



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, January 13, 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

City Manager Miller reported that Council is being asked to take action on a letter in support of a microgrid for the City of Fort Bragg. She requested that this item be added to the agenda pursuant to Government Code Section 54954.2(b)(2), which must be approved by two-thirds of the Council.

A motion was made by Vice Mayor Norvell, seconded by Councilmember Peters, that the item be added to this agenda. The motion carried by a unanimous voice vote.

The matter will be heard at the end of tonight's agenda as Item 8E.

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

1A. [20-562](#) Introduction of Mendocino County Sheriff Matt Kendall

Mayor Lee introduced new Mendocino County Sheriff Matthew Kendall who made brief remarks and introduced some members of the Sheriff's Office. He noted that the Sheriff's Department will work together with fellow law enforcement agencies to achieve maximum efficiency. The Mayor welcomed him and stated that the City government supports the Sheriff's Office collaboration with the Fort Bragg Police Department.

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

(1) Non-Agenda Items:

- Rex Gressett stated that the Mayor is stonewalling and will not talk to the press on matters of importance. He wants more public comment.
- Jenny Shattuck said that she doesn't have a problem talking to anyone at the City and finds

staff and Council very accessible.

- Annemarie Weibel spoke in opposition to 5G wireless.
- Malcolm Macdonald said the Mayor has always been amenable to talking to him and appreciates that public comment is now at the top of the agenda.
- David Gurney said public comment and consent calendar were moved to the front of the agenda so things couldn't be snuck through at the end of the meeting.

(2) Consent Calendar Items:

- Richard Mack commented on the matrix for the continuum of care.

(3) Closed Session Items:

- None.

3. STAFF COMMENTS

City Manager Miller reported that current utility bills are being sent out with a helpful insert regarding what can be placed in the green recycle bins. She stated that Mendo Recycle has rearranged its schedule to offer one Tuesday a month for additional cleanups. Miller also reported that the City has received its first application for a cannabis dispensary on Main Street. Visit Fort Bragg (VFB) Committee will meet on January 21. The VFB subcommittee hired a consultant to organize a Restaurant Week in mid-March. Assistant Planner McCormick provided an update on an artisan shop permit application. Public Works Director Varga reported on the Waste Water Treatment Plant upgrade project and sanitary sewer lift stations. A tire amnesty event will be held at the City Hall parking lot on February 15 and 16. Varga said a traffic signal pole base on Laurel and Main was recently damaged but still functions and is in the process of being repaired.

4. MATTERS FROM COUNCILMEMBERS

Vice Mayor Norvell reported on the emergency weather shelter and the Progress Foundation's plans for a crisis residential treatment facility. Councilmember Peters gave updates on the bee garden and Fire Protection Authority business. Councilmember Morsell-Haye spoke about Mendo Recycle and the Mendocino Solid Waste Management Authority board. She thanked people who have been supportive following her recent injury. Morsell-Haye stated that the Mill Site Mapping ad hoc committee will bring a proposal to Council soon regarding Mill Site zoning. Mayor Lee reported on the microgrid project which can provide power during outages. He spoke briefly about bringing a resolution to support Adventist Health taking over administration of the local hospital to Council for consideration.

5. CONSENT CALENDAR

Approval of the Consent Calendar

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

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

5A. [19-540](#)

Adopt Resolution of the Fort Bragg Redevelopment Successor Agency Approving Recognized Obligation Payment Schedule (ROPS) 20-21 (FY

20/21; July 1, 2020 - June 30, 2021) Pursuant to Health and Safety Code Section 34177(l)

This RS Resolution was adopted on the Consent Calendar.

Enactment No: RES RS 24-2020

- 5B.** [19-541](#) Receive Municipal Improvement District No. 1 Basic Financial Statements for the Fiscal Year ended June 30, 2019

These Municipal Improvement District Financial Statements were accepted on the Consent Calendar.

- 5C.** [19-542](#) Receive C.V. Starr Center Basic Financial Statements for the Fiscal Year Ended June 30, 2019

These C.V. Starr Center Financial Statements were accepted on the Consent Calendar.

