THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY AS
THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT NO. 1
AND THE FORT BRAGG REDEVELOPMENT SUCCESSOR
AGENCY

Monday, February 24, 2020 6:00 PM Town Hall, 363 N. Main Street

AMENDED

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

AGENDA REVIEW

1. MAYOR’S RECOGNITIONS AND ANNOUNCEMENTS

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

MANNER OF ADDRESSING THE CITY COUNCIL: Any member of the public desiring to address the City Council may submit a Speaker Card to the City Clerk and proceed to the podium after being recognized by the Presiding Officer. Speakers will be called up in the order the Speaker Cards are received. Those who have not filled out a Speaker Card will be given an opportunity to speak after all those who have filled out Speaker Cards have spoken. All remarks and questions shall be addressed to the City Council; no discussion or action will be taken pursuant to the Brown Act. No person shall speak without being recognized by the Mayor or acting Mayor. Written comments may be submitted to the City Clerk, 416 N. Franklin Street, Fort Bragg, CA 95437, or emailed to cityclerk@fortbragg.com.

TIME ALLOTMENT FOR PUBLIC COMMENT ON NON-AGENDA ITEMS: Thirty (30) minutes shall be allotted to receiving public comments. If necessary, the Mayor or acting Mayor may allot an additional 30 minutes to public comments after Conduct of Business to allow those who have not yet spoken to do so. Any citizen, after being recognized by the Mayor or acting Mayor, may speak on any topic that may be a proper subject for discussion before the City Council for such period of time as the Mayor or acting Mayor may determine is appropriate under the circumstances of the particular meeting, including number of persons wishing to speak or the complexity of a particular topic. Time limitations shall be set without regard to a speaker’s point of view or the content of the speech, as long as the speaker’s comments are not disruptive of the meeting.

BROWN ACT REQUIREMENTS: The Brown Act does not allow action or discussion on items not on the agenda (subject to narrow exceptions). This will limit the Council’s response to questions and requests made during this comment period.
3. STAFF COMMENTS

4. MATTERS FROM COUNCILMEMBERS

5. CONSENT CALENDAR

All items under the Consent Calendar will be acted upon in one motion unless a Councilmember requests that an individual item be taken up under Conduct of Business.

5A. **20-611**
Adopt City Council Resolution Allowing for the Permit Consolidation of a Caltrans Coastal Development Permit Application for the Widening of Pudding Creek Bridge

*Attachments:*
- RESO Pudding Creek Bridge Permit Consolidation
- Public Comment 5A

5B. **20-624**
Adopt by Title Only and Waive the Second Reading of Ordinance No. 958-2020 Repealing Sections 14.04.032 (Notice of Delinquency) and 14.04.035 (Action Prior to Shutoff for Nonpayment) of Chapter 14.04 (Water Department and Regulations) of Title 14 (Water and Sewers) of the Fort Bragg Municipal Code to Remove Water Department Shut-Off Requirements in Preparation for Implementation of Senate Bill 998

*Attachments:*
- ORD958 SB 998 Implementation

5C. **20-626**
Adopt City Council Resolution Updating the City's Compensation Plan and Confirming the Pay/Rates/Ranges for All City of Fort Bragg Established Classifications

*Attachments:*
- RESO Salary Rate Correction
- Exhibit A Compensation Plan 2-24-20

5D. **20-625**
Approve Revised Minutes of Special Meeting of January 29, 2020

*Attachments:*
- CCM2020-01-29 Special, Revised

5E. **20-627**
Approve Minutes of February 10, 2020

*Attachments:*
- CCM2020-02-10

5F. **20-640**
Receive and File Minutes of Public Safety Committee for November 20, 2019

*Attachments:*
- PSC Minutes 11-20-2019

5G. **20-635**
Approve the Addition of a Stop Sign at Chestnut Street and Dana Street

6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS
7. PUBLIC HEARING

When a Public Hearing has been underway for a period of 60 minutes, the Council must vote on whether to continue with the hearing or to continue the hearing to another meeting.

8. CONDUCT OF BUSINESS

8A. **20-623** Receive Report and Provide Direction to Staff on Developing a Formula Business Ordinance for Planning Commission Review and Recommendation

    *Attachments:*
    - 02242020 Formula Businesses Ordinance Direction
    - Formula Business Ordinance - PowerPoint
    - Att. 1 Current Zoning Map
    - Att. 2 10242019 Formula Businesses Staff Report
    - Public Comment 8A

9. CLOSED SESSION

9A. **20-638** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to Paragraph (2) of Subdivision (d) of California Government Code Section 54956.9: One (1) Potential Case

ADJOURNMENT

The adjournment time for all Council meetings is no later than 10:00 p.m. If the Council is still in session at 10:00 p.m., the Council may continue the meeting upon majority vote.

**NEXT REGULAR CITY COUNCIL MEETING:**

6:00 P.M., MONDAY, MARCH 9, 2020

STATE OF CALIFORNIA )
) ss.
COUNTY OF MENDOCINO )

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg and that I caused this amended agenda to be posted in the City Hall notice case on February 24, 2020.

