



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

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, December 11, 2017

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 moved Item 7E before 7A.

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

Mayor Peters presented some gifts from Otsuchi to Sharon Davis of the Chamber of Commerce and Otsuchi Association.

- 1A. [17-633](#)** Presentation of Proclamation Recognizing the Many Local Volunteers Who Devoted Countless Hours to Assist Evacuees from the October 2017 Northern California Fires

Mayor Peters presented proclamations recognizing the volunteers who helped with the Northern California fire evacuees. Vice Mayor Lee acknowledged the faith communities who also helped with the evacuees.

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

(1) Non-Agenda Items:

- Kevin Scanlon spoke about the terrible condition of the dilapidated buildings in the downtown business district.

(2) Consent Calendar Items: None.

(3) Closed Session Items: None.

3. STAFF COMMENTS

City Manager Ruffing announced that Special Projects Manager Owen accepted a position with the North Coast Brewing Company and the City is working on a transition plan for the Community Development Department. Ruffing announced an interim vacancy on the Noyo Harbor Commission

Board; applications are available through the City Clerk with a deadline of January 12, 2018. Assistant Director of Public Works Smith gave an update on the City Hall and Guest House Museum paint job, noting that the painting contractor will be fixing some spots where blistering has occurred. Community Development Director Jones gave an update on the Emergency Weather Shelter permit and reported on the Coastal Trail middle section paving. The new trail is slated to open in late January or early February. Police Chief Lizarraga reported on the holiday lights parade, an upcoming Neighborhood Watch meeting and body worn camera training.

4. MATTERS FROM COUNCILMEMBERS

Mayor Peters noted that the public comment buzzer has been replaced by a bell. He said that Sonoma Clean Power met last week and is evaluating the effect of recent fires on its customers. The Mendocino Transit Authority board also met last week and reported that ridership is down a bit. Vice Mayor Lee mentioned concerns in the community about traffic safety and asked that the Public Safety Committee look at traffic citations for the 2017 year.

5. CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Councilmember Turner, seconded by Councilmember Cimolino, 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. [17-611](#)** Adopt City Council Resolution Approving Professional Services Agreement with Chamber of Commerce for Specified Visit Fort Bragg Marketing and Promotion Tasks (Amount Not to Exceed \$36,444; Account No. 110-4321-0319)

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4053-2017

- 5B. [17-609](#)** Approve Maddy Act Notice Providing List of Appointed Terms Expiring in 2018

The Maddy Act Notice was approved on the Consent Calendar.

- 5C. [17-610](#)** Authorize Cancellation of the December 25, 2017 Meeting

Cancellation of the December 25, 2017 meeting was approved on the Consent Calendar.

- 5D. [17-627](#)** Receive and File Minutes of the October 24, 2017 Community Development Committee Meeting

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

- 5E. [17-641](#)** Receive and File Minutes of the November 1, 2017 Finance and Administration Committee Meeting

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

5F. [17-636](#) Approve Minutes of Special Closed Session of November 27, 2017

These Minutes were approved on the Consent Calendar.

5G. [17-624](#) Approve Minutes of November 27, 2017

These Minutes were approved on the Consent Calendar.

6. PUBLIC HEARING

6A. [17-640](#) Receive Report, Conduct Public Hearing, and Consider Adoption of the Following: (1) City Council Resolution Adopting Updated Fees For Various Planning and Development Services; (2) Joint City Council/Improvement District Resolution Adopting Updated Fees For Miscellaneous City/District Services

Administrative Services Director Schneider presented the staff report on this item. Community Development Director Jones related how the fees were derived for appeals, as directed by Council. She also spoke about how building permit fees are calculated and summarized the planning fee process.

The public hearing of November 27, 2017 on this matter was continued to this date; Mayor Peters reopened the public hearing at 6:47 PM.

- Jacob Patterson said some of his previous questions were not answered so he is maintaining his objections.
- Rex Gressett recommended further deliberation to determine if a change in fee structure might be advantageous.
- Jon McColley said staff has been very accommodating regarding his Use Permit application and commended staff for good advice and quick turnaround.

Mayor Peters closed the public hearing at 6:53 PM.

After a brief discussion of the City fee structure and several questions of staff, City Council consensus was to approve the 2018 fee schedule.

