



# 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, April 22, 2019

6:00 PM

Town Hall, 363 N. Main Street

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### CALL TO ORDER

Mayor Lee called the meeting to order at 6:03 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

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

- 1A. [19-195](#)** Introduction of New Employees: Justin Celeri, Maintenance Worker I, Padraic Ferris, Police Recruit, Ryan Rhoades, Treatment Plant Operator, Anthony Welter, Police Officer, Refugio Zavala, Police Recruit

Chief Lizarraga updated the Council on the newest additions to the Police Department. Public Works Director Varga welcomed the new Public Works employees. Mayor Lee extended a warm welcome to all the new employees to the City of Fort Bragg.

- 1B. [19-191](#)** Receive Annual Presentation from Executive Director Heather Gurewitz of Economic Development & Financing Corporation

Heather Gurewitz gave her annual presentation to the Council on behalf of Economic Development & Financing Corporation (EDFC). Heather provided a thorough description of the EDFC program and responded to questions from Councilmembers.

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

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

- Susie DeCastro requested the bathrooms at Noyo Headlands Park South be moved, stating that they smell bad.
- Jerry Ward from Solid Waste of Willits spoke of an alternative to the coastal transfer station and offered to provide information if requested by Council.
- Richard Mack commented on privatizing mental health systems.
- Shay Wachtel spoke in favor of rebranding Fort Bragg, supporting more tourism and bringing in film crews.

- Ann Rennacker said she empathizes with those suffering from mental health issues and believes in the use of cannabis. She asked about the Hare Creek story poles.
- (2) Consent Calendar Items: None.
- (3) Closed Session Items: None.
- Mayor Lee reported that the Council met in closed session prior to this public meeting with no reportable action taken.

### **3. STAFF COMMENTS**

Chief Lizarraga reminded the Community about the Gang Forum on April 25 and the Take Back event to collect unused medication this Saturday. Public Works Director Varga announced that the heater in Town Hall is fixed and the Wastewater Treatment Facility upgrade is three-quarters done.

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

Mayor Lee added Andrew Jordan to the Election Systems Review Ad-Hoc Committee.

### **5. CONSENT CALENDAR**

Councilmember Peters and Vice Mayor 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 Peters, seconded by Vice Mayor Norvell, to approve the Consent Calendar with the exception of Item 5B. The motion carried by the following vote:**

**Aye:** 4 - Mayor Lee, Vice Mayor Norvell, Councilmember Morsell-Haye and Councilmember Peters

**No:** 1 - Councilmember Albin-Smith

- 5A. [19-207](#)** Adopt City Council Resolution Extending the Declaration of a Shelter Crisis Pursuant to Government Code Section 8698.2

**This Resolution was approved on the Consent Calendar**

Enactment No: RES 4159-2019

- 5C. [19-177](#)** Receive and File Minutes of the February 6, 2019 Finance and Administration Committee Meeting

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

- 5D. [19-204](#)** Receive and File Minutes of the February 13, 2019 Public Works and Facilities Committee Meeting

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

- 5E. [19-186](#)** Receive and File Minutes of the February 20, 2019 Public Safety Committee Meeting

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

- 5F. [19-209](#) Receive and File Minutes of the February 22, 2019 Public Works and Facilities Committee Special Meeting

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

- 5G. [19-201](#) Approve Minutes of Special Joint City Council/Planning Commission Meeting of March 21, 2019

These Minutes were approved on the Consent Calendar.

- 5H. [19-202](#) Approve Minutes of Special Closed Session of April 8, 2019

These Minutes were approved on the Consent Calendar.

- 5I. [19-208](#) Approve Minutes of April 8, 2019

These Minutes were approved on the Consent Calendar.

### **ITEMS REMOVED FROM CONSENT CALENDAR**

- 5B. [19-212](#) Approve City Council Letter in Support of Senate Bill 212

Councilmember Peters and Vice Mayor Norvell expressed concern over why the letter in Item 5B was on the Consent Calendar instead of being a Conduct of Business item for discussion prior to approval. City Manager Miller clarified that this letter is not in support of ranked choice voting (RCV) but rather it is about the flexibility to allow cities to have more control over their election systems in the future. She noted that the Election Systems Review Committee (ESRC) voted to present the letter to Council for approval. Councilmember Albin-Smith said the letter is not an advocacy for any specific type of voting, but the bill would give the City the option of choosing RCV without becoming a charter city. Further discussion was held on the pros and cons of approving such a letter of support.

#### **Public Comment:**

- Rex Gressett said it was never clear what the ESRC was supposed to be doing and he feels that Committee Members Scott Menzies and Albin-Smith are advocating for ranked choice voting. He urged the Council not to sign the letter.
- Scott Menzies stated he thought the Committee's objective was to review all options of voting to make an educated decision and feels that until all the committee members understand all the options the committee cannot make a recommendation to Council.
- Don Rowe from Californians for Electoral Reform, a non-profit resource for communities wanting to learn about different types of elections, stated that his group would like to see more options.
- Mayor Lee read a portion of a comment letter from Rick Riley.

