



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, July 23, 2018

6:00 PM

Town Hall, 363 N. Main Street

AMENDED

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 reported that no argument against Measure H was submitted by the deadline, so no rebuttal is needed. He therefore removed item 7B from the agenda.

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

- 1A** [18-295](#) Presentation of Proclamation Acknowledging Dannie Orsi for his Service
on the Fort Bragg Volunteer Fire Department

Mayor Peters read a proclamation recognizing Dannie Orsi for his many years of service on the Fort Bragg Fire Department. The Mayor presented the proclamation to Mr. Orsi's son, Fire Chief Steve Orsi who thanked the City on behalf of his father.

- 1B.** [18-286](#) Introduction of Newly Appointed Visit Fort Bragg Committee

Mayor Peters introduced the newly formed Visit Fort Bragg Committee, consisting of Nancy Bennett, Katie Carr, Debra DeGraw, Jon Glidewell, Robert Pinoli, James Sant and Anne Semans. The Mayor also acknowledged Aspen Logan of The Color Mill who will provide project management services for the Visit Fort Bragg promotion activities and Scott Schneider, City staff in charge of the promotion/marketing project.

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

None.

3. STAFF COMMENTS

City Manager Miller announced that the Finance Department received an award from the Government Finance Officers Association, the seventh year in a row the City has received the award. Chief Lizarraga noted that National Night Out is on August 7th at Bainbridge Park. The Chief recognized local citizens who went above and beyond this weekend to help save neighbors whose apartment was engulfed in a fire. Community Development Director Jones related that the license agreement for the downtown access to the Coastal Trail has been signed and that the demolition of the burned property at 119 Pine Street has been delayed to July 30. Administrative Services Director Schneider provided details on the City's Coastal Trail Celebration set for Sunday, August 5 from noon to 5PM.

4. MATTERS FROM COUNCILMEMBERS

Mayor Peters reported on a recent Sonoma Clean Power meeting and said that the Mendocino Transit Authority meets in Willits on Wednesday for its annual Unmet Needs meeting. Vice Mayor Lee said the family injured in the weekend fire have a GoFundMe account set up for donations. Vice Mayor Lee spoke about the housing crisis in Fort Bragg and asked that the Mayor appoint a task force or ad hoc committee to investigate how the City can make it easier for developers and landowners to develop housing in Fort Bragg. He noted that an Accessory Dwelling Unit meeting will be held at Town Hall on October 6. Mayor Peters assigned the matter to the Community Development Committee.

5. CONSENT CALENDAR

Vice Mayor Lee 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. [18-294](#)** Adopt City Council Resolution Approving a Subrecipient Agreement with Building Better Neighborhoods Inc. to Use Program Income Funds Available from Community Development Block Grant #16-CDBG-11140 for the Housing Rehabilitation Project at the Glass Beach Apartments and Authorizing City Manager to Execute Same (Amount Not to Exceed: \$75,000; Account No. 331-5052-0630)

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4114-2018

- 5C. [18-280](#)** Receive and File Minutes of the June 13, 2018 Public Works and Facilities Committee Meeting

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

- 5D. [18-281](#)** Receive and File Minutes of the June 26, 2018 Community Development Committee Meeting

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

5E. [18-285](#) Approve Minutes of July 9, 2018

These Minutes were approved on the Consent Calendar.

5F. [18-287](#) Approve Minutes of Special Meeting of July 11, 2018

These Minutes were approved on the Consent Calendar.

ITEMS REMOVED FROM CONSENT CALENDAR

5B. [18-279](#) Approve the Scope of Work for the Raw Water Line Replacement Design Engineering

Vice Mayor Lee asked for an explanation of the project. Public Works Director Varga explained that some old raw water lines need repair or replacement and this project has been on the Capital Improvement Project list for a long time. This Request for Proposals (RFP) scope of work is intended to get the design portion of the project started.

Public Comment: None.

Discussion: After a brief discussion, it was generally agreed to send the RFP to the Public Works and Facilities Committee meeting for further discussion.