A motion was made by Vice Mayor Lee, seconded by Councilmember Norvell, that this Resolution updating fees for various planning and building services 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 4054-2017 / RES 4055-2017 / ID 396

A motion was made by Vice Mayor Lee, seconded by Councilmember Norvell, that this Joint Resolution updating fees for miscellaneous City/District services 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 4054-2017 / RES 4055-2017 / ID 396

6B. [17-629](#) Receive Report, Conduct Public Hearing and Consider Providing

Conceptual Preliminary Approval of Proposed Development and Affordable Housing Incentives for a Mixed-Income Senior and Multifamily Housing Project to be Located at 441 South Street (APN 018-340-04)

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

Mayor Peters opened the public hearing at 7:09 PM.

- Megan Caron said that until Fort Bragg has housing for people who want to invest here, there will never be a robust and sustainable economy.
- Simeon Evans spoke about the horrendous problem of trying to find housing here as contrasted with the large number of vacation rentals in the area.

Mayor Peters closed the public hearing at 7:16 PM.

Discussion: The Council is sensitive to the housing issues and recognizes the problems that lack of housing causes in Fort Bragg. Sufficient water, tandem parking, and setbacks were discussed. Council consensus was to approve the setbacks and number of parking spaces as set forth in the staff report.

Council provided conceptual preliminary approval of the proposed development and affordable housing incentives as outlined in the staff report.

7. CONDUCT OF BUSINESS

- 7E. [17-634](#)** Receive Report and Consider Adoption of Municipal Improvement District Resolution Approving Agreement for Legal Services with Jones Hall to Provide Bond Counsel Services for USDA Loan Funding for Wastewater Treatment Facility Upgrade Project and Authorizing City Manager to Execute Same (Amount Not to Exceed \$50,000; Account No. 716-7001-0731)

Assistant Director of Public Works Smith presented the staff report on this item. City Attorney Hildebrand noted that Jones Hall was selected from a list of bond counsel obtained from the USDA. Hildebrand has worked with this firm for many years and has found them efficient and helpful, noting that USDA work is a large part of Jones Hall's practice.

Public Comment:

- Steve Heckeroth said the facility is an interruption of the Coastal Trail and should be moved to a better site than the trail facility.
- Rex Gressett said the sewage treatment plant is in the most beautiful spot in Northern California. He spoke about documentation on the grant funding and bonds.

Discussion: It was noted that staff has done a lot of hard work to obtain the money for the plant upgrade and that moving the plant would double the cost, so relocation was not considered.

A motion was made by Councilmember Turner, seconded by Councilmember Norvell, that this ID 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 ID 397-2017

- 7A. [17-637](#)** Receive Presentation from Visit Fort Bragg and Provide Feedback Regarding Initial "Branding" Concepts

Special Projects Manager Owen presented the staff report on this agenda item. Aspen Logan of The

Color Mill presented Revel's brand concepts and asked for information and feedback on the three concepts presented.

Mayor Peters recessed the meeting at 7:56 PM; the meeting reconvened at 8:10 PM.

Public Comment was received from:

- Steven Heckeroth recommended changing the name from Fort Bragg to Noyo to reflect that this is a port town; rebranding to him means renaming.
- Rex Gressett said he was not impressed and hates the color schemes.
- Gabriel Maroney said the photos are generic and this town needs good marketing because of all the local treasures.
- Simeon Evans thought the images were overly wholesome and geared too much toward Mendocino. He recommended a different approach because most people coming here aren't from the Bay Area but from the valley.
- Bob Burns thinks Fort Bragg's name should stay the same and that the city needs to change for the better.
- David Eyster spoke about demographic studies and connecting advertising with who spends their money to come here.

Discussion: Each Councilmember weighed in on their initial reactions to the presentation. Revel will narrow the focus after more input and will create a platform for business owners and residents to give additional feedback.

This presentation was informational and was not acted on.

7B. [17-628](#) Receive Report and Public Safety Committee Recommendations Regarding Policy Approaches to Address Cannabis Businesses in Fort Bragg in Response to Upcoming State Permitting of Cannabis Businesses and Provide Direction to Staff

Associate Planner Perkins summarized the staff report for this agenda item.

