



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*

Tuesday, May 29, 2018

6:00 PM

Town Hall, 363 N. Main Street

CALL TO ORDER

Mayor Peters called the meeting to order at 6:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: 5 - Mayor Lindy Peters, Vice Mayor Will Lee, Councilmember Michael Cimolino, Councilmember Bernie Norvell and Councilmember Dave Turner

AGENDA REVIEW

Mayor Peters announced that Item 6A would be moved to the meeting of June 25, 2018, based on a revised request for compliance with the California Voting Rights Act letter from Jacob Patterson received on May 25 which restarted the 45-day safe harbor period.

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

Mayor Peters thanked Vice Mayor Lee for chairing recent City Council meetings while he was recovering from knee surgery. The Mayor announced that the City of Fort Bragg will recognize the month of June as LGBT Pride Month.

2A. PUBLIC COMMENTS ON: (1) NON-AGENDA, (2) CONSENT CALENDAR & (3) CLOSED SESSION ITEMS (30 Minutes)

(1) Non-Agenda Items:

- Jim Britt spoke about the California Voting Rights Act (CVRA) Resolution of Intent.
- Rex Gressett urged the Council to be more proactive regarding the CVRA and suggested bringing the matter more forcefully before the public to engage the people.

(2) Consent Calendar Items: None.

(3) Closed Session Items: None.

3. STAFF COMMENTS

Public Works Director Varga reported that W-Trans and Mendocino Council of Governments (MCOG) are working to collect information for the street safety plan. Community Development Director Jones gave an update on the Department of Toxic Substances Control (DTSC) meeting regarding mill site cleanup. Administrative Services Director Schneider reported the City's website offers instructions for repairing a live-streaming problem being encountered with Google Chrome. City Clerk Lemos provided information on the November City Council election.

4. MATTERS FROM COUNCILMEMBERS

Mayor Peters announced that he will run for reelection. He reported on the replacement of Mendocino Transit Authority (MTA) benches on Redwood Avenue. The Mayor mentioned the possibility of the California Hospital Association placing an Urgent Care Center on the Mill Site. Vice Mayor Lee thanked Councilmember Cimolino for his service to Fort Bragg. He briefly remarked on the budget workshop and the recent Hospitality Center ad hoc committee meeting. Councilmember Cimolino noted that the Day in the Park event was a big success. Councilmember Turner announced that he will not be running for Councilmember in November. He also reported on the Fire Board budget meeting.

5. CONSENT CALENDAR

Councilmember Norvell requested that Item 5B be removed from the Consent Calendar for further discussion.

Approval of the Consent Calendar

A motion was made by Councilmember Norvell, seconded by Councilmember Turner, to approve the Consent Calendar, with the exception of Item 5B. The motion carried by the following vote:

Aye: 5 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino, Councilmember Norvell and Councilmember Turner

5A. [18-188](#) Amend Resolution 4070-2018 Authorizing Submittal of a Local Coastal Program Amendment (LCP 2-17) Application to Amend the Coastal General Plan and Coastal Zoning Map for the Parcel at 100 East Ocean View Drive

This Resolution was adopted on the Consent Calendar.

Enactment No: AMENDED RES 4070-2018

5C. [18-193](#) Receive and File Minutes of the February 13, 2018 Community Development Committee Special Meeting

These Committee Minutes were received and filed on the Consent Calendar.

5D. [18-194](#) Receive and File Minutes of the April 11, 2018 Public Works and Facilities Meeting

These Committee Minutes were received and filed on the Consent Calendar.

5E. [18-192](#) Approve Minutes of May 14, 2018

These Minutes were approved on the Consent Calendar.

ITEMS REMOVED FROM CONSENT CALENDAR

5B. [18-168](#) Readopt Master Traffic Resolution

Councilmember Norvell noted that the property at 250 Chestnut Street has changed hands and the

blue curb allowed for the previous occupant was no longer needed and should be removed. After Public Works has removed the blue handicapped parking curb, this address will be removed from the next Master Traffic Resolution.

A motion was made by Councilmember Turner, seconded by Vice Mayor Lee, that this Resolution be adopted. The motion carried by the following vote:

Aye: 5 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino, Councilmember Norvell and Councilmember Turner

Enactment No: RES 1271-2018B

6. PUBLIC HEARING

6A. [18-182](#) Receive Report, Conduct **Public Hearing # 1** and Consider Adoption of a Resolution Outlining: The City's Intention to Transition from At-Large to District-Based Councilmember Elections; Approving a Tentative Timeline for Conducting Public Hearings; Drafting and Reviewing District Maps and Election Systems; and Presenting an Ordinance to City Council for Decision

See note under Agenda Review above.