- 5D.** [19-543](#) Adopt City Council Resolution Adopting Regulations for Candidates for Elective Office Pertaining to Candidate Statements Submitted to the Voters at an Election

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4221-2020

- 5E.** [19-544](#) Adopt by Title Only and Waive the Second Reading of Ordinance No. 957-2019 Repealing and Replacing Chapter 15.06 (Automatic Fire Sprinkler and Alarm Systems) of Title 15 (Buildings and Construction) of the Fort Bragg Municipal Code

This Ordinance was adopted on the Consent Calendar.

Enactment No: ORD 957-2019

- 5F.** [20-552](#) Adopt Resolution Extending the Temporary Waiver of the Parking In-Lieu Fee for Changes of Use in the Central Business District

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4222-2020

- 5G.** [20-547](#) Approve Minutes of December 9, 2019

These Minutes were approved on the Consent Calendar.

6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

Vice Mayor Norvell disclosed that he participated in a couple of conversations with community members and staff on Item 7A. Mayor Lee disclosed that he received an email from a local real estate broker regarding Item 7A.

Mayor Lee recessed the meeting at 6:41 PM; the meeting reconvened at 6:46 PM.

7. PUBLIC HEARING

- 7A. [19-501](#)** Receive Report, Conduct Public Hearing and Consider Appeal of Planning Commission Decision by Mitch Bramlitt Regarding Denial of Coastal Development Permit 9-18 (CDP 9-18), Design Review 3-18 (DR 3-18), Minor Subdivision 1-18 (DIV 1-18) for a Proposed AutoZone Retail Store at 1151 S Main Street (APN 018-440-58)

Noting that this item was continued from the meeting of November 25, 2019, **Mayor Lee re-opened the public hearing at 6:46 PM.**

Assistant Planner McCormack presented the staff report on this agenda item and summarized the four issues in the Appeal under consideration by Council. Mayor Lee called first for presentation of comments by the appellant and appellant's representatives and attorney.

Public Comment was received from:

- Michael Chastain of AutoZone gave background on his employment with AutoZone and introduced other representatives who may speak tonight. Real estate broker Paul Clark read a statement from the owner of the subject parcel, Wayne Mayhew, who was concerned that denial of this permit application would send a message to other developers not to come to Fort Bragg. John Stansbury spoke about the 70 AutoZone stores he has opened, the majority of which were in small towns. He noted that with the rise in online retail sales, more brick and mortar stores are needed in towns like Fort Bragg. Attorney Edward Kotkin encouraged the Council to take a different path from the Planning Commission and stressed that AutoZone will modify the design structure of its store to look more like downtown and will work with staff to make it fit in. Barry Foster presented the results of his market study and summarized the impacts and challenges for existing businesses.
- Jamie Peters said the community does not need another auto parts store and spoke in favor of denial of the appeal.
- Bruce Graves said the marketing study's statistics are lies.
- David Gurney spoke in opposition to the AutoZone project and urged Council to deny the appeal.
- Leslie Kashiwada said the economic analysis should be taken with a grain of salt and that many of the statements are contradictory.
- Annemarie Weibel spoke in opposition to the project saying that it would block views of the ocean and that eco-tourists do not want to see an AutoZone in Fort Bragg. She spoke in support of a resolution for denial of the appeal.
- Guy Burnett commented about the piecemeal approach to development in this area and that there has been no comprehensive study on how to deal with traffic congestion near this intersection. He asked that the Planning Commission resolution for denial of the permit be upheld.

Mayor Lee recessed the meeting at 8:00 PM; the meeting reconvened at 8:08 PM.

- Mary Rose Kaczorowski said the project will create sprawl and traffic congestion and destroy the view shed.
- Shelley Cobin said the need for auto parts stores has already been served here and she is surprised that AutoZone would want to come to such a remote area.

- Rex Gressett urged the Council not to wait but to adopt a resolution to deny the appeal now.
- Megan Caron spoke in support of small sustainable growth and encouraged the Council to deny the appeal and uphold the Planning Commission decision.
- Jenny Shattuck stated that the project is not consistent with several General Plan policies and should be denied. She asked the Council to deny the appeal and uphold the Commission's resolution of denial.
- Gabriel Quinn Maroney commented that a store that cuts down trees and blocks ocean views does not fit in with the small town values of Fort Bragg. He said the project should be denied.
- Jacob Patterson reminded Council that an appeal is a disagreement with the conclusion of a deliberative body and not a de novo hearing. He said that there were issues with the Mitigated Negative Declaration that need to be addressed, and that all of the General Plan policies need to be met in order to approve a project. He noted the appellant could redesign the project and resubmit the application.

