



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, November 8, 2021

6:00 PM

Via Video Conference

CALL TO ORDER

Mayor Norvell called the meeting to order at 6:00 PM, all Councilmembers 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

City Manager Miller requested that the Council delay hearing Item 8C, as the City Attorney is referring it to a colleague to do further research on the resolution, which will be brought back at a future Council meeting. Mayor Norvell removed Item 8C from the agenda.

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

Mayor Norvell announced that Councilmember Peters has been appointed as the City's ambassador to Otsuchi and Vice Mayor Morsell-Haye has been appointed liaison between the City, County and Noyo Harbor District to form an ad hoc committee composed of members of all three entities to strengthen relationships regarding the harbor.

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

- (1) Jay McMartin Rosenquist requested an update on the receivership at 575 S. Whipple Street. Jacob Patterson commented on cannabis cultivation.
- (2) Jacob Patterson spoke on Items 5E and 5G.
- (3) N/A.

3. STAFF COMMENTS

City Manager Miller noted that the tree lighting and holiday lights parade will take place on December 4. Visit Fort Bragg will host a holiday event in the Central Business District (CBD) on December 11. The City's quarterly newsletter, *The City Buzz*, will go out with this month's utility bill. In honor of Veterans Day this week, Miller recognized the City employees who are also military veterans. She provided an update on transient occupancy tax collections for the first quarter of FY 2021/22 and showed a sales tax comparison for the first two months of this fiscal

year. The City Manager also gave a brief update on the lease revenue bonds, regional transportation plan, and the Halloween Trunk or Treat event. She told the Council that the Guest House Museum lease expires on January 1, 2022 and will be renewed unless the Council directs otherwise. Miller reported that work in the right-of-way is being performed over the next few weeks at the Plateau Project on South Street. She stated that persons on the Coastal Trail observing motorized or electric bicycles operating in an unsafe manner should call the Police Department Dispatch.

4. MATTERS FROM COUNCILMEMBERS

Councilmember Peters spoke about for-profit businesses operating on the Coastal Trail and recommended signage saying our grant with the Coastal Conservancy does not allow the operation of businesses on the trail. Vice Mayor Morsell-Haye provided an update on the Citizens Commission, which expects to make a presentation to the full Council on November 22. She asked that staff provide an update on the South Whipple Street receivership. Councilmember Albin-Smith requested that musicians and entertainers contact her for the holiday events. She asked that the Council consider sending her to a policymaker conference in Yosemite this year.

5. CONSENT CALENDAR

Mayor Norvell removed Items 5G and 5I from the Consent Calendar due to a conflict; Item 5E was removed for further discussion.

Approval of the Consent Calendar

A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, to approve the Consent Calendar with the exception of Items 5E, 5G and 5I. The motion carried by the following vote:

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

5A. [21-562](#) Adopt by Title Only and Waive the Second Reading of Ordinance 974-2021 Rescinding Interim Ordinance 964-2021 Placing a Moratorium on the Approval of Applications for Formula Businesses

This Ordinance was adopted on the Consent Calendar.

Enactment No: ORD 974-2021

5B. [21-565](#) Adopt City Council Resolution Making the Legally Required Findings to Continue to Authorize the Conduct of Remote "Telephonic" Meetings During the State of Emergency

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4462-2021

5C. [21-567](#) 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 4463-2021

- 5D. [21-569](#) Adopt City Council Resolution Approving Expenditures of the Joint City/County Caspar Transfer Station Rent Account to Fund a Financial and Environmental Analysis for Potential Coastal Transfer Station Sites

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4464-2021

- 5F. [21-574](#) Adopt City Council Resolution Approving Professional Services Agreement with ASA Analysis & Communication, Inc. for Design Concepts and Cost Estimates Associated with Development of Municipal Ocean Water Intake/Discharge Infrastructure and Authorizing the City Manager to Execute Contract (Amount Not to Exceed \$90,800; Account No. 334-5060-0630)

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4466-2021

- 5H. [21-572](#) Approve Minutes of October 25, 2021

These Minutes were approved on the Consent Calendar.

ITEMS REMOVED FROM CONSENT CALENDAR

- 5G. [21-573](#) Approve Scope of Work for the Request for Proposals for Engineering and Design Services for the 2022 Streets Project

Council asked for clarification and discussion about the placement of bollards. Assistant Director of Engineering O'Neal showed a map indicating where temporary bollards would be placed. Public Comment was received from Jacob Patterson.

