



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, May 13, 2019

6:00 PM

Town Hall, 363 N. Main Street

CALL TO ORDER

Mayor Lee called the meeting to order at 6:01 p.m.

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

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

- 1A. [19-227](#)** Recognition of Volunteers Serving on the Planning Commission, Visit Fort Bragg Committee, Fort Bragg Fire Protection Authority, Noyo Harbor Commission, Mendocino County Library Advisory Board, Adopt-A-Street Program, Adopt-A-Park Program, Community Emergency Response Team (CERT) Program, Election Review Committee, Bee City USA Committee and Neighborhood Watch

Mayor Lee recognized the groups of local citizens serving the City of Fort Bragg. Certificates of appreciation were given to volunteers in attendance. All Councilmembers thanked the volunteers for serving on these boards, commissions and committees.

- 1B. [19-226](#)** Presentation of Proclamation Declaring May 12 -18, 2019 as National Police Week and Recognizing May 15, 2019 as Peace Officers' Memorial Day

Mayor Lee read a proclamation declaring May 12-18, 2019 National Police Week and recognizing May 15 as Police Officers' Memorial Day. He presented the proclamation to Fort Bragg Police Chief Fabian Lizarraga, who accepted it on behalf of the Department. He noted the bittersweet nature of Police Officers' Memorial Day, but expressed appreciation for how supportive the community is of its police officers.

- 1C. [19-242](#)** Presentation of Proclamation Commending Officer Anthony Melendez for Providing Life-Saving Actions

Mayor Lee read a proclamation of commendation for Officer Melendez for providing live-saving actions to a heart attack victim. Officer Melendez said it was a team effort.

1D. [19-252](#) Presentation by Alanna Zipp of the Coast Cat Project regarding Community Cats

Alanna Zipp of the Coast Cat Project gave a presentation regarding community cats to the Council and emphasized the importance of the Trap-Neuter-Return solution to the feral cat problem.

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

(1) Non-Agenda Items:

- Jenny Shattuck spoke regarding Cubic's marketing of Fort Bragg. She stated that the Visit Fort Bragg site is not user friendly and many local attractions are not listed on the site. She urged the Council not to renew the contract with Cubic.
- Julie Parker mentioned a Facebook site called Things to Do in Fort Bragg CA. She created this site because she is invested in the community, the historical society and the Guest House Museum. This page tells what events are coming up soon and lists everything that locals do in Fort Bragg.
- Megan Caron talked about Cubic spending tax dollars on projects with disappointing results. The business directory has 32-40 errors, narrow appeal, and trite comments. She stated that her concerns have been totally ignored and asked that the Council not renew Cubic's contract.
- Shay Wachtel spoke about the Visit Fort Bragg website, saying that it was poorly written and hard to navigate.
- Frankie Tomgas commented on the Coast Cat Project. She said the problem is due to irresponsible people, and spaying and neutering should be made mandatory.
- Rex Gressett stated that the Visit Fort Bragg website is incredibly boring and awful, obviously written by people who are not from Fort Bragg. He also spoke about the Coast Cat Project and expressed enthusiasm about the current City Council and City Manager.
- Ann Rennacker thanked Julie Parker for creating the Things to Do page on Facebook. She noted that she was not impressed by Cubic's website. She also thanked the Council for the volunteer recognition party.
- Jeremy Logan thanked the Council for the recognition award. He encouraged the community to get off Facebook because it is toxic, stating that it is an evil business model, designed to keep eyes on outrage, division, war and strife.

(2) Consent Calendar Items:

- Paul Clark requested that Item 5A be removed from the Consent Calendar for further discussion in conjunction with Item 7A.

(3) Closed Session Items: None.

3. STAFF COMMENTS

City Manager Miller introduced attorney Keith Collins of Jones & Mayer, who will be considered for the new City Attorney position under Item 8F. She noted that the budget meeting will be moved from May 16 to May 24 and the CV Starr budget session will be moved from May 16 to May 28. Miller provided information about the visit to local businesses with the Chamber on May 21 and the Housing Element update workshop on May 15. She announced that Census 2020 has flyers out for those interested in a job working on the upcoming census. Public Works Director Varga gave updates on the downtown connector to the Coastal Trail at Alder Street and the Cure-in-Place Pipe project bid opening. City Clerk Lemos recapped recent city clerk conferences hosted by the City of Fort Bragg.

