



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, February 26, 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: 4 - Mayor Lindy Peters, Vice Mayor Will Lee, Councilmember Michael Cimolino and Councilmember Bernie Norvell
Absent: 1 - Councilmember Dave Turner

AGENDA REVIEW

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

- 1A. [18-060](#) Presentation of Proclamation Bestowing Cadet Badges and Individual Call Signs Upon Police Cadets

Mayor Peters read a proclamation bestowing cadet badges on three Fort Bragg Police Department cadets: Maria Ramirez (Call Sign 5 Edward 1), Matt Lizarraga (Call Sign 5 Edward 2) and Analiese Keaton (Call Sign 5 Edward 3). Chief Lizarraga explained the call sign designations, thanked the cadets for their service, and recognized Officer Tom O'Neal for organizing the program.

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

(1) Non-Agenda Items:

- Rex Gressett said meetings with the Department of Toxic Substances Control and other agencies involving the Mill Site are not being reported to the City Council.
- John Fletcher expressed concern about a cannabis processing facility and that the reading of a letter by a Planning Commissioner was a violation of the Brown Act.
- Don Lynn spoke in opposition to parking fees for City parks.
- John Gallo encouraged people to reach out to others and have a conversation about the Mill Site plan.
- Leslie Kashiwata said weighty agenda items should not be placed at the end of the agenda when everyone is tired.

(2) Consent Calendar Items:

- Jacob Patterson requested that the City consider changes to the Traffic Resolution because it

contains outdated information.

(3) Closed Session Items: None.

3. STAFF COMMENTS

City Clerk Lemos provided an update on the November 6, 2018 election. Chief Lizarraga spoke about the demonstration anticipated for the NRA event and said misinformation is circulating on a local listserv that the NRA has purchased the armors worn by local police officers. He stated that there is no truth to that whatsoever; the Department of Justice puts up 50% of the cost and the City budget provides the other half. Community Development Director Jones gave an update on the status of the Coastal Trail middle section, noting that 99.1% of all project funds were spent in the United States. Interim City Manager Schneider said the mid-year budget workshop will be held on March 7, followed on the same date by the CV Starr mid-year budget workshop. May 22 is the tentative date for the Fiscal Year 2018/19 budget workshop.

4. MATTERS FROM COUNCILMEMBERS

Mayor Peters reported on an upcoming meeting of the Mendocino Transit Authority and problems with MTA benches. He noted that Sonoma Clean Power will be meeting next week. Mayor Peters introduced new City Manager Tabatha Miller, whose first day on the job will be March 5. Vice Mayor Lee reported on the Hospitality House ad hoc committee meeting. He asked that the Finance and Administration Committee look into ways of helping seniors with water bills. Councilmember Cimolino reported on the Mendocino Council of Governments and Coalition for Gang Awareness and Prevention meetings. He said that a Marijuana Forum is set for April 18 and Day in the Park will be on May 19. Councilmember Cimolino asked for a status update on what is happening with the Mill Pond. Councilmember Norvell spoke about the Hospitality House ad hoc committee and gave shelter statistics. The Mayor requested that the Master Traffic Resolution be discussed at a future Public Safety Committee meeting.

5. CONSENT CALENDAR

Mayor Peters requested that Item 5A be removed from the Consent Calendar to make an amendment to the contract. Vice Mayor Lee requested that Item 5C be removed from the Consent Calendar for further discussion.

Approval of the Consent Calendar

A motion was made by Councilmember Norvell, seconded by Councilmember Cimolino, to approve the Consent Calendar with the exception of Items 5A and 5C. The motion carried by the following vote:

Aye: 4 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino and Councilmember Norvell

Absent: 1 - Councilmember Turner

5B. [18-057](#) Accept the Basic Financial Statements for the Year Ended June 30, 2017 for the Municipal Improvement District No. 1

These Basic Financial Statements were approved on the Consent Calendar.

5D. [17-650](#) Readopt Master Traffic Resolution

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 1271-2018A

- 5E. [18-065](#) Receive and File Minutes of the January 9, 2018 Community Development Committee Meeting

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

- 5F. [18-062](#) Approve Minutes of February 12, 2018

These Minutes were approved on the Consent Calendar.

ITEMS REMOVED FROM CONSENT CALENDAR

- 5A. [18-064](#) Adopt Joint City Council/Improvement District Resolution Authorizing the Execution of an Employment Agreement for City Manager with Tabatha Miller

Mayor Peters requested that the word "and" be changed to "or" on page 6 of 11 of the City Manager's Contract, line 6 of Item C1.

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

Aye: 4 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino and Councilmember Norvell

Absent: 1 - Councilmember Turner

Enactment No: RES 4069-2018 / ID 399-2018

- 5C. [18-056](#) Accept the Basic Financial Statements for the Year Ended June 30, 2017 for the CV Starr Community Center

Vice Mayor Lee brought up a number of concerns regarding sales tax distribution, the deficit, the number of full-time equivalents, and concerns about wages and benefits. Finance Director Damiani responded to the questions and noted that these items will be discussed at the mid-year budget workshop on March 7.

Public Comment:

- Maureen Martin said it would be wonderful if complete information was provided.

A motion was made by Vice Mayor Lee, seconded by Councilmember Cimolino, that these Basic Financial Statements be approved. The motion carried by the following vote:

Aye: 4 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino and Councilmember Norvell

Absent: 1 - Councilmember Turner

6. PUBLIC HEARING

- 6A. [18-025](#) Receive Recommendation of the Planning Commission, Conduct Public Hearing, and Consider Adoption of City Council Resolution to Submit a Local Coastal Program Amendment (LCP 2-17) to Amend the Coastal

General Plan and Coastal Zoning Map for the Parcel at 100 East Ocean
View Drive from RVH to CH

Special Projects Manager Perkins gave the staff report for this item.