A motion was made by Councilmember Peters, seconded by Vice Mayor Morsell-Haye, that this Scope of Work be approved. The motion carried by the following vote:

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

Abstain: 1 - Mayor Norvell

- 5I. [21-584](#) Adopt City Council Resolution Authorizing City Manager to Execute Contract Change Order With Akeff Construction Services, Inc. for the Maple Street Storm Drain and Alley Rehabilitation Project (PWP-00116), Increasing the Contract by \$78,490.00 from Streets Project Fund (Account 420-4870-0731) for a Total Contract Amount Not to Exceed \$1,412,544.00

Public Comment: None.

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

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

Abstain: 1 - Mayor Norvell

Enactment No: RES 4467-2021

- 5E. [21-571](#)** Adopt City Council Resolution Approving a Contract with the County of Mendocino for Funding to Operate an Extreme Weather Shelter (EWS) from November 15, 2021 to March 31, 2022

Discussion was held regarding the Emergency Weather Shelter and motels giving out vouchers this year instead of the faith community offering shelter to homeless persons.

Public Comments: None.

Mayor Norvell recessed the meeting at 6:45 PM; the meeting reconvened at 6:59 PM.

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

Enactment No: RES 4465-2021

6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

None.

7. PUBLIC HEARING

- 7A. [21-563](#)** Conduct Public Hearing, Receive Report, and Consider Adoption of Urgency Ordinance 975-2021 Extending the Temporary 45-Day Moratorium on the Approval of Applications and Permits for Cannabis Dispensaries in the Inland Zoning Areas

Mayor Norvell opened the public hearing at 7:02 PM.

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

Public Comment was received from Angelica Sanchez and Jacob Patterson.

Mayor Norvell closed the public hearing at 7:08 PM.

Discussion: The general consensus of Council was to approve the four-month extension of the moratorium, which would be rescinded after the revised cannabis ordinance is adopted.

A motion was made by Vice Mayor Morsell-Haye, seconded by Councilmember Peters, that this Urgency Ordinance be adopted by title only, waiving the reading of the text. The motion carried by the following vote:

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

Enactment No: ORD 975-2021

8. CONDUCT OF BUSINESS

- 8A. [21-564](#)** Receive Report and Provide Direction to Staff on Potential Updates to Section

18.42.057 of the Inland Land Use and Development Code to Address the Siting of Cannabis Dispensaries in Relationship to Residential Neighborhoods

Associate Planner Gurewitz summarized the staff report on this agenda item.

Public Comment was received from Jay Koski, Jacob Patterson, Bill Mann, Andrew Jordan and Jan Brown.

Discussion: The majority of the Council directed that no buffer zone be established between dispensaries and residential areas and asked that staff provide statistics on the density of residences in the CBD.

This Staff Report was referred to staff with directions to update the current cannabis ordinance as set forth above.

8B. [21-566](#) Receive Report and Provide Staff with Clarification on the Proposed Zoning for Cannabis Microbusinesses in the City of Fort Bragg

Associate Planner Gurewitz gave the staff report for this agenda item.

Public Comment was received from Brandy Moulton and Jacob Patterson.

Discussion: The majority of the Council directed that microbusinesses be allowed in the CBD, including all components set by the State for nursery, processing, distribution, retail and manufacturing (Type 6 licenses allowed only in commercial zones). The definition of the component terms needs to be discussed further and a mechanism created to determine accessory or subordinate uses, i.e., via square footage or revenue.

This Staff Report was referred to staff with directions to update the current cannabis ordinance as set forth above.

8C. [21-580](#) Receive Report and Consider Adoption of City Council Resolution Waiving Water Capacity Fees and Fort Bragg Municipal Improvement District No. 1 Resolution Waiving Wastewater Capacity Fees for Restaurants, Cafes and Coffee Shop Businesses in the Central Business District

This agenda item was continued to a future City Council meeting.

9. CLOSED SESSION

ADJOURNMENT

Mayor Norvell adjourned the meeting at 9:30 PM.

BERNIE NORVELL, MAYOR

June Lemos, CMC, City Clerk

IMAGED (_____)