



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, July 26, 2021

6:00 PM

Town Hall, 363 N. Main Street

CALL TO ORDER

Mayor Norvell called the meeting to order at 6:10 PM, with Councilmember Albin-Smith appearing via video conference.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: 5 - Mayor Bernie Norvell, Vice Mayor Jessica Morsell-Haye, Councilmember Tess Albin-Smith, Councilmember Lindy Peters and Councilmember Marcia Rafanan

AGENDA REVIEW

Mayor Norvell noted that because the public hearing for Item 7A is expected to be lengthy, Item 8A may be moved to another agenda date.

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

1A. [21-378](#) Recognition of Maintenance Worker Tom Mitchell Upon his Retirement for his Service to the City of Fort Bragg, January 1987 to July 2021

Mayor Norvell read and presented a Proclamation to Maintenance Worker Tom Mitchell upon his retirement from the City after 34 years of service.

1B. [21-387](#) Presentation of Proclamation in Recognition of Fort Bragg High School State Champion Russel Gordon

Councilmember Peters read and presented a Proclamation to Fort Bragg High School athlete Russel Gordon for winning the California High School state meet championship by placing first in the 300 meter hurdles.

Mayor Norvell recessed the meeting at 6:19 PM to have photos taken with the Proclamation recipients. The meeting reconvened at 6:26 PM.

1C. [21-335](#) Presentation from Joanna Wigginton of Flockworks

Nathan Maxwell Cann of Flockworks gave a presentation to the City Council regarding community art.

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

(1) Carrie Durkee spoke on climate crisis mitigation and the Grassroots Institute. Dr. Jeanine Pfeiffer commented on the kelp forest die-off on the Mendocino coastline. Jay McMartin-Rosenquist gave comments on a local property in receivership. Terry DeSelkie commented on kelp harvesting. Peter McNamee agreed with comments from Ms. Durkee. Gabriel Quinn Maroney talked about length of wrap-up time for public comments. George Reinhardt also spoke in support of Ms. Durkee's comments. Mary Rose Kaczorowski commented on electric vehicle charging stations. Marcy Snyder said there are economic benefits to installing solar systems on buildings to sell energy back to PG&E.

(2) None.

(3) None.

3. STAFF COMMENTS

City Manager Miller said free water conservation table tents for restaurants and hotels are available from the City and reminded people that restaurants will not serve water unless asked and hotels will not wash linens daily. Miller noted that the Fort Bragg Unified School District will enter into an agreement with the City to share its well water during the water emergency. She noted that the reverse osmosis portable desalination unit will be in place by the first part of September. National Night Out is August 3 from 5 to 8 PM at Bainbridge Park. The City Manager reported that a Stage 3 Water Emergency will be declared at the next Council meeting.

4. MATTERS FROM COUNCILMEMBERS

Councilmember Peters said Akeff Construction has been accommodating to people who live on Maple Street during the road construction. Councilmember Rafanan reported that she has received questions about water availability from members of the public. Vice Mayor Morsell-Haye announced that the Citizen's Commission on a potential name change for the City of Fort Bragg has distributed a community questionnaire which will be open until July 30. Vice Mayor Morsell-Haye made a motion to reconsider the action taken on Item 2B from the closed session of July 22. Councilmember Peters seconded the motion. The motion passed by a unanimous vote. Council will reconsider Item 2B at a future closed session, date to be announced. Councilmember Albin-Smith congratulated Tom Mitchell and Russel Gordon on their Proclamations. She announced a celebration recognizing women's right to vote. Women's Vote 101 will be held in Mendocino at Kelley House lawn on August 21 at 1PM.

5. CONSENT CALENDAR

Councilmember Peters requested that 5A be removed from the Consent Calendar so he could recuse himself, citing a conflict of interest due to his wife's employment by the City of Fort Bragg.

Approval of the Consent Calendar

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

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

5B. [21-389](#) Adopt City Council Resolution Confirming the Continued Existence of a Local Emergency in the City of Fort Bragg

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4422-2021

5C. [21-386](#) Approve Minutes of July 12, 2021

These Minutes were approved on the Consent Calendar.

ITEMS REMOVED FROM CONSENT CALENDAR

5A. [21-385](#) Adopt City Council Resolution Updating the City of Fort Bragg Master Salary Rate Compensation Plan and Confirming the Pay/Rates/Ranges for All City of Fort Bragg Established Classifications

Public Comment: None.

