town to prevent parcel theft. Councilmember Morsell-Haye reported that the Mill Site zoning map ad hoc committee will present a proposed zoning map to the Planning Commission on Wednesday. Councilmember Albin-Smith said the Mendocino County Climate Action Advisory Committee will meet on March 16 and a cannabis summit will be held in Sacramento April 22-23. Mayor Lee gave a status update on the microgrid project. He said the City is expecting exchange students from Otsuchi next month. The Mayor requested that Public Works Director Varga research installation of a sign recognizing our Sister City status with Otsuchi, Japan.

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 Councilmember Peters, seconded by Vice Mayor Norvell, to approve the Consent Calendar with the exception of Item 5A. The motion carried by the following vote:

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

- 5B. [20-624](#)** Adopt by Title Only and Waive the Second Reading of Ordinance No. 958-2020 Repealing Sections 14.04.032 (Notice of Delinquency) and 14.04.035 (Action Prior to Shutoff for Nonpayment) of Chapter 14.04 (Water Department and Regulations) of Title 14 (Water and Sewers) of the Fort Bragg Municipal Code to Remove Water Department Shut-Off Requirements in Preparation for Implementation of Senate Bill 998

This Ordinance was adopted on the Consent Calendar.

Enactment No: ORD 958-2020

- 5C. [20-626](#)** Adopt City Council Resolution Updating the City's Compensation Plan and Confirming the Pay/Rates/Ranges for All City of Fort Bragg Established Classifications

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4237-2020

- 5D. [20-625](#)** Approve Revised Minutes of Special Meeting of January 29, 2020

These Minutes were approved on the Consent Calendar.

- 5E. [20-627](#)** Approve Minutes of February 10, 2020

These Minutes were approved on the Consent Calendar.

- 5F. [20-640](#) Receive and File Minutes of Public Safety Committee for November 20, 2019

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

- 5G. [20-635](#) Approve the Addition of a Stop Sign at Chestnut Street and Dana Street

The addition of a Stop Sign at Chestnut and Dana Streets was approved on the Consent Calendar.

ITEMS REMOVED FROM CONSENT CALENDAR

- 5A. [20-611](#) Adopt City Council Resolution Allowing for the Permit Consolidation of a Caltrans Coastal Development Permit Application for the Widening of Pudding Creek Bridge

Councilmember Peters requested further information on the widening of Pudding Creek Bridge. Public Works Director Varga explained that the traveled way will not be widened, only the sidewalks so as to allow more space for pedestrians and bicycles. Consolidating the coastal development permit with Caltrans will save the City time and money.

Public Comment: None.

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

Enactment No: RES 4236-2020

6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

None.

7. PUBLIC HEARING

8. CONDUCT OF BUSINESS

- 8A. [20-623](#) Receive Report and Provide Direction to Staff on Developing a Formula Business Ordinance for Planning Commission Review and Recommendation

City Manager Miller presented the staff report on this agenda item and gave a slide show presentation to Council.

Public Comment was received from:

- Leslie Kashiwada recommended Use Permits (UP) instead of Minor Use Permits (MUP) to allow for maximum public input, and encouraged the Council to adopt gateway policies.
- Jamie Peters said the City needs to ask if a business will be good for the community, fills a need, and fits in with the vision for the city.

- Ann Rennacker said she is concerned that formula stores are the worst purveyors of plastics which do not get recycled and end up in the ocean.
 - Jenny Shattuck said that the north and south gateways are equally as important and should be protected from formula businesses.
 - Jacob Patterson stated it is important to have a UP even if the property is in the Coastal Zone.
 - Gabriel Quinn Maroney spoke about a point system that would not just consider the revenue or income a business would bring, to add more depth to each decision the City makes.
 - Rain Waters spoke in opposition to allowing formula businesses in town, contending that people do not come to Fort Bragg to shop but to see the ocean views, camp, and enjoy the rivers.
 - Anne Maureen McKeating recommended exercising due diligence when considering permits for formula businesses, stating it is not an either/or choice for people living in poverty.
- Discussion: Councilmembers discussed the merits of MUP vs. UP, defining economic vitality, caps, bans, and zoning requirements. City Manager Miller requested that the Council provide clear direction to staff for inclusion in an ordinance regulating formula business.

Mayor Lee recessed the meeting at 7:55 PM; the meeting reconvened at 8:03 PM.

After lengthy discussion, Council directed staff as follows:

- Move forward with a fairly specific number of standardized business features which will trigger the definition of a formula business.
- Use a list of findings for a formula business Use Permit based on those summarized by Mayor Lee from the Sausalito findings set forth in the October 24, 2019 staff report.
- For the Southern Gateway to the City, which is entirely within the Coastal Zone, require all formula businesses to obtain a UP.
- For the General Commercial and Highway Visitor Commercial corridor from Noyo to the Central Business District, require a UP if in the Coastal Zone; if not in the Coastal Zone, no additional permits required if the use is already in the Use Tables and permitted by right.
- For the Central Business District, allow formula businesses but require a UP; no caps in place.
- South of Pudding Creek zone, retain requirement for UP.
- North of Pudding Creek zone (Visitor Serving, Industrial and Light Industrial) and the Northern Gateway to the City, require UP in Coastal Zone, no UP in Inland Zone.
- Perform a review and update to the Citywide Design Guidelines to ensure the character of Fort Bragg is preserved.

This Staff Report was referred to staff with direction to proceed with preparation of an ordinance.

9. CLOSED SESSION

Mayor Lee recessed the meeting at 8:49 PM. The meeting reconvened to Closed Session at 8:55 PM.

9A. [20-638](#)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:
Significant exposure to litigation pursuant to Paragraph (2) of Subdivision (d) of California Government Code Section 54956.9: One (1) Potential Case

Mayor Lee reconvened the meeting to Open Session at 9:14 PM and reported as follows:

In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage. The Council voted 5-0 in favor of the action.

ADJOURNMENT

Mayor Lee adjourned the meeting at 9:15 PM.

WILLIAM V. LEE, MAYOR

June Lemos, CMC, City Clerk

IMAGED (_____)