Public Comment was received from:

- Simeon Evans said onsite consumption should be limited to the site and requested that the Council review the City of Oakland legislation on cannabis.
- Bob Burns does not want the smoke near where he lives.
- Jon McColley recommended keeping everything under one ordinance to streamline the process.
- Gabriel Maroney spoke on the different ways to consume cannabis and recommends these businesses be out in the open and not relegated to upper floors.

Discussion: After discussing the various aspects of retail cannabis uses, the Council directed as follows: (1) Allow retail dispensaries, keeping the same regulatory scheme for medical and retail cannabis; (2) Require a Use Permit; (3) Exclude retail from the Central Business District but allow in General Commercial (CG) and Highway Commercial (CH) zones; (4) Set quantity of permits by resolution, and begin with allowing four permits; (5) Have proximity issues be the same as for cannabis manufacturing uses; (6) Accessory uses are permitted; (7) Odor controlling measures are required; (8) Minimum security requirements; (9) No onsite ingestion; (10) Delivery business allowed from store front only, with no differentiation between medicinal and adult use with regard to type of cannabis that can be delivered; (11) Deliveries allowed in CG and CH zoning districts only. Council directed staff to move forward with an ordinance.

This Staff Report was referred to staff for preparation of an ordinance.

7C. [17-613](#) Receive Report and Consider Adoption of City Council Resolution Accepting the Bid of Akeff Construction Services, Inc. as the Lowest Responsive Bid, Awarding the Contract for the New Water Tank Project,

City Project No. 2017-08, to Akeff Construction Services, Inc., and Authorizing City Manager to Execute Contract (Amount Not to Exceed \$1,459,000.00; Account No. 651-6003-0731) and Approving Budget Adjustment No. 2018-11, Amending the FY 2017-2018 Budget to Appropriate Funds by Transferring \$367,200 from the Water Enterprise Capital Reserve Fund to Account No. 650-6003-0731

Public Works Director Varga presented the staff report summary.

Public Comment was received from:

- Rex Gressett said Akeff Construction should be asked about the Chestnut Street Project overruns.
- Jeff Green on behalf of Akeff Construction stated that the Chestnut Street Project was not \$700,000 over budget and offered to answer questions from Council.

A motion was made by Councilmember Turner, seconded by Councilmember Norvell, to continue the meeting past 10:00 PM. The motion passed by a unanimous vote.

Discussion: Mr. Green answered questions of Councilmembers regarding mobilization and demobilization costs, the bid process, and tank costs. The Council was in unanimous agreement that: (1) the bid protest be denied; (2) the budget amendment be approved and (3) the resolution be adopted.

A motion was made by Councilmember Turner, seconded by Councilmember Norvell, that the bid protest of MDS Engineering be denied and 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 4056-2017

7D. [17-614](#)

Receive Report and Consider Adoption of City Council Resolution Approving Professional Services Agreement with 4LEAF, Inc. to Provide Construction Management, Staking and Materials Testing for the New Water Tank Project and Authorizing City Manager to Execute Contract (Amount Not to Exceed \$99,753; Account No. 651-6003-0731)

Public Works Director Varga gave the staff report for this item.

Public Comment: None.

A motion was made by Councilmember Norvell, seconded by Councilmember Turner, 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 4057-2017

7F. [17-621](#)

Receive Report and Consider Adoption of Municipal Improvement District Resolution Approving Contract with Synagro to Provide Transportation of Biosolids to Land Application Sites and Authorizing City Manager to Execute Contract (Amount Not to Exceed \$140,000; Account No. 710-4712-0319) and Approving Budget Amendment No. 2018-10 to Appropriate \$140,000 from the Wastewater Enterprise Fund to Account No. 710-4712-0319

City Council waived the reading of the staff report for this agenda item.

Public Comment:

- Rex Gressett asked questions about the cost for this contract.

Discussion: Brief discussion was held about the cost of trailer rent, which is included in this contract.

A motion was made by Councilmember Turner, seconded by Councilmember Cimolino, that this ID 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 ID 398-2017

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 10:17 PM.

LINDY PETERS, MAYOR

June Lemos, CMC, City Clerk

IMAGED (_____)