



# 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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Monday, January 25, 2021

6:00 PM

Via Video Conference

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### CALL TO ORDER

Mayor Norvell called the meeting to order at 6:00 PM, all Councilmembers appearing by video conference.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present:** 4 - Mayor Bernie Norvell, Vice Mayor Jessica Morsell-Haye, Councilmember Tess Albin-Smith and Councilmember Lindy Peters

### AGENDA REVIEW

Mayor Norvell moved Item 8C to the top of the Conduct of Business agenda, stating he will recuse himself from hearing Items 8A and 8B due to a conflict of interest.

### 1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

Mayor Norvell announced that three ad hoc committees are expiring next month. He extended the Broadband committee by one year, and will replace former Councilmember Lee with a new committee member once the vacant Council seat has been filled. He extended the Revenue committee by six months. The Mayor also extended Council Goal #2 ad hoc committee by six months and will appoint someone to replace former Councilmember Lee after the new Councilmember is seated.

The Mayor reported on a recent meeting regarding the winter shelter. Trinity Lutheran Church has agreed to house the Winter Shelter until March 15. The Mendocino Coast Jewish Community shul in Caspar has offered to house the shelter for the last two weeks in March. Mayor Norvell continues to work with the Mendocino Coast Hospitality Center to confirm these arrangements.

**1A. [21-005](#)** Introduction of New Employees: Heather Gurewitz, Associate Planner, George Leinen, Police Services Transporter, Maxwell (Max) Sallas, Maintenance Worker II, and John Smelser, Part-Time Laborer

Chief Naulty and Public Works Director Smith introduced their new employees to the City Council. Mayor Norvell extended a warm welcome to all the new City of Fort Bragg employees.

- 1B.** [21-004](#) Presentation of Proclamation Declaring February 2021 as Black History Month

Mayor Norvell read a Proclamation declaring the month of February 2021 as Black History Month.

- 1C.** [21-019](#) Presentation by Diann Simmons of the Economic Development & Financing Corporation (EDFC) Regarding EDFC's Fiscal Year 2019-2020 Report

Diann Simmons, Phoenix Trent, and Robert Gernert of the Economic Development and Financing Corporation (EDFC) made a presentation to Council about the vital services provided by EDFC.

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

(1) Comments from Judith Valadao and Jay Rosenquist were read into the record by the City Clerk. (2) Jenny Shattuck and Jacob Patterson commented on Item 5D via Zoom. (3) N/A.

## **3. STAFF COMMENTS**

City Manager Miller noted that Covid surveillance testing is available at Veteran's Hall tomorrow. Applications for the open City Council seat are due by 4:00 PM on January 29. Wiggly Giggly Park was opened this week on a limited basis with volunteer monitors. Governor Newsom has lifted regional stay at home orders and extended the eviction moratorium to June 30, 2021. Public Works Director Smith reported that a weather front is coming with flooding expected over the next 18-hour period. A free sandbag station has been set up at the Fire Department. Smith exhibited photos of the new vector truck recently purchased by the City.

## **4. MATTERS FROM COUNCILMEMBERS**

Councilmember Albin-Smith thanked the Mayor and Vice Mayor for the press release denouncing violence, stating that she also denounces all violence, racism and prejudice. She also spoke about mask wearing and mentioned a Mendocino High School program in honor of Martin Luther King Day. Councilmember Peters also spoke in support of the Mayor and Vice Mayor's press release. Vice Mayor Morsell-Haye recommended people visit a new website called hubsandrouten.net for tools that help people find alternative routes off the coast if the roads are out.

## **5. CONSENT CALENDAR**

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

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

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

- 5A.** [21-011](#) Adopt City Council Resolution Adopting an Electronic Records and Signature Use Policy and Authorizing the Use of Electronic Records and Signatures  
**This Resolution was adopted on the Consent Calendar.**  
Enactment No: RES 4346-2021
- 5B.** [21-012](#) 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 4347-2021
- 5C.** [21-013](#) Adopt City Council Resolution Appointing Representatives to Represent and Vote on Behalf of the City at the League of California Cities Redwood Empire Division Business Meeting and Legislative Committee Meetings  
**This Resolution was adopted on the Consent Calendar.**  
Enactment No: RES 4348-2021
- 5D.** [21-015](#) Receive and File Minutes of the February 19, 2020 Public Safety Committee Meeting  
**These Committee Minutes were received and filed on the Consent Calendar.**
- 5E.** [21-016](#) Receive and File Minutes of the March 25, 2020 Public Safety Committee Special Meeting  
**These Committee Minutes were received and filed on the Consent Calendar.**
- 5F.** [21-014](#) Approve Minutes of January 11, 2021  
**These Minutes were approved on the Consent Calendar.**

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

Mayor Norvell disclosed that he had conversations via text and email with a member of the public regarding Item 7A and also reached out to someone in the cannabis industry to get clarity on the issue. He noted that he received a phone call from Simeon Evans who inquired about the process before the permit application was filed.