_________________________________________
Cristal Muñoz, Administrative Assistant

NOTICE TO THE PUBLIC:
DISTRIBUTION OF ADDITIONAL INFORMATION FOLLOWING AGENDA PACKET DISTRIBUTION:

- Materials related to an item on this Agenda submitted to the Council/District/Agency after distribution of the agenda packet are available for public inspection in the lobby of City Hall at 416 N. Franklin Street during normal business hours.
- Such documents are also available on the City of Fort Bragg’s website at http://city.fortbragg.com subject to staff’s ability to post the documents before the meeting.

ADA NOTICE AND HEARING IMPAIRED PROVISIONS:

It is the policy of the City of Fort Bragg to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities.

If you need assistance to ensure your full participation, please contact the City Clerk at (707) 961-2823. Notification 48 hours in advance of any need for assistance will enable the City to make reasonable arrangements to ensure accessibility.

The Council Chamber is equipped with a Wireless Stereo Headphone unit for use by the hearing impaired. The unit operates in conjunction with the Chamber’s sound system. You may request the Wireless Stereo Headphone unit from the City Clerk for personal use during the Council meetings.

This notice is in compliance with the Americans with Disabilities Act (28 CFR, 35.102-35.104 ADA Title II).
Adopt City Council Resolution Allowing for the Permit Consolidation of a Caltrans Coastal Development Permit Application for the Widening of Pudding Creek Bridge

Caltrans is developing project plans to widen Pudding Creek Bridge, which would require a Coastal Development Permit (CDP). The City's CDP jurisdiction includes the land on both sides of the bridge span, and the Coastal Commission's CDP jurisdiction includes the portions of the project over the river. In order to streamline the CDP permit process, Caltrans has requested a consolidated permit, meaning the CDP application would be received, reviewed and acted on by the Coastal Commission. This resolution would convey the City Council's agreement to allow the permit to be acted on solely by the Coastal Commission, as opposed to retaining City jurisdiction over the portions of the project that take place north and south of the river.

As part of this project, Caltrans has agreed to include hangers or a sleeve on the east side of the bridge for the eventual relocation of the City's water line that currently spans the Pudding Creek dam.
RESOLUTION NO. ___-2020

RESOLUTION OF THE FORT BRAGG CITY COUNCIL
AUTHORIZING THE PROCESSING OF A CONSOLIDATED COASTAL
DEVELOPMENT PERMIT BY THE CALIFORNIA COASTAL COMMISSION
FOR THE WIDENING OF PUDDING CREEK BRIDGE BY CALTRANS

WHEREAS, the Coastal Act was amended by Senate Bill 1843 effective January 1, 2007, which allows for a consolidated permitting process for projects where the coastal development permit (CDP) authority is shared by a local government and the California Coastal Commission; and

WHEREAS, SB 1843 requires that the applicant, the local government, and the California Coastal Commission agree to the consolidation; and

WHEREAS, the Pudding Creek Bridge widening project is under the coastal development permit authority of both the City of Fort Bragg and the California Coastal Commission, and would otherwise require a coastal development permit from both the City of Fort Bragg and from the California Coastal Commission for the portions of the project located within each jurisdiction; and

WHEREAS, pursuant to Public Resources Code Section 30601.3, added by SB 1843, consolidation may only proceed where public participation is not substantially impaired by the consolidation; and

WHEREAS, public participation will not be substantially impaired as the California Coastal Commission will hold a public hearing, which may be attended by all interested parties (by either being present during a properly noticed California Coastal Commission meeting or by timely submitting comments in advance of a meeting) and the consolidation of the permit process will allow for this project to be evaluated in its entirety; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby authorize the California Coastal Commission to accept and process a consolidated Coastal Development Permit application for the Pudding Creek Bridge widening project.

The above and foregoing Resolution was introduced by Councilmember __________, seconded by Councilmember __________, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 24th day of February, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:
WILLIAM V. LEE
Mayor

ATTEST:

June Lemos, CMC
City Clerk
Dear City Council Members,

City Council meeting 2-24-20. Please accept my comments about item # 5A:

Adopt City Council Resolution Allowing for the Permit Consolidation of a Caltrans Coastal Development Permit Application for the Widening of Pudding Creek Bridge.

As I am out of town and not able to attend this meeting I am sending you my comments ahead of time.

