



# 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*

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Monday, August 13, 2018

6:00 PM

Town Hall, 363 N. Main Street

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### 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

#### **1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS**

- 1A. [18-320](#)** Presentation of Proclamation Commending Kevin Lutz, Jonathan Ramos-Lopez and Adam Lopez for Their Good Samaritan Actions

Mayor Peters presented a proclamation to three of Fort Bragg's Good Samaritans for their heroic efforts in saving a woman and her two children from a burning building. The three men are Kevin Lutz, Jonathan Ramos-Lopez, and Adam Lopez.

- 1B. [18-330](#)** Receive Presentation from Mendocino Coast Clinics in Honor of National Community Health Center Week, August 12-18, 2018

In honor of National Community Health Center Week, Lucresha Renteria of Mendocino Coast Clinics made a presentation to the City Council on the history and benefits of the Clinics to the residents of the Mendocino Coast.

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

**(1) Non-Agenda Items:**

- Shay Wachtel commented on Proposition 10, the Local Rent Control Initiative. He also spoke in support of a plaza on the Coastal Trail as a gathering place for people.
- Linda Jo Stern, coordinator of Street Medicine Clinic, spoke about the limit on meals at the Hospitality House, saying that reduced access to food for needy people shows a lack of caring by the town.
- Rex Gressett said homeless people are angry that they only get free food one day a week.
- Ann Rennacker said one meal a week will not carry people very far and that the City should be flexible in allowing the Hospitality House to feed the homeless.

- Mary Rose Kaczorowski said people are digging in garbage looking for food and whatever the City can do to show compassion will help.
- Kathy Silva stated that a bit of foresight and planning in advance would have kept the cessation of free meals at Hospitality House from happening in the first place.

(2) Consent Calendar Items:

- None.

(3) Closed Session Items:

- Jacob Patterson said the reason his clients have not been coming to the public hearings about the City's transition to by-district elections is that some people want to ascertain their names and identities so they can engage in public harassment or intimidation, which he says has also been directed to him.

### **3. STAFF COMMENTS**

City Manager Miller announced that the Latino Coalition and West Company will present a free forum at Town Hall on August 27 from 8:30 to 10:30 AM. Community Development Director Jones said a joint City Council/Planning Commission meeting on the Mill Site will be held on September 5 at 6PM at Town Hall. She reported that the Army Corps of Engineers will soon start a jetty repair project at the Noyo Harbor, during which time no fishing or activities will be allowed out on the jetty. Chief Lizarraga announced that the Police Department will be rolling out statistics on a weekly basis showing number of calls made by the police. These stats and demographics will be posted on the City's website and updated every week. The Chief gave a public safety reminder that extra care should be taken when leaving establishments between 12 and 2AM, especially if walking home. City Clerk Lemos reported that the nomination period for city councilmember seats has been extended to August 15. Five candidates have so far been confirmed and four others have until 5PM on August 15 to return their nomination papers. Administrative Services Director Schneider thanked the community for their participation in the recent Coastal Trail Celebration event. He noted the City has received 18 responses to the Visit Fort Bragg promotion and marketing request for proposals.

### **4. MATTERS FROM COUNCILMEMBERS**

Mayor Peters commented on the City celebration and on a recent meeting of the Latino Coalition he attended. He also spoke about firefighters, the California Coastal Commission meeting in September, and the Fort Bragg Timberwolves game in Oakland next week. Vice Mayor Lee said it is exciting that nine people have pulled papers to run for City Council and encouraged the candidates to talk with the Councilmembers. Councilmember Norvell spoke about the time being spent by City staff on public records requests and said he will present statistics at the next City Council meeting. Councilmember Turner also noted it is great to see nine people taking out nomination papers for Council. He recommended that the Hospitality House ad hoc committee look into the meal situation to see if it calls for some kind of exception.

### **5. CONSENT CALENDAR**

Councilmember Norvell asked if the grant funds in Item 5A resolution will cover all remaining recycling and trash receptables needed in the City. Assistant Public Works Director Smith responded that it will, as well as provide funds to help educate the public on recycling.