Discussion: Councilmembers asked questions of the appellant regarding some of the data and statistics contained in the market study. They asked staff about the process for making findings on appeal. The four issues raised in the appeal can be judged separately, and if a majority of the Council finds any of the four valid, the Commission's decision can be overturned. After a lengthy deliberation, the Councilmembers all weighed in on the four bases of appeal.

At 10:00 PM, a motion was made by Vice Mayor Norvell, seconded by Councilmember Peters, to continue the meeting past 10:00. The motion passed on a unanimous voice vote.

The Councilmembers were polled on each of the four items of appeal with the following results: Issue No. 1 received five No votes. Issue No. 2 received four No votes and one Yes vote. Issue No. 3 received three No votes and two Yes votes. Issue No. 4 received five No votes.

Mayor Lee recessed the meeting at 10:06 PM; the meeting reconvened at 10:16 PM. Mayor Lee closed the public hearing at 10:16 PM.

A motion was made by Councilmember Morsell-Haye, seconded by Councilmember Albin-Smith, that this Appeal be denied and a Resolution denying the appeal and upholding the Planning Commission's decision of October 23, 2019 (PC 08-2019) be brought back to Council for adoption. The motion carried by the following vote:

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

No: 1 - Mayor Lee

7B. [19-545](#) Receive Report, Conduct Public Hearing, and Consider Adopting by Title Only and Waiving the Second Reading of Ordinance No. 956-2019 Repealing and Replacing Chapter 15.04 (Construction Codes - Adopted by Reference) and Chapter 15.05 (California Fire Code) of Title 15 (Buildings and Construction) of the Fort Bragg Municipal Code

Due to the lateness of the hour, Mayor Lee moved this matter to a future agenda.

This matter was moved to January 27, 2020.

8. CONDUCT OF BUSINESS

- 8A.** [20-546](#) Receive Report and Consider Adoption of City Council Resolution Approving Water Department Shutoff Policy in Compliance with Senate Bill 998

Due to the lateness of the hour, Mayor Lee moved this matter to a future agenda.

This matter was moved to February 10, 2020.

- 8B.** [20-548](#) Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance No. 958-2020 Repealing and Replacing 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

Due to the lateness of the hour, Mayor Lee moved this matter to a future agenda.

This matter was moved to February 10, 2020.

- 8C.** [20-550](#) Receive Fiscal Year 2019-20 First Quarter Financial Report

Due to the lateness of the hour, Mayor Lee moved this matter to a future agenda.

This matter was moved to January 27, 2020.

- 8D.** [20-558](#) Receive Report and Consider Adoption of City Council Resolution Approving Execution of a Service Agreement between Fort Bragg and the County of Mendocino Relating to Administration and Distribution of Homeless Emergency Aid Program (HEAP) Funds Allocated Through the Mendocino County Homeless Services Continuum of Care (MCHSCoC)

Due to the lateness of the hour, Mayor Lee moved this matter to a future agenda.

This matter was moved to January 27, 2020.

- 8E.** [20-586](#) Receive Report and Consider Approval of Letter of Support for Microgrid in the City of Fort Bragg [Non-agendized item added on January 13, 2020 pursuant to Government Code Section 54954.2(b)(2) and unanimously approved by Council]

City Manager Miller explained that the letter of support is for installation of a microgrid for the City to use during power outages. The microgrid would include solar panels for battery backups to power critical facilities such as the hospital.

Public Comment was received from:

- Richard Mack said the Council should look into technologies other than solar and wind.

A motion was made by Councilmember Peters, seconded by Councilmember Morsell-Haye, that this Council Letter be approved. The motion carried by the following vote:

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

9. CLOSED SESSION

ADJOURNMENT

Mayor Lee adjourned the meeting at 10:30 PM.

WILLIAM V. LEE, MAYOR

June Lemos, CMC, City Clerk

IMAGED (_____)