I am dismayed that you want to pass this resolution. Caltrans has for years shown itself to be a bad faith partner in multiple projects along our rugged and scenic stretch of Highway One. No longer the thoughtful builders of the Roosevelt era, they have turned to expedient incompetence and slipshod practices. The evidence for this is starkly apparent in their current projects at the historic Albion River Bridge and Salmon Creek Bridge. They have neglected their mandate to maintain the ARB for years, and when work IS done, they use out-of-area contractors - the cheapest they can find - who use substandard equipment and practices that are designed to wear out quickly. Independent engineering studies done by world-renowned engineering experts in the field of trestle bridges have found the ARB to be in “remarkably good condition” and with proper maintenance, the bridge will last at least another 75 years or longer. Still, they pursued their archeological and geotechnical investigations into determining the feasibility of a replacement bridge. These investigations were conducted in an appalling manner with zero mitigation for sensitive habitat destruction alongside and below the bridge. Their supposed mitigation of toxins at Salmon Creek Bridge has permanently scarred both the north and south riparian stream bed, destroyed fragile and threatened native vegetation and released exceedingly high levels of toxic waste into Salmon Creek and areas skirting Pacific Reefs. The only oversight of these two projects has been diligently carried out by the Albion Bridge Stewards - an ad hoc group of residents and businesses whose purpose is to ensure this historic treasure is preserved and protected for many future generations. I am proud to be a member of this group. We have also widened our scope
of monitoring CalTrans to include a number of other projects along Hwy One from the Navarro Bridge north, such as Salmon Creek Bridge.

It is clear Caltrans is eager to widen many of our local bridges and roads in Mendocino County. So far due to many lawsuits, their plan to widen Hwy 101 through Richardson Grove in Humboldt County has been thwarted and this important and historic scenic stretch of highway remains protected. Right here in Fort Bragg, thanks to the multi-year perseverance of Vince Taylor, the Noyo River Bridge has railings that allow a view of the ocean. As you know, their initial plans would have blocked the view of our greatest asset.

These examples illustrate that if Caltrans is not closely watched we will not get a bridge that is aesthetically pleasing and will not have the environment surrounding the project protected.

With Caltrans paying over $1 million per year to the Coastal Commission to cover their staff salaries, there is no guarantee that the Coastal Commission will keep close tabs on Caltrans or hold them accountable. On the contrary, they rubber-stamp every Caltrans project regardless if applications are incomplete, are riddled with inconsistencies or actual violations of both CCC and County regulations.

As the Pudding Creek Bridge is next to the historic Pudding Creek Trestle Bridge, the Pudding Creek beach, and the fauna and flora-rich Pudding Creek, it is even more important that the public has a chance to participate and not be impaired due to the consolidation of permits. Adding 5 feet to the width of the bridge will do irreparable harm to the environment.

One has to wonder, why the rush to widen our bridges along the coast? Caltrans has a long history of “blackmailing” cities and counties in California by stating, “if you don’t do what we want, we’ll take our money elsewhere”. Besides being an almost mafia-like tactic, it is also disingenuous at best.

I am completely against your adopting this resolution. But if you do, I believe that the resolution should only be adopted if there is a guarantee that the Coastal Commission will be holding its CDP meeting dealing with this project in Fort Bragg. The CCC likes to play games by holding hearings for projects affecting us in San Diego or other equally inconvenient cities. It is not acceptable that local citizens, who could not attend a meeting away from Fort Bragg, would only be able to submit comments ahead of time.

You must demand the Coastal Commission hear this project right here in Fort Bragg.

I leave you with this: people come to the Mendocino Coast to escape. They come for the rugged, raw beauty and the rural charm of our Coast. They come to get away from the slick, over-crowded, cacophonous whirl of modern city life. They come to escape the Big Box strip malls and mindless
architecture of consumerism to finally, for a day, precious weekend or lucky week, have their souls refreshed by the gentle hospitality our Coast provides. Why on earth are you so eager to destroy this gift to humanity?

Respectfully,

Ali Van Zee
Fort Bragg Resident

~We survive together, or not at all~
Dear June,
As I am not able to attend this meeting I am sending you my comments ahead of time.

Please include with the public comments for this meeting.

Thanks, Annemarie Weibel
2-23-2020

-------- Forwarded Message --------
Subject: Pudding Creek Bridge Widening Consolidated CDP
Date: Sun, 23 Feb 2020 16:34:01 -0800
From: Annemarie <aweibel@mcn.org>
To: Peters, Lindy <LPeters2@fortbragg.com>, Will Lee <Wlee@fortbragg.com>, Jessica Morsell-Haye <jmorsellhaye@fortbragg.com>, Tess Albin-Smith <Talbinsmith@fortbragg.com>, Norvell, Bernie <Bnorvell2@fortbragg.com>
CC: Miller, Tabatha <TMiller@FortBragg.com>

Dear City Council members,

City Council meeting 2-24-20. Please accept my comments about item # 5A reg. Adopt City Council Resolution Allowing for the Permit Consolidation of a Caltrans Coastal Development Permit Application for the Widening of Pudding Creek Bridge.

As I am not able to attend this meeting I am sending you my comments ahead of time.

See attachment.

Thanks for your consideration, Annemarie Weibel
2-23-2020
Dear City Council members,

City Council meeting 2-24-20. Please accept my comments about item # 5A.

Adopt City Council Resolution Allowing for the Permit Consolidation of a Caltrans Coastal Development Permit Application for the Widening of Pudding Creek Bridge.

As I am not able to attend this meeting I am sending you my comments ahead of time.

I realize that you want to pass this resolution. My reservation is based on my extensive involvement with the Albion Bridge Stewards, who I am a member of. Caltrans for years has been wanting to tear down the historic Albion River Bridge that is still in good condition. The work Caltrans has performed involving archeological and geotechnical investigations on the Albion River Bridge & other work on Salmon Creek Bridge has not been done in a way that is protecting the environment.