#### **Further Council Discussion:**

Councilmember Peters feels that SB 212 supports one specific type of voting and there are a lot of choices. Councilmember Albin-Smith mentioned that past Councils have written similar letters of support.

A motion was made by Councilmember Albin-Smith to approve the Letter in Support of Senate Bill 212. The motion failed for lack of second.

### **6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS**

None.

## **7. PUBLIC HEARING**

- 7A. [19-221](#) Conduct Continued Public Hearing on Proposed Resolution Adopting Revisions to the City's Fee Schedule for Various City Fees and Services: 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 7:21 PM. Mayor Lee continued the Public Hearing to May 13, 2019.**

## **8. CONDUCT OF BUSINESS**

- 8A. [19-190](#) Receive Report from Heather Gurewitz, Executive Director of the Economic Development & Financing Corporation, and Consider Adopting a City Council Resolution Adopting the Mendocino County Digital Infrastructure Plan 2019-2025

Heather Gurewitz presented her report to the Council, noting that the affordable highspeed will be about \$70 per month. Asked if there was concern with the technology becoming outdated prior to project completion, Ms. Gurewitz responded that most are opting to start with conduit, adding cable at a later date. Councilmembers discussed health concerns associated with highspeed wireless services, funding for the operation, aesthetics and safety.

Public Comment was received from:

- Rex Gressett spoke in favor of fast internet, but thinks that kids could get cancer from wireless internet and big companies do not care.

Discussion: The Council directed that the language of the resolution be amended by changing the findings as follows: (1) Access by households in Mendocino County to affordable, safe and reliable high speed internet is important for the economic health of the City and the County. (2) There is a preference for high-speed internet to be delivered through underground fiber instead of wireless delivery.

**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 4160-2019

- 8B. [19-193](#) Receive Report and Consider Adopting City Council Resolution Retroactively Consenting to a Rate Setting Method Change and Extension of the Term in the Operating Agreement and Lease for the Caspar Transfer Station Between Mendocino County and Solid Waste of Willits

City Manager Miller presented the report to the Council.

Public Comment was received from:

- Jerry Ward from Solid Waste of Willits stated they have always been under the impression that there would be a Coastal Transfer Station built by 2015 or maybe extending to 2017. He is not willing

to continue to operate under the current conditions. He was unaware that the County had extended the build until 2020.

Discussion:

It was noted that the recycle price increase is due to China no longer taking recyclables. The Council generally approved of adopting the resolution, but directed that it be amended as follows: (1) Addition of a new recital paragraph stating, "WHEREAS, the County approved a gate rate increase of .92 percent or \$.25 per cubic yard of waste, on March 19, 2019 as a result of an increase in the tipping fees of Cold Creek Compost, Inc.;" and (2) Addition of the following sentence to the resolution paragraph: "Further, the City Council of Fort Bragg does hereby consent and approve the rate adjustment of March 19, 2019 as a result of the increase in tipping fees at the Cold Creek Compost facility."

**A motion was made by Councilmember Morsell-Haye, seconded by Vice Mayor Norvell, 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 4161-2019

- 8C. [19-197](#)** Receive Report and Consider Introducing by Title Only and Waiving the First 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

Finance Director Damiani presented the staff report on this item.

Public Comment: None.

Discussion: The Council discussed requirements for property management companies with multiple rentals, the cost of business licenses, and whether those costs would be a barrier to encouraging rentals.

**A motion was made by Councilmember Peters, seconded by Vice Mayor Norvell, that this Ordinance be introduced by title only. The motion carried by the following vote:**

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

- 8D. [19-210](#)** Receive Report and Approve the City Council Priority Areas and Goals

City Manager Miller presented the report on this item and provided a summary of the survey results.

Public Comment: None.

Discussion: Suggestions included gathering more data by conducting more surveys, having the Ad-Hoc Homeless Committee brainstorm about funding, and researching how to secure future funding for more housing. The Council recommended that staff prepare a survey asking community members for input on goals and priorities.

**This Staff Report was approved.**

- 8E. [19-196](#)** Receive Report and Consider Adoption of a City Council Resolution Adopting a 2019 Legislative Platform to Serve as Guidelines for Local, State and Federal Legislative Matters

City Manager Miller presented the staff report to the Council.

Public Comment: None.

Discussion: Council requested revision of Exhibit A to the Resolution to add language concerning homelessness and undergrounding of utility lines as follows: (1) Homelessness: The City supports legislation and local, state, and federal programs for managing homelessness issues. (2) Support and Resources for Rural Communities: 3. The City supports legislative efforts that incentivize and support expansion of infrastructure, including undergrounding of all utilities, including electricity, broadband and other communication channels into rural regions.

**A motion was made by Vice Mayor Norvell, 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 4162-2019

**8F. [19-224](#)** Receive Report and Consider Introducing by Title Only and Waiving the First 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 Deployment of Wireless Communications in the City of Fort Bragg

City Manager Miller summarized the report on this item.

Public Comment: None.

**A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, that this Ordinance be introduced by title only. 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 9:36 PM.**

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WILLIAM V. LEE, MAYOR

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Joanna Gonzalez, Administrative Assistant

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