Mayor Peters continued this item to the meeting of June 25, 2018.

6B. [18-184](#) Receive Recommendation from Public Works and Facilities Committee, Conduct Public Hearing, and Consider Adopting a Resolution Amending the Commercial Categories Used for the Calculation of Water Capacity Fees in Resolution 3144-2008 and Standardizing Policy for Implementing Discounts for Best Available Technologies

Public Works Director Varga presented the staff report on this item and responded to questions from Councilmembers.

Mayor Peters opened the public hearing at 6:29 PM.

- Eric Dwyer mentioned previous water capacity calculations for a local brewery.

Mayor Peters closed the public hearing at 6:31 PM.

The following was noted during discussion of this item:

- The City makes people aware of what the charges will be when they apply for permits.
- Staff was encouraged to offer discounts for Best Available Technologies (BAT) to encourage business growth.
- The City should have flexibility to determine fees on a case-by-case basis for those who use more water.
- Breweries should be removed from the list and calculated based on how much water will be used rather than on square footage occupied.

The consensus of Council was to remove "Brewery" from the Commercial portion of the chart on Attachment A to the resolution and have staff perform calculations for this type of business using special custom calculations for the specific project.

A motion was made by Vice Mayor Lee, seconded by Councilmember Cimolino, that this Resolution be adopted as amended, by removing the "Brewery" line item from Attachment A. The motion carried by the following vote:

Aye: 5 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino, Councilmember Norvell and Councilmember Turner

Enactment No: RES 4094-2018

- 6C. [18-185](#)** Receive Recommendation from Public Works and Facilities Committee, Conduct Public Hearing, and Consider Adopting a Resolution Amending the Commercial Categories Used for the Calculation of Wastewater Capacity Fees in Resolution ID 300-2008 and Standardizing Policy for Implementing Discounts for Best Available Technologies

Public Works Director Varga presented a brief staff report on this item, noting that it was closely related to Agenda Item 6B.

Mayor Peters opened the public hearing at 6:53 PM. Seeing no one wishing to speak, he immediately closed the public hearing.

The consensus of the Council was to adopt this resolution with the description of "Brewery" removed from Attachment A for the same reasons as discussed under Agenda Item 6B.

A motion was made by Councilmember Norvell, seconded by Councilmember Cimolino, that this Resolution be adopted as amended, by removing the "Brewery" line item from Attachment A. The motion carried by the following vote:

Aye: 5 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino, Councilmember Norvell and Councilmember Turner

Enactment No: RES ID 405-2018

7. CONDUCT OF BUSINESS

- 7A. [18-187](#)** Receive Report and:
- (1) Consider Adoption of City Council Resolution Authorizing the Execution and Delivery of Certificates of Participation and an Installment Sale Agreement to Finance Wastewater System Improvements and Approving Related Documents and Actions;
 - (2) Consider Adoption of City of Fort Bragg Joint Powers Financing Authority Resolution Authorizing the Execution and Delivery of Certificates of Participation and Installment Sale Agreement for the Purpose of Financing Wastewater System Improvements, and Approving Related Documents and Actions;
 - (3) Consider Adoption of City Council Resolution Authorizing City Manager to Execute United States Department of Agriculture Water and Waste System Grant Agreement in the Amount of \$3,388,000 for a Portion of the Cost of the Wastewater Treatment Plant Upgrade Project, City Project No. 2018-01

Assistant Director of Public Works Smith summarized the staff report.

Public Comment:

- Rex Gressett stated the Council should look at the wastewater treatment plant upgrade project more critically in light of the River Watch lawsuit.
- Eric Dwyer spoke in support of the new treatment plant receiving septic truck pumping.

Discussion: After brief discussion regarding the potential lawsuit from River Watch and that moving the plant to another location would double the cost of the project, the Council agreed that Public Works and City staff had done a good job obtaining financing for the project.

A motion was made by Councilmember Turner, seconded by Vice Mayor Lee, that this Resolution be adopted (RES 4095-2018). The motion carried by the following vote:

Aye: 5 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino, Councilmember Norvell and Councilmember Turner

Enactment No: RES 4095-2018 / JPFA RES 9-2018 / RES 4096-2018

A motion was made by Councilmember Norvell, seconded by Councilmember Cimolino, that this Joint Powers Financing Authority Resolution be adopted (JPFA RES 9-2018). The motion carried by the following vote:

Aye: 5 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino, Councilmember Norvell and Councilmember Turner

Enactment No: RES 4095-2018 / JPFA RES 9-2018 / RES 4096-2018

A motion was made by Councilmember Cimolino, seconded by Councilmember Turner, that this Resolution (RES 4096-2018) be adopted. The motion carried by the following vote:

Aye: 5 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino, Councilmember Norvell and Councilmember Turner

Enactment No: RES 4095-2018 / JPFA RES 9-2018 / RES 4096-2018

7B. [18-186](#)

Receive Report and Consider Adoption of City Council Resolution Approving Waste Management Proposed Residential, Commercial and Multifamily, and Rolloff Rate Increases

Mayor Peters recessed the meeting at 7:14 PM; the meeting reconvened at 7:17 PM.