I know that Caltrans wants to widen many of the local bridges and roads. So far due to many lawsuits Richardson Grove in Humboldt County is still protected. Thanks to the 12 year perseverance of Vince Taylor the Noyo River Bridge has railings that allow a view of the ocean.

These examples illustrate that if Caltrans is not closely watched we will not get a bridge that is aesthetically pleasing and might not have the environment surrounding the project protected.

With Caltrans offering $1 million per year or more to the Coastal Commission there is no guarantee that the Coastal Commission is keeping close tabs on Caltrans.

I do not understand that this resolution will be passed and adopted without anyone knowing for example how wide the future bridge would be. Going online will not help us either as Caltrans has promised the public for the last 2 years that they are working on the new web site.

I happen to know that the new bridge will be 5 ft. wider than the current one. As the Pudding Creek Bridge is next to the historic Pudding Creek Trestle Bridge, the Pudding Creek beach, and the fauna & flora rich Pudding Creek it is even more important that the public has a chance to participate and not be impaired due to the consolidation of the permits.

I believe that the resolution should only be adopted if there is a guarantee that the Coastal Commission will be holding its CDP meeting dealing with this project in Fort Bragg. If citizens would have to get to San Diego to attend a Coastal Commission meeting it would substantially impair the public. It is not acceptable that citizens who could not attend a meeting away from Fort Bragg would only be able to submit comments ahead of time.

If you adopt this resolution I hope that you demand that the Coastal Commission will hold its CDP meeting in Fort Bragg.

Thanks for your consideration, Annemarie Weibel
2-23-2020
Agenda Number: 5B.

Adopt by Title Only and Waive the Second Reading of Ordinance No. 958-2020 Repealing Sections 14.04.032 (Notice of Delinquency) and 14.04.035 (Action Prior to Shutoff for Nonpayment) of Chapter 14.04 (Water Department and Regulations) of Title 14 (Water and Sewers) of the Fort Bragg Municipal Code to Remove Water Department Shut-Off Requirements in Preparation for Implementation of Senate Bill 998

On February 24, 2020, the City Council of the City of Fort Bragg is to consider adoption of Ordinance 958-2020, said ordinance having been introduced for first reading (by title only and waiving further reading of the text) on February 10, 2020.

The proposed ordinance repeals and replaces Chapter 14.04 (Water Department and Regulations) of Title 14 (Water and Sewers) of the Fort Bragg Municipal Code to remove Water Department shutoff requirements in compliance with Senate Bill 998. The proposed ordinance eliminates code sections regarding delinquency notices and action prior to shutoff for nonpayment, and establishes that a Water Department shutoff policy will be fixed by City Council resolution.

If adopted, Ordinance 958-2020 will become effective on April 1, 2020.
BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE REPEALING AND REPLACING CHAPTER 14.04 (WATER DEPARTMENT AND REGULATIONS) OF TITLE 14 (WATER AND SEWERS) OF THE FORT BRAGG MUNICIPAL CODE TO REMOVE WATER DEPARTMENT SHUT-OFF REQUIREMENTS

ORDINANCE NO. 958-2020

WHEREAS, on September 28, 2018 California State Senate Bill 998 added chapter six (6) (commencing with Section 116900) part twelve (12) of Division 104 of the California Health and Safety Code, relating to water; and

WHEREAS, The City of Fort Bragg Water Department is an Urban and Community Water System (not regulated by the Public Utilities Commission) as defined in the added chapter; and

WHEREAS, Urban and Community Water Systems (not regulated by the Public Utilities Commission) are required to comply with the added chapter on or after April 1, 2020; and

NOW, THEREFORE, the City Council ordains as follows:

Section 1. Legislative Findings. The City Council hereby finds as follows:

1. The added chapter to the California Health and Safety Code requires the City’s Water Department to have a written policy on discontinuation of residential water service for nonpayment and the policy shall include certain requirements.

2. The City’s current policy on discontinuation of residential water service for nonpayment as enacted in the municipal code does not meet the requirements of the added chapter.

3. The City Council has adopted by resolution a policy that meets the requirements of the added chapter.

4. Repealing and replacing Chapter 14.04 (Water Department and Regulations) of Title 14 (Water and Sewers) will clarify that the Water Department written policy on discontinuation of residential water service for nonpayment shall be adopted by resolution.

5. Repealing and replacing Chapter 14.04 (Water Department and Regulations) of Title 14 (Water and Sewers) will remove language related to discontinuation of residential water service for nonpayment from the municipal code thereby avoiding any inconsistency with the policy recently adopted by resolution.

6. There is no possibility that the adoption of this ordinance will have a significant impact on the environment, and therefore, the adoption of this ordinance is exempt from the California Environmental Quality Act (“CEQA”), pursuant to
Section 15061(b)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

Section 2.