Mayor Peters opened the public hearing at 6:58 PM.

- Rex Gressett spoke in opposition to allowing the change in zoning for this parcel.
- Sean Hogan, the applicant, explained why the Cummings Trust is requesting this change and gave a history of the efforts to rezone the parcel, noting that this problem was created over 20 years ago when the City built Ocean View Drive through three parcels of property.
- John Fletcher spoke of concerns that making the parcel commercial space will take business away from the downtown area and change the character of the town.
- Ann Rennacker said she heard a developer wants to put a dollar store in there and she is opposed to that.
- Jacob Patterson supported the change to a commercial designation for the parcel.
- Sean Hogan clarified that the Cummings Trust who owns the property has no plans for development; they want to liquidate the property and sell it.

Mayor Peters closed the public hearing at 7:15 PM.

Discussion: After a brief discussion, Council consensus was to support a change in zoning from high density residential to commercial for this property.

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

Aye: 4 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino and Councilmember Norvell

Absent: 1 - Councilmember Turner

Enactment No: RES 4070-2018

7. CONDUCT OF BUSINESS

- 7A. [18-063](#)** Receive Report and Consider Adoption of City Council Resolution Authorizing and Providing for the Incurrence of Indebtedness for the Purpose of Providing a Portion of the Cost of Acquiring, Constructing, Enlarging, Improving, and/or Extending the City of Fort Bragg's Wastewater Treatment Facility to Serve an Area Lawfully in Its Jurisdiction to Serve in the Amount of \$5,000,000

Assistant Public Works Director Smith presented the staff report on this item and responded to questions from Councilmembers regarding collecting and treating stormwater, outfalls, state regulations, and reusing water in the future.

Public Comment was received from:

- George Reinhardt expressed concern about USDA requirements for treatment and said the City should think in the long term about the health of the environment.
- Maureen Martin asked if this treatment plant upgrade will increase water and sewer fees.
- Rex Gressett said there seem to be serious issues about money and requested a full report be provided.
- Ann Rennacker said she is bothered that sewage is being put into the ocean and is concerned about marine life dying because of that.

Discussion: City Attorney Hildebrand noted that the action tonight is to approve indebtedness for up to \$5 million, authorizing the borrowing of up to \$5M with 2% interest. Once the bids are received,

the District will know how much is needed for the bonds. The Council was in general agreement that the wastewater treatment facility's aging infrastructure needs to be upgraded, and commended staff for gathering the monies for this project.

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

Aye: 4 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino and Councilmember Norvell

Absent: 1 - Councilmember Turner

Enactment No: RES 4071-2018

7B. [18-047](#) Receive Report, Consider Planning Commission Recommendation to City Council, and Provide Direction to Staff Regarding Mill Site Reuse Plan: Open Space

Mayor Peters recessed the meeting at 7:48 PM; the meeting reconvened at 8:00 PM.

Community Development Director Jones gave the staff report on this item and presented a PowerPoint presentation on Open Space and Parks.

Public Comment was received from:

- Susan Nutter wants all toxins in Pond 8 cleaned up.
- Ann Rennacker said the seriousness of dioxins is being downplayed and that zoning and planning should not take place until after the cleanup feasibility study has been prepared by Department of Toxic Substances Control (DTSC).
- George Reinhardt said the DTSC's work has been driven by Georgia-Pacific's desire to get rid of the property. He recommended a regenerative plan.
- Leslie Kashiwata recommended that the Open Space document be a self-contained document, even if it is duplicative of other policies, and asked that wildlife corridors be wide enough to accomplish what they are meant to do.
- John Gallo presented a slide show of ways Alder Creek could be daylighted, showing a meandering track for the creek.
- Jacob Patterson said the Council should allow flexibility in interpretation in their policies rather than hard and fast rules.
- Maureen Martin stated that the site needs to be cleaned up the way the community wants before rezoning occurs.
- Rex Gressett opined that moving ahead with zoning will give Georgia-Pacific the right to move ahead without cleaning the toxins from the site.

Discussion: Community Development Director Jones noted that DTSC has approved "No Further Action" letters for 90% of the mill site, with only Areas 5, 6 and 7 remaining. The rest of the site has been cleared up to residential levels. She noted that Mill Site rezoning is getting confused with remediation, which is not agendized tonight. She reiterated that she is seeking direction from Council on rezoning of the site.

Direction: The City Council directed staff to proceed as follows: (1) Policies MSOS-1, MSOS-2, MSOS-3, MSOS-4, changes approved. (2) Policy MSOS-5, the plaza is desired; sidewalks & walking paths, benches & picnic tables, and native landscaping should be required; additional amenities should be encouraged. (3) MSOS-6, proposed policy accepted. (4) MSOS-12, accepted. (5) MSOS-13, accepted. (6) MSOS-15, changes accepted. (7) MSOS-19, MSOS-20, MSOS-21, changes accepted. (8) MSOS-23, MSOS-24, accepted. (9) MSOS-25, MSOS-26, MSOS-27, changes accepted. (10) Cultural Resources Policies to be further considered after feedback is received from the Sherwood Valley Band of Pomo Indians.

This Staff Report was referred to staff.

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 9:25 PM.

LINDY PETERS, MAYOR

June Lemos, CMC, City Clerk

IMAGED (_____)