4. MATTERS FROM COUNCILMEMBERS

Councilmember Morsell-Haye reported on the Navy's May 3 forum. She noted that there is a desire for a public forum where everyone could hear the questions and address concerns and the City has offered use of Town Hall. She reached out to the Navy to see if they would send a representative to answer questions and they have declined. Councilmember Peters reported that the City collected \$1,500 for the North Valley Animal Disaster Group in Butte County to assist with strays and abandoned animals left behind due to the Paradise fire. Regarding the letter to the editor in the Advocate News about the photo with the film crew, Peters stated that the Council did not arrange the photo, it was arranged for them. Councilmember Albin-Smith reported on an MTA meeting in Point Arena, noting that people interested in driving for the MTA should contact them about a job. Mayor Lee said he is the Mendocino County nominee for a seat on the California Coastal Commission. He asked people who want to send letters of support to send them to the Governor's office in Sacramento. The Mayor also reported on a recent career day at Dana Gray Elementary, a Coast Veterans meeting on May 5, the Mendocino Pride Parade in Ukiah where he was a featured speaker and a Soroptimist meeting regarding scholarships.

5. CONSENT CALENDAR

Vice Mayor Norvell asked that Items 5A and 5D 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 Items 5A and 5D. The motion carried by the following vote:

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

- 5B.** [19-241](#) Adopt by Title Only and Waive the Second Reading of Ordinance No. 948-2019 Adding Chapter 12.10 (Wireless Telecommunications Facilities) to Title 12 (Public Improvements) of the Fort Bragg Municipal Code Relating to Aesthetic Guidelines for Deployments of Wireless Communications in the City of Fort Bragg

This Ordinance was adopted on the Consent Calendar.

Enactment No: ORD 948-2019

- 5C.** [19-238](#) Approve City Council Letter in Support of Mayor Lee's Nomination to the California Coastal Commission

This Council Letter was approved on the Consent Calendar.

- 5E.** [19-243](#) Adopt City Council Resolution Amending Resolution 4159-2019 Declaring a Shelter Crisis Pursuant to Government Code Section 8698.2

This Amended Resolution was adopted on the Consent Calendar.

Enactment No: RES 4159-2019 AMENDED

- 5F.** [19-239](#) Approve Minutes of Special Meeting of April 12, 2019

These Minutes were approved on the Consent Calendar.

5G. [19-225](#) Approve Minutes of Special Closed Session of April 22, 2019

These Minutes were approved on the Consent Calendar.

5H. [19-255](#) Approve Minutes of April 22, 2019

These Minutes were approved on the Consent Calendar.

5I. [19-240](#) Approve Minutes of Special Closed Session of April 29, 2019

These Minutes were approved on the Consent Calendar.

ITEMS REMOVED FROM CONSENT CALENDAR

5A. [19-237](#) Adopt by Title Only and Waive the Second Reading of Ordinance No. 946-2019 Amending Section 5.04.010 (Definitions) and Section 5.04.080 (Exemptions From Tax Payments) of Chapter 5.04 (General Provisions) of Title 5 (Business Licenses and Regulations) of the Fort Bragg Municipal Code

Public Comment was received from:

- Paul Clark said there should be more discussion for property owners that own more than four residential and commercial units.
- Phil Jago expressed concerns about the business license tax, saying that the ordinance might cause landlords to pass on the cost of the business license to tenants.
- Jacob Patterson said the ordinance should be adopted now and revisit it later. He encouraged the public to participate in the housing element workshop to remove financial burdens to local housing.
- Rex Gressett said the fact that the City did not collect the tax for so long is a good reason to drop it altogether, urging the Council to get rid of all the taxes.

Discussion: After a brief deliberation, it was agreed that the Council would adopt this ordinance now and at some point in the future consider the request that all rentals in the City, both residential and commercial, be exempt from business license taxes. Staff was directed to gather statistics on business license taxes for further discussion by the Council.

A motion was made by Vice Mayor Norvell, seconded by Councilmember Morsell-Haye, that this Ordinance 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: ORD 946-2019

5D. [19-249](#) Adopt City Council Resolution Approving an Application for Funding and Execution of Agreement and Any Amendments Thereto from the United States Department of Agriculture's Community Facility Grant Program

Staff responded to questions from the Council regarding the deadline for grant application, whether it will be available every year and what the funds will be used to purchase. Chief Lizarraga stated that the Police Department transport van requires an insert to allow the separation of males, females and juveniles that are transported using the same van.

Public Comment: None.

A motion was made by Councilmember Peters, seconded by Vice Mayor Norvell, 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 4165-2019

6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

None.

