



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, January 28, 2019

6:00 PM

Town Hall, 363 N. Main Street

CALL TO ORDER

Mayor Lee called the meeting to order at 6:00 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. [19-052](#)** Receive Presentation from Doug Nunn on Climate Change and Sea Level Rise

Doug Nunn gave a presentation on climate change. The City will coordinate a date when Mr. Nunn can return to give a 60- or 90-minute presentation to the community.

- 1B. [19-050](#)** City Councilmember Appointment to the Election System Review Committee

Mayor Lee announced that Councilmember Peters resigned from the ad hoc committee on election system review. The committee will now consist of six community members, the City Clerk and one Councilmember, Albin-Smith, who will be Chair. She is authorized to make changes to the committee membership.

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

(1) Non-Agenda Items:

- James Bray spoke on the homeless situation in Fort Bragg.
- Christy Cox complained of dirty parking lots at CVS Pharmacy and Rite Aid.
- Joe Christy spoke on the Extreme Weather Shelter (EWS).
- Scott Chapman asked for quality control of the people running the EWS.

(2) Consent Calendar Items:

- None.

(3) Closed Session Items:

- None.

3. STAFF COMMENTS

City Manager Miller said that bulky waste pickup will be March 25-29. She announced that the Planning Commission meetings are moving from the 2nd and 4th Wednesdays of the month to the 2nd and 4th Tuesdays. Public Works Director Varga said that the entire thermostat/heating system at Town Hall is being reviewed and will be repaired. Fencing for the Coastal Trail connector between downtown and Alder Street is being installed this week.

4. MATTERS FROM COUNCILMEMBERS

Councilmember Peters reported that the crab cake cookoff for the Mendocino Coast Clinics raised \$60,000. He reported on a recent Wastewater Treatment Plant tour, noting that a lot of progress has been made on the project. The Fire Protection Authority board met; new recruits/volunteers are coming on board, the board approved buying new equipment, and reserves are looking strong. Councilmember Morsell-Haye reported that she, Councilmember Albin-Smith, Mayor Lee and City Manager Miller attended the Sacramento conference of the League of California Cities, stating it was a good experience offering a wealth of information. Councilmember Albin-Smith also commented on the conference. Mayor Lee said it was his second time at the League conference and it is a good learning experience and an opportunity to meet other councilmembers from Redwood Empire cities. The Mendocino Coast Children's Fund has raised over \$20,000 to help the local Coast Guard during the federal government shutdown.

5. CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Vice Mayor Norvell, seconded by Councilmember Morsell-Haye, to approve the Consent Calendar. The motion carried by the following vote:

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

- 5A. [19-044](#)** Adopt City Council Resolution Approving Addition of Section 4.8 and 4.9 to the City of Fort Bragg Personnel Rules and Regulations

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4147-2019

- 5B. [19-037](#)** Approve Minutes of January 14, 2019

These Minutes were approved on the Consent Calendar.

6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

None.

7. PUBLIC HEARING

- 7A. [19-043](#)** 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. City Council and Improvement District Resolution Adopting Updated Fees for Miscellaneous City/District Services
3. City Council Resolution Extending the Waiver of the Parking-In-Lieu Fees for Changes in Use in the Downtown Business District

Mayor Lee opened the public hearing at 6:54 PM.

City Manager Miller requested that the Mayor continue the Public Hearing on Items 7A(1) and 7A(2) to the meeting of April 22, 2019, as staff would like more time to review and potentially revise the staff report and resolutions for City Council action. She noted that questions arose and staff would like to be able to answer more accurately. She requested that the Council vote this evening on Item 7A(3), the parking in lieu fees.

At 6:56 PM, Mayor Lee continued the public hearing on Items 7A(1) and 7A(2) to the City Council Meeting of April 22, 2019.

City Manager Miller presented the staff report on Item 7A(3) regarding extending the waiver of in-lieu parking fees.

Public Comment was received from:

- Maryann McGee spoke about business license requirements for second unit landlords and requested that the Council look into this again.

Mayor Lee closed the public hearing on Item 7A(3) at 7:02 PM.

A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, that this Resolution be adopted. 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 4148-2019

8. CONDUCT OF BUSINESS

- 8A. [19-049](#)** Receive Report and Consider Adoption of City Council Resolution Approving Waste Management Revised Residential, Commercial and Multifamily, and Rolloff Rate Changes

City Manager Miller gave the staff report regarding Waste Management fee adjustments. Councilmembers spoke in favor of an educational component on what can and cannot be recycled. In response to a question about renegotiation of the franchise agreement with Waste Management, Miller noted that the next time the contract can be renegotiated is in 2021. Mayor Lee asked what customers can expect on their bill regarding retroactive fees and when they will be applied. City Manager Miller responded that the fee will most likely be applied in March, it is a one-time retroactive fee, costing regular customers between \$9 and \$10 and commercial customers between \$90 and \$100.