### **Approval of the Consent Calendar**

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

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

- 5A. [18-331](#)** Adopt City Council Resolution Regarding Submittal of an Application for the CalRecycle Beverage Container Recycling Grant for Procurement of Recycling and Trash Receptacles and for the Administration of the Project Components

**This Resolution was adopted on the Consent Calendar.**

Enactment No: RES 4115-2018

- 5B. [18-302](#)** Adopt City Council Resolution Authorizing Cancellation of the August 27, 2018 City Council Meeting to Accommodate Summer Vacation Schedules

**This Resolution was adopted on the Consent Calendar.**

Enactment No: RES 4116-2018

- 5C. [18-325](#)** Receive and File Minutes of the May 2, 2018 Finance and Administration Committee Meeting

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

- 5D. [18-311](#)** Receive and File Minutes of the July 3, 2018 Community Development Committee Special Meeting

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

- 5E. [18-319](#)** Approve Minutes of Special Joint City Council/Planning Commission Meeting of July 18, 2018

**These Minutes were approved on the Consent Calendar.**

- 5F. [18-322](#)** Approve Minutes of July 23, 2018

**These Minutes were approved on the Consent Calendar.**

## **6. PUBLIC HEARING**

- 6A. [18-303](#)** Receive Report and Conduct **Public Hearing #3** Regarding the City's Intention to Transition from At-Large to District-Based City Councilmember Elections

**Mayor Peters opened the public hearing at 6:56 PM.**

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

- Kathy Silva said 100% of the people she has spoken to think the idea of districts is ridiculous and no one seems to care about how the districts are formed. She is in favor of more compact districts, and suggested that free online demographics software might save the City money.
- Rex Gressett spoke in opposition to district elections, saying there are numerous absurdities with the idea and it is being forced upon us. He said the Coast Committee for Responsive Representation is willing to compromise and asked that the process be opened up to the public.

- Jim Britt stated this is a waste of time and will be expensive for every election in the future. He said that attorney Patterson will not sue the City but will step aside for another lawyer to bring the lawsuit. He thinks the Council should tell Patterson to go pound sand.
- Rick Riley mentioned an open US District Court case, *Higginson v. Poway*, which has similarities to Fort Bragg's situation, and asked the Council to reconsider the Resolution of Intent to Transition to District Elections. He suggested the Council think creatively because the CVRA does not compel local governments to abandon at-large elections. He opined that the safe harbor provision is a "bear trap."
- Gordon Barbosa opposes districting, but stated that if Fort Bragg must transition to voting districts, he likes the idea of starting them all at the same time, in 2022.
- Shay Wachtel said that a significant portion of Fort Bragg residents don't actually live in Fort Bragg, so districting will only affect those who can afford to live within Fort Bragg city limits. He said people who live in the County and not in the town should be kept in mind.
- Mary Rose Kaczorowski said the pros and cons of the legal aspects of CVRA districting need to be clear. She asked how districting will serve the voters and whether or not they will feel represented.
- Jacob Patterson, on behalf of the Coastal Committee for Responsive Representation, stated that people do not fully understand what the CVRA says or requires. He contends that districts are not required - only if the City doesn't want to get sued.
- Eric Dwyer stated that Fort Bragg does not need districting. He said if the City must go to district elections, he recommends four districts with an at-large mayor beginning in 2024, and the City should consider becoming a charter city.
- Ruben Alcala reported that he has searched throughout the community for this Committee and has found zero members, though he is very familiar with the Hispanic community of Fort Bragg. He said they are more concerned about the hit the City would be taking if it converted to district elections, as it is their tax money, and they feel these accusations are being made without any merit.

**Mayor Peters closed the public hearing at 7:27 PM.**

Discussion: Each City Councilmember weighed in on the subject, all expressing opposition to transitioning to district elections. Their reasons for opposing districts includes: No support for this from members of the community they have contacted, there does not appear to be any merit to the claim, the Committee refuses to meet with the ad hoc committee or appear before the Council, and this appears to be either a money grab by the attorney or a way of "getting even" with the City. The unanimous consensus was to revoke the previous resolution of intent to transition to district elections.