7. PUBLIC HEARING

- 7A. [19-235](#)** Receive Report, Conduct Continued Public Hearing and Consider Adoption of the Following: (1) City Council Resolution Adopting Updated Fees for Various Planning and Development Services; (2) City Council and Improvement District Resolution Adopting Updated Fees for Miscellaneous City/District Services

Mayor Lee reopened the Public Hearing at 7:34 PM.

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

Mayor Lee recessed the meeting at 7:37 PM; the meeting reconvened at 7:45 PM.

Public Comment was received from:

- Jacob Patterson stated as follows: I have some concerns about the new fee schedule but I appreciate the work done and I support not doing comprehensive reviews every year. The particular fees I was looking at mostly relate to the Community Development Department, the planning and building fees. There is a new system here about building permits. I think currently we charge a 1%, what we call a building permit surcharge, based on the valuation. It's the same regardless now. It's going to be replaced with these different categories. The lower ones are going way up compared to what it would be. So right now I would pay \$250 for anything that is a \$25,000 project and it would go up to \$660. And although I have attempted to get the detailed information about what the justification for these estimated costs for the last ten days or so, I have yet to receive it when I have gone in to the City. So I can't actually tell you if I think these fees are acceptable or not. My gut feeling is that they are probably a little bit high. I have other fees that are not being shown up so they are not really relevant tonight, but they potentially should be part of your bigger discussion about our fees, particularly the general plan maintenance fee that was adopted a long time ago with interesting or nonexistent backup for it. But anyway, please pay attention. I just find some of these fees potentially to be objectionable but I can't really tell you because I haven't looked at the numbers. I've just seen this one sheet that tells me, here's the new proposed fee. I don't even know if we're getting rid of the surcharge. Is this in addition to, or not? Those are just questions I would like answered. And other than that, good luck. Thanks.
- Paul Clark stated as follows: This is where it was a little confusing to me. Back on the same topic related to business licenses for a commercial building. That too, unless the City Council does change that, I think will be implemented probably August 1, something like that. So to put that into perspective, that building over there would have to have a business license to rent to, or even Bank of America, rent to a business that has a business license. It seems to me double taxation. I can understand why it was never, including probably the Golden West, would probably be in the same situation. It depends on the entity that owns the building. If you happen to say own it personally or you rent to a corporation, a lot of businesses are incorporated for liability protection, that would trigger a business license to rent to yourself, if you own the building. And that is based on, as I understand it, the gross rents. You carry that a little farther, Bank of America or someone like

Safeway, they don't usually own their own buildings, it's probably an investment company that leases it, as is Bank of America. It could be a huge amount to that property owner. So it kind of sends a really bad message and I'm hoping the City, I'm pleased that the City is taking the time to look at this. It kind of sends a real unfriendly attitude toward business. There's probably about 800, I'm guessing, that might be an exaggeration, but commercial buildings that would come under a fee. And most of them, 99 percent unless the building is vacant, would be renting to a business that has a business license. So you require a business license, does that also require, I mean the mechanics of it, when you stop and think about it, it's a frustration to do it, who's going to be able to pull the permit. I've expressed a number of these concerns. As a property management company, would we be allowed to pull a permit for someone else or would they have to be the ones to sign it? What if they are not in the country? What if they're not around? Who's going to compile the report? Who's going to pay for it? All the data collection and everything else? So I think it's a bad thing to start that. Again, it never has happened. And the only other question I would have after the previous gentleman is, could you give an example? Say somebody went in to pull a permit to replace a water heater. How much would that cost? I'd love to know. I don't know. Because if it's more than \$50 or \$60, even then, probably nobody's going to pull a permit.

- Rex Gressett stated as follows: I'll just say briefly that really, it's one of those things, like the food trucks, where the City Council really has an opportunity to be business friendly and to be proactive. This is \$168,000 in the overall budget. It's not very much money by all accounts. I totally trust Tabatha to do a good job of it, but where there's an opportunity to deregulate, when it just reaches right up and punches you in the nose, you should go with the city. You should go with the people of the city. You should be supportive of them. I know Lindy wants to get every dime he can get, but the bottom line is that you have eloquent arguments against this tax. I just think that since you've never been doing it before, since you've never been collecting it before, hello, this is a no-brainer. Get rid of the entire tax for renting property. Make it a friendly gesture toward the people of the city and have their back. You're supposed to be representing them; \$168,000 isn't anything but it's a lot of money to people who are on the street, the people who have to pay this tax. It would just be refreshing to see any government entity, particularly our City Council, standing up and saying no, we're not going to take your money even though we have the legislative right to take it. Thank you.