TITLE 14 – WATER AND SEWERS

Chapter 14.04 entitled WATER DEPARTMENT AND REGULATIONS is hereby repealed in its entirety and replaced with the following:

CHAPTER 14.04: WATER DEPARTMENT AND REGULATIONS

Section
14.04.010 Establishment of water department
14.04.020 Rate establishment
14.04.030 Water billing – failure to pay – action
14.04.034 Water billing – contest of payment – hearing procedure
14.04.036 Water billing – delinquent account – service shutoff for nonpayment – penalty charge
14.04.038 Water billing – delinquent account – service resumption upon payment – fee
14.04.040 Inspection by Water Department
14.04.050 Application for water service
14.04.060 Use of meter
14.04.070 Keeping access to meter free from obstructions required
14.04.080 Vacating premises served – notification of Water Department – action
14.04.090 Laying out service
14.04.100 Tampering with Water Department properties
14.04.110 No water service at new address until previous bill paid
14.04.120 [Reserved]
14.04.125 Wells for domestic use
14.04.127 Wells for nondomestic use
14.04.130 Shutoff of water
14.04.140 Service to be made to property line
14.04.150 Applicants – credit establishment – requirements
14.04.155 Applicants – credit establishment – cash deposit
14.04.160 Process for handling of unpaid bills
14.04.170 Separate water meters when possible
14.04.180 Outside City water users
14.04.190 Rates
14.04.200 Basis for rates for residential properties, trailer courts, and mobile home parks
14.04.210 Definition of dwelling unit
14.04.220 Storm water for non domestic use
14.04.230 Gray water for non domestic use

14.04.010 ESTABLISHMENT OF WATER DEPARTMENT.
A department to be known as the “City of Fort Bragg Water Department,” hereinafter referred to as “Water Department” is established. The Water Department shall have charge and control of the water system of the City and of all things necessary or incidental to the conduct and management of the department. The department shall be subject to the control at all times of the City Council.

14.04.020 RATE ESTABLISHMENT.

Water rates shall be established and fixed by resolution of the City Council at any regular meeting of the City Council.

14.04.030 WATER BILLING – FAILURE TO PAY – ACTION.

Water billing periods, delinquency dates, and the Water Department shut-off policy shall be established and fixed by City Council resolution except for discontinued service which shall be billed as provided by § 14.04.080.

14.04.034 WATER BILLING – CONTEST OF PAYMENT – HEARING PROCEDURE.

A. Requests for investigation of disputed bills shall be filed in writing with the City for consideration by the City Manager or his/her designee. A disputed account will not be accepted as justification for nonpayment of a bill, and a service will be subject to discontinuance unless payment in full is made pending a settlement of the dispute.

B. The consumer shall be notified in writing of the City Manager’s decision.

C. If the decision is in favor of the consumer, the consumer’s water account shall be adjusted accordingly.

D. If the decision is against the consumer, the consumer shall be afforded an appeal in accordance with the procedures described in Chapter 1.08.

14.04.036 WATER BILLING – DELINQUENT ACCOUNT — PENALTY CHARGE.

In the event that a consumer does not request a hearing or does request a hearing and the matter is finally decided against the consumer, water service shall be shut off to the consumer unless the delinquent account is paid in full within sixty (60) days from the date of mailing of the City Manager’s decision if a hearing is held but no appeal is filed or sixty (60) days after the decision on an appeal by the City Council, if an appeal is taken. Pursuant to the authority of Cal. Government Code § 54548, in addition to the delinquent principal amount, a penalty of five percent (5%) shall be added twenty (20) days from the billing date. With respect to all accounts thereafter, with a balance of $20.00 or more, the penalty of five percent (5%) will be automatically added. Consumers will then have sixty (60) days from the postmark of the reminder notice, to pay said accounts in full, or service will be terminated. Upon termination of service, in addition to the penalties set forth herein, all delinquent principal and penalties shall bear interest at the rate of one-half percent (1/2%) per month, until paid.
14.04.038 WATER BILLING – DELINQUENT ACCOUNT – SERVICE RESUMPTION UPON PAYMENT – FEE.

Water service will be resumed to a delinquent consumer only upon payment in full of the delinquent bill plus penalties accrued. A reasonable final notice penalty fee will be charged by the Water Department as set by City Council resolution. This fee must be paid to the City prior to resumption of water service.

14.04.040 INSPECTION BY WATER DEPARTMENT.

Any duly authorized agent of the Water Department shall have the authority to enter any building or premises for the purpose of investigating the property of any applicant or consumer of water in order to view the water pipes and equipment connected therewith. Except in emergency situations, such agents of the Water Department shall not enter any building or premises without the consent of the owner or occupant thereof, unless an investigation warrant authorizing such entry and investigation is first obtained. No person shall hinder or prevent the agents of the Water Department while in the performance of the duties herein described from entering upon and into any and all property at all reasonable hours for the purpose of inspection of the same in order to carry out the provisions of this chapter. No person excepting a duly authorized agent of the Water Department shall turn the water on or off from any building or premises, and no person shall tap, cut or move any water pipe laid in streets or alleys, unless permission to do so has been granted by the Water Department supplying the water. Each service must have a shut off valve between the meter and the house, and the valve is to be supplied by the owner. This valve is to be used in case of repairs to pipes or appliances on owner’s property.