**A motion was made by Vice Mayor Lee, seconded by Councilmember Norvell, that Resolution 4109-2018 be revoked and that staff prepare a Resolution rescinding 4109-2018 to be included on the Consent Calendar of the regular City Council meeting of September 10, 2018. The motion carried by the following vote:**

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

## **7. CONDUCT OF BUSINESS**

- 7A. [18-300](#)** Receive Report and Recommendation from Community Development Committee and Provide Direction to Staff Regarding a Proposal for a Mixed Income Project of 14 Units of Market Rate (Workforce) Housing; 15 Units of Permanent Supportive Housing; and 15 Units of Affordable Senior

## Housing

Community Development Director Jones gave the staff report on this agenda item, including statistics on homeless seniors and veterans. She noted that staff amends its staff report and recommends that 15 units be set aside for homeless seniors and/or homeless veterans, instead of homeless disabled people.

Discussion: The Councilmembers sought clarification on: notification to nearby property owners of the project; if Danco has expressed interest in low income housing; and the availability of federal grants for financing those types of projects.

Public Comment was received from:

- Joanna Jensen referred to the 2014 Housing Element and said since the goal for additional housing has been documented, the Council should do whatever it can to support this project.
- Kathy Silva expressed admiration and support for Danco projects and said permanent supportive housing (PSH) is geared for people who have severe mental health or substance abuse issues so it is not easy to be a neighbor to those type of people, especially if they do not partake in treatment for their issues.
- Mayor Peters read comments from Judy Valadao into the record. She supports PSH for homeless/disabled seniors and homeless/disabled veterans.
- Mayor Peters read comments from Jaimi Parsons into the record. She supports the Danco housing project.
- Ann Rennacker said she doesn't think people who have been waiting for housing for years should be bypassed by someone with substance abuse problems.
- Mary Rose Kaczorowski stated that people do not put their names on the waiting list because it is too long, and she thinks squeezing too many houses into one development won't help.
- Jim Britt spoke in support of the project and said people with substance abuse problems should not live near the seniors and veterans there because it is not good for them. He stated that as an employer, he is having trouble keeping employees because they cannot afford housing and the City needs to be proactive about doing something on affordable housing because people are leaving the area in droves.
- Mayor Peters read comments from Zattu Kadan into the record. She supports the Danco project.

**Mayor Peters recessed the meeting at 8:06 PM; the meeting reconvened at 8:13 PM.**

Discussion:

Councilmembers expressed support for the project as long as neighbors are notified of it and allowed an opportunity to submit comments.

**Council directed staff to proceed with the project and notify neighbors in ample time for them to submit comments to the Community Development Committee, the City Council, and Danco.**

### **7B. [18-301](#) Receive Report on City Activities to Support Housing Development in Fort Bragg**

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

Public Comment was received from:

- Rex Gressett commented on zoning and high density apartments.
- Joanna Jensen encouraged the City to develop a strong action plan for housing.
- Eric Dwyer spoke in opposition to splitting parcels due to easement issues, and hopes that the City will continue on a path of growth.
- Kathy Silva supports different ideas for expanding affordable housing in Fort Bragg.

Discussion:

The following was noted during discussion of this item:

- Reach out to for-profit housing developers in the Bay Area to see if they are willing to build housing developments in Fort Bragg;
- Consider changing the zoning to allow more high density residential zones in Fort Bragg;
- Investigate innovative building methods like tiny homes to see if they are a fit with the community;
- Look into possible subdivision of parcels so alley houses can be sold separately;
- Conduct further exploration into what the community wants regarding housing and what ideas they may have for more market rate housing.