Mayor Lee closed the public hearing at 7:50 PM.

Discussion: There was discussion regarding having the General Fund subsidize the lower categories as a way to encourage people to pull permits for smaller repair projects. Council consensus was to amend the resolution to show the following breakdown for permit fees:

\$0 to \$10,000 - \$158 fee

\$10,001 to \$25,000 - \$250 fee

\$25,001 to \$75,000 - \$750 fee

Over \$75,000 - establish a developer deposit account.

The Council requested that staff bring the possibility of waiving building permit fees back for discussion at a future meeting.

A motion was made by Councilmember Peters, seconded by Councilmember Morsell-Haye, that this Resolution be adopted as amended. 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 4163-2019

After discussion about the Miscellaneous City and District Service Fees, the Council collectively agreed to amend the resolution as follows:

Reduce the initial application fee for backflow devices from \$51 to \$50

Reduce the annual test fee for backflow device from \$130 to \$105

Reduce the annual fee for private backflow prevention device tester from \$234 to \$225
 Reduce the temporary backflow device for special events from \$104 to \$100
 Reduce the initial application for grease trap/interceptors from \$161 to \$145
 Reduce the annual inspection fee from \$86 to \$80
 Reduce the sanitary sewer fee permit and inspection of connections from \$151 to \$150

A motion was made by Councilmember Peters, seconded by Councilmember Morsell-Haye, that this Resolution be adopted as amended. 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 4164-2019 / RES ID 412-2019

8. CONDUCT OF BUSINESS

8A. [19-251](#) Receive Report Regarding Dissolution of Existing Election Systems Review Ad Hoc Committee

Councilmember Albin-Smith presented a progress report on the Elections Review Committee, summarizing the purpose of the committee, the progress made to date, and obstacles encountered. She recommended that the Council dissolve this ad hoc committee and that the Mayor appoint a newer, smaller committee to take on the assigned task.

Public Comment was received from:

- Rex Gressett claimed the presentation was misleading, inaccurate and untruthful and recommended eliminating Councilmember Albin-Smith from the committee.
- Rick Riley commented that a lack of turn-taking and proper rules of order served to direct the work to those with the loudest voices and that the committee could not be productive without setting realistic goals.

Discussion: Keith Collins stated that the City Attorney could prepare an analysis of the City's liability under the California Voting Rights Act. City Manager Miller will consult with the City Attorney to discuss this and get a cost estimate first. The question of censoring arose, with Vice Mayor Norvell recommending leaving the committee as is to avoid the appearance of censorship. It was noted that if the Council dissolves the committee and the Mayor reappoints, it will not be subject to the Brown Act.

A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, that the Elections Review Committee be dissolved. The motion carried by the following vote:

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

No: 1 - Vice Mayor Norvell

8B. [19-245](#) Receive Report and Provide Direction to Staff on Modified Welcome to Fort Bragg Sign License Agreement

City Manager Miller gave the staff report on this item and responded to questions concerning trespass, using volunteers to mow the grass, and whether Transient Occupancy Tax (TOT) funds could be used to help pay for the costs associated with the license agreement.

Public Comment was received from:

- Sabine Brunner, owner of 221 and 223 E. Redwood Avenue where the sign is currently located, expressed hope that the sign could stay where it is and offered to have her husband mow the grass

if it would help to keep the sign.

Discussion: After a brief discussion, it was agreed that the TOT money would be well spent on this sign, as it helps businesses in the area, people take photos with the sign, and it is another way to promote Fort Bragg. Staff was directed to try to cap the attorney's fees at \$750 or so, and have the City Attorney draft the agreement and return it to Council for approval on the Consent Calendar.

Mayor Lee recessed the meeting at 9:00 PM; the meeting reconvened at 9:03 PM.

This Staff Report was referred to staff for preparation of an Agreement with LandBank.

- 8C. [19-231](#)** Receive Report and Consider Adoption of a Fort Bragg Municipal Improvement District No.1 Resolution Adopting the Sewer System Management Plan Prepared by Freshwater Environmental Services

Assistant Director of Public Works Smith summarized the staff report for this matter.

Public Comment: None.

A motion was made by Councilmember Peters, seconded by Vice Mayor Norvell, that this ID 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 ID 413-2019

- 8D. [19-244](#)** Receive Report and Consider Approval of Letter in Support of AB 437

City Manager Miller presented the staff report on this item.