14.04.050 APPLICATION FOR WATER SERVICE.

Before water is supplied to any person from the mains of the City Water Department, the owner thereof shall make application for water service on such forms as may be provided by the City for that purpose.

14.04.060 USE OF METER.

Where metered services are installed, the water shall pass through the meter and no bypass or connection between the main and the property shall be made, maintained or permitted except as may be installed by permission of the water superintendent for fire services.

14.04.070 KEEPING ACCESS TO METER FREE FROM OBSTRUCTIONS REQUIRED.

It shall be the duty of each consumer to keep the space about the meter or shut-off box servicing his property free and clean of trash, garbage, barrels, boxes, dirt, oil, building material or other obstructions that may in any way interfere with the free access to the same by the employees of the Water Department at any time; and, upon failure to do so, the Water Department may cause notice, either in writing or in person, to the owner or occupant of the property to remove such obstruction within 24 hours; and, on failure to do so, the obstruction
may be removed by the Water Department and the cost thereof charged against the property owner thereof, shall become a lien against the property and shall be due and payable at the same time and in the same manner as other charges provided for in § 14.04.020.

14.04.080  VACATING PREMISES SERVED – NOTIFICATION OF WATER DEPARTMENT – ACTION.

Whenever a consumer vacates any premises, he or she shall immediately give notice thereof to the Water Department. Upon receipt of such notice, the Water Department shall shut off the water from the premises and immediately present to the consumer all unpaid bills for water furnished by the City to him up to that time and the consumer shall thereupon pay the bills. In the event that the consumer has made a deposit with the department, the balance, if any, of such deposit shall be returned to the consumer after deducting therefrom the amount of the bills. Until such notice and payment has been made, premises shall be deemed occupied by such consumer and his liability continued, as well as that of the property owner for unpaid bills.

14.04.090  LAYING OUT SERVICE.

When property to be served is a part or subdivision on a lot or lots originally abutting on a water main, but because of the subdivision has been separated from the main by another property, the serving shall be laid to the nearest property line.

14.04.100  TAMPERING WITH WATER DEPARTMENT PROPERTIES.

It is unlawful for any person to open any street hydrant, stop cock or gate valve or to tamper with or interfere with any street service, water connection, reservoir, pumping plant or any water meter attached to any service pipe connected with the City mains or water pipes or hydrants of the City, or to turn on and off water mains or water pipes of the City, or to tap, break or injure any water main, water pipe, meter or other fittings of the City laid in any street, avenue, alley or other public place or to tamper with, deposit or cause to be deposited in any water main or pipe of the City any fluid or solid matter or substance of any kind or to do any act that might cause water to become polluted, or to take, pump or draw water from any water main, pipe or hydrant of the City without first arranging with the Water Department for the same and paying the established rate therefor.

14.04.110  NO WATER SERVICE AT NEW ADDRESS UNTIL PREVIOUS BILL PAID.

No water service shall be furnished to any person at a new address so long as such person has an unpaid water bill against him at a former address.

14.04.120  [RESERVED].

14.04.125  WELLS FOR DOMESTIC USE.
A. For the purposes of this chapter, wells for domestic use, shall be construed as wells for residential, commercial and industrial uses with water quality suitable for human consumption and other personal needs.

B. The City will allow connection of appropriately permitted new domestic wells only during a time of a water hook-up moratorium, i.e. where a moratorium on water connections or added use has been imposed by a state agency or the City, or when there is an absence of infrastructure to serve the property. Once the moratorium is lifted or the necessary infrastructure is provided, the property owner must connect to the City water system within sixty days of written notice from the City and convert the domestic well to a nondomestic well (see § 14.04.127).

C. EXCEPTIONS:

1. Domestic wells existing prior to June 9, 1994 shall be recognized by the City as legally allowable.

2. The City may allow domestic wells on a permanent basis in lieu of connecting to the City’s water system under specified circumstances. Specified circumstances would include, but are not limited to:
   a. A well having hydrological study conducted by a licensed professional during the dry summer months, said study concluding that the well would support the proposed land use and there that would be no significant impact on adjacent ground water wells; and
   b. The water quality from said well is found acceptable to the State Department of Health Services or other appropriate agency.

D. Where any well is located on a property where there is also a connection to the City’s water system, there must be an approved backflow prevention device installed at the water service connection.

14.04.127 WELLS FOR NONDOMESTIC USE.

Wells for landscaping, irrigation or industrial purposes shall be allowed on any City lot. Such well shall meet the City’s backflow preventive standards and shall be used for no other purpose but supporting the irrigation system or industrial use.

14.04.130 SHUTTING OFF WATER.

The City reserves the right to shut off the water from any premises or from any part of the distributing system as long as necessary without notice to consumers at any time when the exigencies of the occasion may require it, but in all cases of extensions or connections, the Water Department will notify consumers of the necessity of shutting off water and the probable length of time the water shall be shut off before taking such action.