A motion was made by Vice Mayor Lee, seconded by Councilmember Cimolino, that this Scope of Work be referred to the Public Works and Facilities Committee. The motion carried by the following vote:

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

6. PUBLIC HEARING

6A. [18-251](#) Receive Report, Conduct Public Hearing and Consider Appeal of Planning Commission Decision to Approve Use Permit 1-18 to Convert Existing Vacant Storefront in the Central Business District to a Bar with Live Music

Councilmember Turner recused himself from hearing Item 6A because he owns a business within 500 feet of the subject property; he left the Council chamber at 6:23 PM.

Assistant Planner McCormick presented the staff report for this agenda item. Councilmember Norvell disclosed that he has been contacted by two of the neighbors residing in the vicinity of the project.

Mayor Peters opened the public hearing at 6:37 PM.

- Appellant Rhonda McCormick expressed concern that the bar would affect the quality of life for nearby rentals due to noise and second-hand smoke. She asked the Council to uphold the appeal and deny the permit.
- Local business owner Alan Limbird, DDS spoke in support of the project, saying the downtown needs more businesses and the bar will bring more people to Franklin Street. He said people who live in the Central Business District (CBD) should realize they are living in a commercially zoned area, not a residential district.
- Andrea Luna said she is opposed to allowing the bar because it will reduce the quality of life for residents nearby.
- Fort Bragg resident Adriane Nicolaisen said she supports high quality housing in Fort Bragg but a

bar does not support that goal. She wants the building rented, but not to a bar.

- Macey Nelepovitz's comment in support of the new bar was read into the record by Mayor Peters.
- Jenney O'Neal spoke in support of the project.
- Bar owner Jim Charter, business partner of permit applicant Valerie Thornton, stated that they want to operate a first class bar, will comply with all City ordinances, and will strive to do their best to serve the best interests of the community at that location by providing a venue for the public to enjoy live music.
- Susan Juntz's comments in opposition to the project were read into the record by Mayor Peters.
- Fred Andrews' comments in support of the bar were read by Mayor Peters.
- The Mayor read Billy Cecil's comments in support of the bar into the record.
- Kyle Arnold's comments in support of the project were read into the record by Mayor Peters.
- Appellant Bill Casalegno said the Planning Commission did not take the neighbors' concerns into account and that the appellants are concerned about how the bar would affect local residents.
- Appellant Kirk Norton said five bars in the historical downtown is too many, the project does not fit into the vision for downtown, and he urged the Council to deny the use permit.
- Marsha Hawkins' comments in support of a new business on Franklin Street were read into the record by Mayor Peters.
- Mayor Peters read the comments of Denise Kreienhop in support of the use permit for this project.
- Corinne Thornton's comments in support of relocating "Tuckers" bar were read into the record by Mayor Peters.
- Jay McMartin Rosenquist's comments in support of the Planning Commission's decision to approve the use permit were read into the record by Mayor Peters.
- Jenny Shattuck spoke in support of the use permit.
- Maureen Martin spoke in support of the use permit.
- Keith Olson spoke in support of the use permit.
- Mayor Peters read comments by Mirisa Livingstar suggesting the bar move to another location that is less contentious.
- Arleta Casalegno urged the Council to deny the use permit, stating that she cannot develop her property if there is a bar nearby.
- Michelle Lucafo's comments in support of the project were read into the record by Mayor Peters.
- Ted Rabinowitsh said affordable housing in quiet neighborhoods are needed to attract tenants and the applicant should bring the energy to the front instead of the back and have smoking and music on the street instead of the alley.
- Applicant Valerie Thornton said she has spoken to residents of the alley and offered to chain off the parking lot, close the smoking area at 10PM, and make other concessions regarding noise and smoking, but they all have said they only want the permit to be denied.
- Eric Dwyer spoke in support of the project and urged the Council to deny the appeal and approve the permit.
- Simon Smith, a former resident of the CBD, said if the use permit is clear and consistent with City code, it should be approved.
- Janie Reisner stated she lives near the proposed bar and is sensitive to smoke. She doesn't want to listen to music that is not her own.
- Gabriel Quinn Maroney noted that the applicant has a proven track record. He supports approval of the use permit.
- John Paul McCormick said people who go to bars make too much noise and he is opposed to the use permit.
- Melia Elsner asked why the smoking ordinance is not enforced.