**This Staff Report was received and filed.**

- 7C. [18-332](#)** Receive Vacant Property Report Update, Consider Community Development Committee Recommendation to Amend Chapter 6.12 [Nuisances] of the Fort Bragg Municipal Code to Include Maintenance Standards for Vacant Commercial Buildings and Provide Direction to Staff

Assistant Planner McCormick gave the staff report on this agenda item.

Discussion:

The following was noted during discussion of this item:

- When the Community Development Committee discusses vacant buildings, they are referring to chronic vacancy where the owners express no desire to rent out their buildings.
- Communication with the building owner is key and dialogue should be started six months to a year before instituting code enforcement.

Public Comment was received from:

- Eric Dwyer is not in favor of a vacancy tax, but wants code enforcement that is not too aggressive.
- Dana Jess spoke about the issue of deferred maintenance around town and the high costs that can be incurred if maintenance is put off.
- Mary Rose Kaczorowsky said that shuttered buildings are a nuisance and a fire hazard and suggested creating a tax zone to give incentives for properties in use.

Discussion:

The following was noted during further discussion of this item:

- Possibility of installing historical photos in empty buildings may improve the look of downtown.
- Add a requirement for paint in paragraph V.
- Delete paragraph X.
- Withdraw the fine but check in a year to see if any progress is being made.

**This Staff Report was referred to staff for preparation of an ordinance to be introduced at the next regular meeting of the City Council.**

- 7D. [18-321](#)** Receive Update of Activities from Public, Education, Government (PEG) TV Community Advisory Committee for First Year of City Administration of the PEG and Provide Direction Regarding Use of Studio in City Hall East

Administrative Services Director Schneider presented the staff report on this agenda item; Audio/Visual Technician Ortiz presented a slide show on the PEG TV.

Public Comment was received from:

- Rex Gressett said he was misled because he thought he was on the PEG board but it is the advisory committee. He said there are administrative issues regarding money and it is unethical for the City to produce the PEG.
- Eric Dwyer encouraged the City to move the PEG toward schools and it should not be a government run station.

Discussion:

The following was noted during discussion of this item:

- The money received from Comcast is a franchise fee given to the City and the City can do whatever it wants with that money, like cities everywhere do.
- The PEG has made tremendous progress over the past year, featuring better shows than there have been for many years.
- There was unanimous approval to keep the PEG located in City Hall East.

**A motion was made, seconded, and unanimously carried to continue the meeting past 10:00 PM.**

**Council directed staff to continue using City Hall East as the base for the PEG station.**

**7E. [18-334](#)**

Receive Report and Consider Adoption of City Council Resolution Approving Reorganization of the Police Department Including: 1) Elimination of the Police Lieutenant classification; 2) Addition of One Community Service Officer (CSO); 3) Budget Approval for the Police Officer Position Unfunded in the Fiscal Year 2018-19 Approved Budget; and 4) Reclassification of the Administrative Coordinator to Administrative Supervisor

City Manager Miller gave the staff report on this item.

Public Comment:

- Ruben Alcala asked if someone hired out of the academy as a police officer could work his or her way up to Chief in the Fort Bragg Police Department if the Lieutenant position has been eliminated, as Lieutenant is a prerequisite for Chief.
- Eric Dwyer spoke in opposition to removal of the Lieutenant position, saying it rounded out the whole department.

Discussion:

After a brief discussion, the Council acknowledged that this was a difficult personnel decision but the bottom line is that the City is gaining two more police officers.

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

Enactment No: RES 4117-2018

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

**8. CLOSED SESSION**

**Mayor Peters recessed the meeting at 10:18 PM. The meeting reconvened to Closed Session at 10:23 PM.**

**8A. [18-329](#)**

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to Paragraph (2) of Subdivision (d) of California Government Code Section 54956.9: Two (2) Potential Cases

Mayor Peters reconvened the meeting to Open Session at 10:34 PM and reported that no reportable action was taken on the Closed Session item.

## ADJOURNMENT

Mayor Peters adjourned the meeting at 10:34 PM.

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LINDY PETERS, MAYOR

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June Lemos, CMC, City Clerk

IMAGED (\_\_\_\_\_)