14.04.140 SERVICE TO BE MADE TO PROPERTY LINE.

When service of water is made to property, it shall be made to the property line.
14.04.150  APPLICANTS – CREDIT ESTABLISHMENT – REQUIREMENTS.

A. Each applicant for water service will be required to satisfactorily establish credit.

B. Credit will be deemed established as follows:

1. If the applicant is the legal owner of the property to be served and there are no delinquent taxes, assessments or liens outstanding against the property;

2. If the applicant makes a cash deposit in the amount specified in § 14.04.155;

3. If the applicant furnishes a sufficient guarantee executed by a corporate or individual surety acceptable to the Director of Finance to secure payment;

4. If the applicant has previously paid all water bills for water service previously supplied by the City to applicant;

5. If the applicant has sufficient established credit references which, in the opinion of the Director of Finance, warrant establishment of water service without cash deposit or guarantee.

14.04.155  APPLICANTS – CREDIT ESTABLISHMENT – CASH DEPOSIT.

A. The amount of the cash deposit set forth in § 14.04.150 to establish credit for water service for residential accounts shall be no more than twice the amount of the estimated average periodic bill or, in the event monthly billing is instituted, no more than three times the estimated average monthly bill. The amount of cash deposit for commercial accounts shall be at the discretion of the Director of Finance.

B. Upon discontinuance of water service, the City will refund the cash water deposit in excess of any unpaid amount owed the City. Credit must be reestablished under the following conditions:

1. In the event water is shut off;

2. Where more than two (2) notices of delinquency are sent to a customer within a one-year period unless such a notice is sent erroneously or the amounts alleged to be due from the consumer in the notice are determined not to be due to the City;

3. In the event a consumer of an owner-occupied residence or business pays all water bills owed to the City within a two-year period, any cash deposit held by the City shall be refunded.

14.04.160  PROCESS FOR HANDLING OF UNPAID BILLS.

A. All unpaid delinquent water bills for service shall be referred to a collection agency after closing the account and applying any security deposit on file with the City.
B. In the event the collection agency is unsuccessful in collection of the water bill, the bill for service shall be a lien on the property served with the water and shall be collected and enforced in the same manner that unpaid City taxes on the property are collected and enforced.

14.04.170 SEPARATE WATER METERS WHEN POSSIBLE.

A. Each separate ownership shall have a separate water meter, and if one owner has several contiguous properties, each property shall have a separate water meter wherever it is possible to divide and sell the property in accordance with Title 18.

B. In all cases where one meter serves several separate properties under one ownership, the owner shall pay the water bill and not the renters or lessees.

C. The alternative to this is the installation of separate water meters.

D. Effective, March 25, 1999, in all cases where a second living unit is built on one property, each living unit shall have separate water meters.

14.04.180 OUTSIDE CITY WATER USERS.

Outside City water shall be considered on an individual basis on application to City Council.

14.04.190 RATES.

The water rates applicable upon the passage of this chapter shall be those set forth by resolution of City Council, on file in the office of the City Clerk, incorporated herein; and those rates may be changed from time to time by resolution of the City Council.

14.04.200 BASIS FOR RATES FOR RESIDENTIAL PROPERTIES, TRAILER COURTS, AND MOBILE HOME PARKS.

Single family residential properties (including condominiums) and multiple-family residential properties shall be charged water rates as set by City Council resolution.

14.04.210 DEFINITION OF DWELLING UNIT.

A dwelling unit is any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this code, for not more than one family, or a congregate residence for ten (10) or less persons.

14.04.220 STORM WATER FOR NON DOMESTIC USE.

Storm water is derived from rainfall and runoff which can be conveyed from rooftops to rain barrels or other tanks plumbed via rain gutters and stored or used directly in landscaping. Storm water directed to landscaped areas infiltrates into soils reducing some irrigation needs, recharges the groundwater table and reduces storm water runoff that may cause hydromodification (chronic channel erosion) and/or pollution in receiving waters. Use of water
tanks is encouraged by 14.06.070 and does not require a permit under certain conditions. Services with actual or potential cross connections will be required to install an approved method of backflow prevention commensurate with the degree of hazard and type of hazard (see § 14.05.060).

**14.04.230 GRAY WATER FOR NON DOMESTIC USE.**

A. Gray water can be used to irrigate a landscape especially via underground conveyance to limit surface exposure. Because gray water has not been disinfected, it could be contaminated with disease-causing organisms. The following precautions are mandated:

1. Never use gray water for direct consumption.
2. Gray water must not be used directly on anything that may be eaten.
3. Gray water must not be sprayed, allowed to puddle, or run off property.
4. Use only water from clothes washing, bathing or the bathroom sink. Do not use water that has come in contact with soiled diapers, meat or poultry, or anyone with an infectious disease.

B. Gray water should be rotated with fresh water irrigation to leach out harmful build-up. Chlorine bleach may damage plants, especially if it touches the foliage. Biodegradable soaps appear to have the least harmful effects. Use of water tanks is encouraged by 14.06.070 and does not require a permit under certain conditions. Services with actual or potential cross connections will be required to install an approved method of backflow prevention commensurate with the degree of hazard and type of hazard (see § 14.05.060).