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

Discussion: The Council discussed various aspects of the use permit including the smoking area, music and entertainment, days and hours of operation, noise reducing measures, and food service. The general consensus was to approve the use permit with all seven Special Conditions as stated in the staff report.

A motion was made by Vice Mayor Lee, seconded by Councilmember Norvell, that the appeal of the Planning Commission Decision to Approve Use Permit 1-18 to Convert Existing Vacant Storefront in the Central Business District to a Bar with Live Music be denied and that Use Permit 1-18 be approved subject to the findings and conditions specified in the staff report. The motion carried by the following vote:

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

Recuse: 1 - Councilmember Turner

6B. [18-277](#) Receive Report and Conduct **Public Hearing #2** Regarding the City's Intention to Transition from At-Large to District-Based City Councilmember Elections

Mayor Peters recessed the meeting at 7:59 PM. The meeting reconvened at 8:06 PM, at which time Councilmember Turner returned to the Council chamber.

City Manager Miller gave the staff report on this agenda item, noting that in the last election, there were 499 registered Latino voters, 350 of whom voted in the election. The City's demographer could not identify a high percentage of Latinos in one location, and the Federal Voting Rights Act states that districts cannot be drawn to include or exclude people by race.

Mayor Peters opened the public hearing at 8:29 PM.

- Eric Dwyer said district elections are unnecessary in Fort Bragg, but if we are forced to have them, he would like to see four districts and an at-large mayor. He recommended west to east districting, with clean "pie cuts."
- George Reinhardt asked if there is an opportunity to consider staying at large with ranked choice voting, which would allow smaller constituencies to have a bigger voice.
- Simon Smith said it is clear that by-district elections are not a good solution for the City and recommends the Council say No to district elections, stating that it is not good to be bullied into a corner out of fear of being sued.
- Don Rowe said the City of Mountain View decided to switch to district elections as an interim solution while they looked at writing a city charter, so this isn't the end of the line for Fort Bragg.

Mayor Peters closed the public hearing at 8:37 PM.

Discussion: Councilmembers expressed general frustration with this districting process, saying it was not needed and that fighting it would cost the City a great deal of attorney's fees. It was noted that the attorney who presented the California Voting Rights Act violation letter was not in attendance, nor were any members of the Committee he represents. The general consensus of the Council was that districting should be west to east and population based.

This Report was accepted; no action was taken on this agenda item.

7. CONDUCT OF BUSINESS

7A. [18-278](#) Receive Fort Bragg Police Department's 2017 Annual Report

Chief Lizarraga gave the Police Department Annual Report for 2017 and responded to questions

from Councilmembers on homeless issues, measures being taken regarding gang crime, types and numbers of police calls, and vacancies in the Police Department.

Public Comment:

- Eric Dwyer noted that information on Fort Bragg arrests can be accessed online through the Ukiah Police Department.

This Staff Report was received and filed.

- 7B. [18-282](#)** Receive Report from the New Revenue Sources Ad Hoc Committee and Consider Approval of Rebuttal to Argument Against the General Purpose Sales Tax Measure H to be Submitted for Inclusion in the November 6, 2018 Election Voter Information Guide

This matter was removed from the agenda, as the item became moot when no arguments against Measure H were filed with the City Clerk prior to the deadline.

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 9:21 PM. The meeting reconvened to Closed Session at 9:27 PM.

- 8A. [18-291](#)** 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

- 8B. [18-292](#)** CONFERENCE WITH LEGAL COUNSEL - LABOR NEGOTIATION : Pursuant to Government Code Section 54957.6: City Negotiator: Lindy Peters, Mayor; City Manager: Tabatha Miller; and City Attorney: Russell Hildebrand

Mayor Peters reconvened the meeting to Open Session at 10:22 PM and reported that no reportable action was taken on Closed Session Item 8A. Mayor Peters reported that for Item 8B, a motion was made by Councilmember Norvell, seconded by Councilmember Cimolino, to eliminate the position of Police Lieutenant. The motion carried by a unanimous vote.

ADJOURNMENT

Mayor Peters adjourned the meeting at 10:23 PM.

LINDY PETERS, MAYOR

June Lemos, CMC, City Clerk

IMAGED (_____)