## **7. PUBLIC HEARING**

- 7A.** Receive Report, Conduct Public Hearing on Appeal of Brandy Moulton of the Fort Bragg Planning Commission Denial of Minor Use Permit 4-20 (MUP 4-20) for the Proposed Sunshine Holistic Microbusiness at 144 N. Franklin Street (APN 008-164-39), and Consider Adoption of City Council Resolution Upholding or Overturning the Planning Commission Decision

**Councilmember Morsell-Haye disclosed that she had a business conflict of interest and recused herself from hearing this matter. She left the video conference at 6:59 PM.**

**Mayor Norvell opened the public hearing at 6:59 PM.**

Associate Planner Gurewitz presented the staff report on this agenda item and responded to questions from Councilmembers regarding accessory uses, security, and odors.

Applicant/appellant Brandy Moulton spoke to the Council regarding her application for a minor use permit and responded to their questions.

Public Comment was received via Zoom from:

- Michelle Roberts, Planning Commissioner, stated that she made the motion to deny the use permit. She wanted to clarify that the staff report doesn't adequately represent the discussion of the Planning Commission. She referred the Council back to Article 10 of the Municipal Code, which defines accessory use. The applicant noted that plants would be started in the nursery, some would be sold in retail, but some taken off site to another location. She stated that these uses are not permitted in the Central Business District.
- Jacob Patterson said the plants won't just be for a retail component; they are going off site and serving other sites. He stated that the ex parte disclosures did not disclose who the Councilmember spoke to, and claimed that there was a failure to recuse from Councilmember Peters and Mayor Norvell.
- Jen Brown spoke in support of the use permit, stating that applicant Brandy Moulton knows what she is talking about and is very well versed in codes and regulations. She has a successful business already and having a business in the city would be more accessible to people.
- Public Comments from Jacob Patterson, John Smith and Jay Rosenquist regarding the minor use permit were read into the record by the City Clerk.

The applicant briefly responded to questions raised by members of the public and stated that if using clones at her farm is the issue, she would gladly give up that part of the application.

Councilmember Albin-Smith disclosed that she had a phone conversation with Planning Commissioner Roberts the morning of the hearing.

**Mayor Norvell closed the public hearing at 8:05 PM.**

**Mayor Norvell recessed the meeting at 8:07 PM; the meeting reconvened at 8:14 PM.**

After lengthy deliberations, mostly about accessory uses, the following motions were made:

**A motion was made by Councilmember Peters, seconded by Mayor Norvell, that the Applicant's appeal be upheld with the following special conditions: (1) Any clones or starter plants grown in the nursery warehouse be retailed on site; and 2) Any odor discernable at the property line will require the business to mitigate the problem or the permit will be revoked. The motion failed by the following vote:**

**Aye:** 2 - Mayor Norvell and Councilmember Peters

**No:** 1 - Councilmember Albin-Smith

**Recuse:** 1 - Vice Mayor Morsell-Haye

**A motion was made by Councilmember Albin-Smith, seconded by Councilmember Peters, that the Applicant's appeal be denied and the Planning**

**Commission's decision be upheld. The motion failed by the following vote:**

**Aye:** 2 - Councilmember Albin-Smith and Councilmember Peters

**No:** 1 - Mayor Norvell

**Recuse:** 1 - Vice Mayor Morsell-Haye

## **8. CONDUCT OF BUSINESS**

**8C. [21-021](#)** Receive Report and Consider Adoption of the FY 20/21 Water and Wastewater Rate Increase

**Vice Mayor Morsell-Haye rejoined the video conference at 8:30 PM.**

Senior Government Accountant Whippy presented the staff report on this agenda item.

Public Comment via Zoom was received from Jacob Patterson; the City Clerk read a comment from Jay Rosenquist into the record.

**A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, that the utility rate increases be deferred until after a Utility Rate Study has been completed and the matter brought back before Council for further discussion. The motion carried by the following vote:**

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

**8A. [20-980](#)** Receive Report and Consider Adoption of City Council Resolution Approving Contract Amendment with Metropolitan Planning Group, DBA M-Group for Adjunct Planning Services for Multiple Planning Projects and Authorizing City Manager to Execute Contract (Amount Not to Exceed \$46,146.00; Multiple Account Numbers)

**Mayor Norvell disclosed a conflict of interest for both Items 8A and 8B and recused himself from hearing these matters. He appointed Vice Mayor Morsell-Haye as Acting Mayor for the remainder of the meeting and left the video conference at 9:00 PM.**

Assistant Director - Engineering Division O'Neal presented the staff report on this agenda item.

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:** 3 - Vice Mayor Morsell-Haye, Councilmember Albin-Smith and Councilmember Peters

**Recuse:** 1 - Mayor Norvell

Enactment No: RES 4349-2021

**8B. [20-981](#)** Receive Report and Consider Adoption of City Council Resolution Approving Professional Services Agreement with Fehr & Peers for the Preparation of a Transportation Impact Assessment (TIA) for the Dollar

General Project and Authorizing City Manager to Execute Contract  
(Amount Not to Exceed \$ 49,935; Account No. 119-0000-2691)

Assistant Director - Engineering Division O'Neal presented the staff report on this agenda item.

Public Comment was received via Zoom from Jacob Patterson and Andrew Jordan.

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

**Aye:** 3 - Vice Mayor Morsell-Haye, Councilmember Albin-Smith and Councilmember Peters

**Recuse:** 1 - Mayor Norvell

Enactment No: RES 4350-2021

**9. CLOSED SESSION**

**ADJOURNMENT**

**Acting Mayor Morsell-Haye adjourned the meeting at 9:24 PM.**

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BERNIE NORVELL, MAYOR

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June Lemos, CMC, City Clerk

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