Public Comment was received from:

- Ann Rennacker wants a moratorium on styrofoam.
- Rex Gressett spoke of a ban on styrofoam in Fort Bragg.

A motion was made by Councilmember Peters, seconded by Vice Mayor Norvell, that this Resolution be adopted. 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 4149-2019

8B. [19-031](#) Receive Report and Consider Adoption of City Council Resolution Approving Amendment No. 6 to the Franchise Agreement with Waste Management

City Manager Miller presented the staff report on this item.

Public Comment was received from:

- Rex Gressett said New York City takes trash for free and he resents the increases, suggesting that the City look for a competitor right away.

Discussion/Direction:

It was noted that most companies will not bid on Fort Bragg waste collection because the City's waste stream is small. Overage charges were discussed, with the Council consensus being that there should be an educational program on what is appropriate to put into each bin. Regarding the Resolution and Amendment 6 to the Agreement, Council directed as follows:

- Two warnings should be given, not just one, as noted on the 6th Amendment;
- Strike the words "overfilling carts" in the fifth recital paragraph of the Resolution;
- A six-month trial of monitoring overage should be undertaken;
- Incorporate a more robust education program;
- City Manager should go back to Waste Management regarding these matters and return to Council with a revised Resolution and Agreement.

Mayor Lee recessed the meeting at 8:07 PM; the meeting reconvened at 8:16 PM.

This Resolution was referred to staff, to return for Council consideration in six months.

8C. [19-013](#) Receive Report and Consider Adoption of City Resolution Approving Amendment No. 1 to the Agreement Between the City of Fort Bragg and Cold Creek Compost, Inc. for Composting Services

City Manager Miller gave the staff report on this item and Martin Milleck of Cold Creek Compost was available to answer Council questions.

Public Comment: None.

A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, that this Resolution be adopted. 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 4150-2019

8D. [19-039](#) Receive Presentation From JJACPA, INC. and Finance Director Victor Damiani on the Comprehensive Annual Financial Report (CAFR) for the Year Ended June 30, 2018 for the City of Fort Bragg and Consider Accepting the CAFR as Presented

Finance Director Damiani presented the staff report and the Comprehensive Annual Financial Report (CAFR) in conjunction with Joseph Arch from JJACPA, Inc.

Public Comment: None.

This Comprehensive Annual Financial Statement was accepted by the Council.

- 8E. [19-007](#)** Receive Report and Finance and Administration Committee Recommendation and Consider Adoption of City Council Resolution to Authorize City Manager to Execute Agreement with Avenu Insights and Analytics (a/k/a Muni Services) to Conduct a Transient Occupancy Tax (TOT) Audit, Amount Not To Exceed \$30,400 and Approving Budget Amendment No. 2019-05 for Fiscal Year 2018/19 to Reallocate \$30,400 from Measure AA/AB Tax Collections to Account 110-4150-0312

Finance Director Damiani presented the staff report on this item, noting that the last time a Transient Occupancy Tax (TOT) audit was done was 14 years ago.

Public Comment was received from:

- Ann Rennacker suggested that Council approve TOT audits no more than four or five years apart to avoid losing a lot of revenue.

Discussion: Council agreed that as a best practice, TOT audits should be performed every three to five years and asked that staff add that as a policy in future budgets.

A motion was made by Councilmember Peters, seconded by Councilmember Morsell-Haye, that this Resolution be adopted. 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 4151-2019

- 8F. [19-040](#)** Receive FY 2018-19 First Quarter Financial Report

Government Accountant II Whippy gave the First Quarter Financial Report for FY 2018-19.

Public Comment was received from:

- Rex Gressett requested that the City make an inquiry of CalPERS regarding misappropriation of funds and report back to the community.

Discussion: The Council consensus was to accept the report.

This First Quarter Financial Report was accepted by the Council.

- 8G. [19-010](#)** Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance No. 944-2019 Adding Section 9.40.030 to Chapter 9.40 Public Drunkenness of Title 9 (Public Peace, Safety and Morals) of the Fort Bragg Municipal Code to Prohibit Possession of Open Containers in Public Places

City Manager Miller summarized the staff report on this item.

Public Comment: None.

Discussion: Councilmembers concurred with Councilmember Albin-Smith's suggestion that the ordinance should refer back to State statutes in the Vehicle Code regarding the definition of "open container."

Direction: Page 1 of ordinance, 2nd paragraph, amend as follows: "WHEREAS, the City of Fort Bragg ("City") finds and determines that possession of open containers of alcohol, as defined in California Vehicle Code Sections 23221 to 23229 and as amended herein, on City-owned real property or rights-of-way is contrary to the public health, safety, and welfare..."

A motion was made by Councilmember Albin-Smith, seconded by Councilmember Peters, that this Ordinance be introduced 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

9. CLOSED SESSION

ADJOURNMENT

Mayor Lee adjourned the meeting at 9:23 PM.

WILLIAM V. LEE, MAYOR

June Lemos, CMC, City Clerk

IMAGED (_____)