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

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

Recuse: 1 - Councilmember Peters

Enactment No: RES 4423-2021

6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

Regarding Item 7A, Councilmember Peters disclosed that he walked the subject property and visited the Grocery Outlet in Willits last week.

7. PUBLIC HEARING

7A. [21-418](#) Receive Report, Conduct Public Hearing, and Consider Appeal of Planning Commission Decision by Leslie Kashiwada and by Ken Armstrong/FB Local Business Matters Regarding Approval of Coastal Development Permit 8-19, Design Review 1-19, Parcel Merger 1-19, and Adoption of Mitigated Negative Declaration and Mitigation Measures for the Proposed Grocery Outlet at 825 S. Franklin Street

Mayor Norvell recused himself, citing a personal conflict as his residence is located within 300 feet of project. He appointed Vice Mayor Morsell-Haye as Acting Mayor and left the meeting at 7:12 PM.

Acting Mayor Morsell-Haye opened the public hearing at 7:13 PM.

Associate Planner Gurewitz and Assistant Director of Engineering O'Neal presented the staff report on this item and responded to clarifying questions from Council. After the public hearing

was underway for one hour, a motion was made by Councilmember Peters, seconded by Councilmember Rafanan, to continue on with the hearing. The motion carried by the following vote: Aye - Councilmembers Morsell-Haye, Peters and Rafanan; Recused - Mayor Norvell; Albin-Smith was having technical difficulties with her Zoom connection at the time the vote was taken.

Appellant Leslie Kashiwada gave a presentation to the City Council regarding her appeal; no representative for appellants Armstrong and FB Local Business Matters was present at the hearing. Grocery Outlet representative Terry Johnson provided rebuttal remarks to Ms. Kashiwada's presentation.

Public Comment in support of Grocery Outlet (denying appellants' appeals) was received from Tammy Lowe, Paul Clark, Sheryl Shuzler, Judy Valadao, retired CalFire employee "Tony," Victoria Murrell, "Morgan," Clara Schook, Rahsaan Freese, and two other members of the public who did not disclose their names. Public comment in opposition to Grocery Outlet (upholding appellants' appeals) was received from Mary Rose Kaczorowski, Annemarie Weibel, Jacob Patterson, Jay McMartin Rosenquist, and David Gurney. Andrew Jordan spoke about reviewing the evidence and making decisions that are the best for the community considering a variety of factors.

Appellant Kashiwada provided short closing remarks.

Acting Mayor Morsell-Haye closed the public hearing at 9:48 PM.

Discussion: After several minutes of discussion, the Council had to vote on whether to continue the meeting past 10:00 PM. It was moved by Councilmember Peters, seconded by Councilmember Rafanan, to continue on with the meeting. The motion carried by a unanimous vote.

Following deliberations, Council consensus was to uphold the Planning Commission's decision to approve the Grocery Outlet permit and to deny both appellants' appeals. Council directed that the Resolution be amended to add a paragraph to the Resolution's conditions stating, "Applicant shall indemnify, hold harmless and defend the City of Fort Bragg against any claim brought against the City stemming from the City's adoption of this Resolution."

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

Aye: 3 - Vice Mayor Morsell-Haye, Councilmember Peters and Councilmember Rafanan

No: 1 - Councilmember Albin-Smith

Recuse: 1 - Mayor Norvell

Enactment No: RES 4424-2021

7B. [21-355](#)

Open Public Hearing and Immediately Continue Public Hearing to Date, Time and Place Certain - August 9, 2021 at 6:00 PM at Town Hall, 363 N. Main Street - to Consider Introducing by Title Only and Waiving the First Reading of Ordinance No. 970-2021 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 Regulation of Formula Business

Acting Mayor Morsell-Haye opened the public hearing at 10:21 PM and announced that the hearing is being continued to the next regular meeting on August 9, 2021 at 6PM or as soon thereafter as the matter may be heard.

The Public Hearing and Introduction of this Ordinance was continued to August 9, 2021.

8. CONDUCT OF BUSINESS

- 8A. [21-359](#)** Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance 971-2021 Adding Chapter 7.18 (Feeding of Wildlife) to Title 7 (Animals) of the City of Fort Bragg Municipal Code to Prevent the Feeding of Wildlife in the City of Fort Bragg

Acting Mayor Morsell-Haye announced that this agenda item will be continued to September 13, 2021.

9. CLOSED SESSION

ADJOURNMENT

Acting Mayor Morsell-Haye adjourned the meeting at 10:22 PM.

BERNIE NORVELL, MAYOR

June Lemos, CMC, City Clerk

IMAGED (_____)