City Manager Miller reported that an error in the calculation of the cost-of-living increase was discovered, and instead of being 5.89 percent, should be 3.5 percent. This presents a savings to customers who will see lower rate increases, but the City receives franchise fees based on these amounts and will receive less.

Public Comment:

- Eric Dwyer spoke out against a mandate that forces all residents in Fort Bragg to have garbage service whether they use it or not.
- Rex Gressett made remarks about the previous City Manager.

A motion was made by Councilmember Norvell, seconded by Councilmember Turner, that this Resolution be adopted as amended, by replacing 5.89 percent with 3.5 percent in the last two paragraphs of the Resolution. The motion carried by the following vote:

Aye: 5 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino, Councilmember Norvell and Councilmember Turner

Enactment No: RES 4097-2018

7C. [18-125](#)

Receive Report and Provide Direction Regarding Mill Site Reuse Plan: Multi-Modal Circulation, Streetscape and Stormwater

Community Development Director Jones presented the staff report on this agenda item.

Public Comment:

- Eric Dwyer said he would like a traffic study, does not like the south side grid pattern but wants the north end grid to continue onto the mill site, does not want large streets and recommends that everything the City does be low maintenance.
- Doug Hammerstrom spoke of pedestrian friendliness and the historic significance of the Fort Bragg street grid. He said people do not want what is out at the mill site to be different from what is in town.
- John Gallo stated that tourism is the number one engine of the town and the Council should look to the future. He urged the Council to move forward with the Road Diet alternative.
- Rex Gressett said the people of the City want open space on the mill site and any development will be stopped at the ballot box.
- Simon Smith asked the Council to consider allowing only bike and pedestrian paths on the mill site except where public safety is concerned to break away from dependence on vehicles.

Discussion/Direction: After much discussion, the Council directed staff as follows:

- Use Alternative 1, the Road Diet, with a slight modification by extending Laurel to the west and connecting the end of Redwood and Laurel Street with a regular road rather than an alley.
- The Council would prefer to reuse existing streets rather than force a grid street system on the south portion of the site.
- Council approves the street and bicycle policies as presented.
- Regarding Pedestrian Circulation policies, a dialogue about pedestrian enhancements on Redwood Avenue extension will occur as part of the joint meeting with the Planning Commission to discuss the extension of the downtown onto the Mill Site.
- Council approves of a Park Once district concept for parking.
- Regarding Stormwater Management, swales should be deleted from the policy list due to additional maintenance requirements.
- "Encourage" should be used instead of "shall" in policy language.

This Staff Report was referred to staff.

7D. [18-183](#) Receive Ad Hoc Committee Recommendation and Provide Direction to Staff Regarding Potential New Revenue Sources for the City of Fort Bragg

City Manager Miller summarized the staff report for this agenda item and presented a slide show, noting that the Finance and Administration Committee and staff recommend putting a measure on the November ballot for a general purpose sales tax of 3/8th of a percent (.375%).

Public Comment:

- Doug Hammerstrom spoke in support of putting this question before the voters.
- Eric Dwyer does not support additional tax measures and said the Transient Occupancy Tax (TOT) is just a general tax.
- Jacob Patterson said the TOT tax could pay for the same items this general tax would be used for.

Discussion: The Councilmembers noted that this additional sales tax would save the people of Fort Bragg \$4 million over 15 years and help avoid bankruptcy. It was also observed that tourists would pay the majority of the tax - 40%, with residents of Fort Bragg paying 27% and regional residents, 33%. The Council unanimously agreed to go forward with a revenue measure.

This Staff Report was referred to staff for preparation of a ballot measure for a 3/8th percent (.375) general purpose sales tax with a 15-year sunset provision to be included on the November 6, 2018 ballot.

2B. PUBLIC COMMENTS ON: (1) NON-AGENDA, (2) CONSENT CALENDAR & (3) CLOSED SESSION ITEMS (30 Minutes, If Necessary)

8. CLOSED SESSION

ADJOURNMENT

Mayor Peters adjourned the meeting at 8:49 PM.

LINDY PETERS, MAYOR

June Lemos, CMC, City Clerk

IMAGED (_____)