Public Comment: None.

Discussion: The Council supports this bill.

The Council unanimously agreed that this Council Letter be approved.

- 8E. [19-253](#)** Receive Report and Consider Approval of Proposed Letter in Opposition to Sonar and Explosives Training and Testing in the Pacific Ocean Off the Coast of Northern California by the Navy

City Manager Miller presented the report on this item.

Public Comment: None.

Discussion: There was general agreement amongst the Councilmembers that a letter opposing training and testing of sonar and explosives in the Pacific Ocean off the Northern California Coast should be sent to the Naval Facilities Engineering Command. The Council directed that the City Manager make some changes to the letter before they sign it, and to bring the revised letter back to Council at the next meeting on the Consent Calendar.

This Council Letter was referred to staff for revisions.

- 8F. [19-247](#)** Receive Report and Consider Adoption of Joint City Council/Improvement District/Redevelopment Successor Agency Resolution to Approve an Amended Agreement with Jones & Mayer for City Attorney Services and to Appoint Keith Collins as City Attorney Effective May 13, 2019

Keith Collins recused himself from this item, citing a conflict of interest, and left the Council chamber at 9:23 PM.

City Manager Miller summarized the report on this item.

Public Comment: None.

Discussion: Mayor Lee publicly thanked former City Attorney Russell Hildebrand for his service. All Councilmembers expressed support for Keith Collins as the new City Attorney.

Following the vote, City Attorney Collins returned to the chamber at 9:30 PM.

A motion was made by Councilmember Peters, seconded by Vice Mayor Norvell, 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 4166-2019

8G. [19-246](#) Receive Report and Consider Approval of Scope of Work for Request for Proposals (RFP) for Consulting Services to Assist the City and County in Evaluating the Viability of a Central Coast Transfer Station Project

City Manager Miller gave the staff report on this item.

Public Comment was received from:

- Mayor Lee read comments submitted by John Fremont, recommending transporting garbage by rail via the Skunk train rather than opening another transfer station.
 - Jerry Ward referenced the letter of comment he had provided to the Council. He noted that the transfer station collects about \$5,000 a month of the \$3 per cubic yard fee, and since 2011 they have collected \$500,000, of which over \$372,000 has been spent on the Environmental Impact Report. He is in favor of an RFP process to look at the viability of a transfer station. He itemized the delays that have occurred since 2012 on this project, and noted that in the meantime, the equipment has become obsolete. He said that improvements at Caspar would cost approximately \$400,000, which he is willing to invest in, but not if the County and City decide to build a Central Coast Transfer Station on Highway 20.
 - Rick Childs spoke in favor of the RFP going forward because nothing has happened for nearly three years. He stated that CalTrans does not want large vehicles with trailers traveling on Road 409. He pointed out the inefficiency of having garbage going from Pudding Creek and Caspar over to Willits and that it makes more sense to him to have garbage taken from one site on Highway 20.
- Discussion: The Council agreed that it was not wise to keep kicking this down the road and an RFP for consultant services to evaluate the financial viability of a Central Coast Transfer Station is appropriate at this time in order to determine how to meet the needs of the coastal residents.

A motion was made by Councilmember Peters, seconded by Councilmember Morsell-Haye, that this Scope of Work 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

8H. [19-230](#) Receive Report and Consider Adoption of City Council Resolution Updating the City of Fort Bragg Master Salary Rate Compensation Plan Reclassifying Two Positions and Adding a Temporary Part-time Position

City Manager Miller gave the staff report on this item.

Public Comment: None.

A motion was made by Vice Mayor Norvell, seconded by Councilmember Peters, 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 4167-2019

- 8I. [19-248](#) Receive Development Impact Fees Reports for Fiscal Year Ending June 30, 2016, Fiscal Year Ending June 30, 2017 and Fiscal Year Ending June 30, 2018

City Manager Miller gave a brief report on this item.

Public Comment: None.

Discussion: It was requested that staff amend Attachment 12, page 2, to note that the Casey water line was not constructed, but rather purchased. Staff is directed to bring all Development Impact Fees Reports back to Council for approval on the next Consent Calendar.

This Staff Report was referred to staff for revisions.

9. CLOSED SESSION

ADJOURNMENT

Mayor Lee adjourned the meeting at 10:00 PM.

WILLIAM V. LEE, MAYOR

June Lemos, CMC, City Clerk

IMAGED (_____)