**Section 3. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

**Section 4. Effective Date and Publication.** This ordinance shall be and the same is hereby declared to be in full force and effect on April 1, 2020. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember Morsell-Haye at a regular meeting of the City Council of the City of Fort Bragg held on February 10, 2020, and adopted at a regular meeting of the City of Fort Bragg held on February 24, 2020, by the following vote:
Adopt City Council Resolution Updating the City’s Compensation Plan and Confirming the Pay/Rates/Ranges for All City of Fort Bragg Established Classifications

The City Council approves all salary schedules which include classification titles and pay rates/ranges at the time a Memorandum of Understanding (MOU) for each bargaining unit is approved; when updates to the compensation and benefits for unrepresented employees are approved; or when specific wage and/or classification title adjustments are needed. The City has a long-standing practice of posting these approved salary schedules on the City website as well as having copies available upon request. The California Public Employees’ Retirement Code requires the City to have a publicly adopted and posted Compensation Schedule.

The attached Resolution and proposed Compensation Plan corrects the Community Services Officer Pay Range, which had not been updated in the last schedule to reflect the Ordinance 672 adjustment for 2020.
RESOLUTION NO. ____-2020

RESOLUTION OF THE FORT BRAGG CITY COUNCIL ESTABLISHING A CITY OF FORT BRAGG MASTER SALARY RATE COMPENSATION PLAN CONFIRMING THE PAY RATES/RANGES FOR ALL CITY OF FORT BRAGG ESTABLISHED CLASSIFICATIONS

WHEREAS, the Fort Bragg City Council approves all salary schedules which include classification titles and compensation rates; and

WHEREAS, the establishment of this Resolution meets the requirements of California Code of Regulations Section 570.5 as confirmed by CalPERS; and

WHEREAS, the Fort Bragg City Council approved the latest salary schedules through Resolution 4228-2020 and 4227-2020, both adopted separately on January 27, 2020, which established salary schedules for all Employees; and

WHEREAS, it was necessary to create a single Master Salary Rate Compensation Plan for posting and administration, so the Fort Bragg City Council approved an updated Compensation Plan on February 10, 2020 with Resolution No. 4232-2020; and

WHEREAS, an error was discovered in the Salary Rate for the Community Services Officer that needed to be corrected; and

WHEREAS, the California Public Employees’ Retirement System code requires the City to have a publicly adopted and posted salary schedule; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby adopt the City of Fort Bragg Master Salary Rate Compensation Plan as presented in “Exhibit A” attached hereto, effective February 24, 2020.

The above and foregoing Resolution was introduced by Councilmember__________, seconded by Councilmember__________, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 24th day of February, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

______________________________
WILLIAM V. LEE
Mayor
ATTEST:

June Lemos, CMC
City Clerk
<table>
<thead>
<tr>
<th>Position / Division</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Assistant - Administration (FBEO)</td>
<td>Hourly 22.42</td>
<td>23.54</td>
<td>24.72</td>
<td>25.96</td>
<td>27.26</td>
</tr>
<tr>
<td></td>
<td>Bi-Weekly 1,793.60</td>
<td>1,883.20</td>
<td>1,977.60</td>
<td>2,076.80</td>
<td>2,180.80</td>
</tr>
<tr>
<td></td>
<td>Monthly 3,886.13</td>
<td>4,080.27</td>
<td>4,284.80</td>
<td>4,499.73</td>
<td>4,725.07</td>
</tr>
<tr>
<td></td>
<td>Annual 46,833.60</td>
<td>48,963.20</td>
<td>51,417.60</td>
<td>53,996.80</td>
<td>56,700.80</td>
</tr>
<tr>
<td>Administrative Assistant - Community Development (FBEO)</td>
<td>Hourly 22.42</td>
<td>23.54</td>
<td>24.72</td>
<td>25.96</td>
<td>27.26</td>
</tr>
<tr>
<td></td>
<td>Bi-Weekly 1,793.60</td>
<td>1,883.20</td>
<td>1,977.60</td>
<td>2,076.80</td>
<td>2,180.80</td>
</tr>
<tr>
<td></td>
<td>Monthly 3,886.13</td>
<td>4,080.27</td>
<td>4,284.80</td>
<td>4,499.73</td>
<td>4,725.07</td>
</tr>
<tr>
<td></td>
<td>Annual 46,833.60</td>
<td>48,963.20</td>
<td>51,417.60</td>
<td>53,996.80</td>
<td>56,700.80</td>
</tr>
<tr>
<td>Administrative Supervisor - Police (Confidential/Restricted; Non-Bargaining)</td>
<td>Hourly 26.71</td>
<td>28.04</td>
<td>29.44</td>
<td>30.91</td>
<td>32.46</td>
</tr>
<tr>
<td></td>
<td>Bi-Weekly 2,136.41</td>
<td>2,243.20</td>
<td>2,355.20</td>
<td>2,472.80</td>
<td>2,596.80</td>
</tr>
<tr>
<td></td>
<td>Monthly 4,628.88</td>
<td>4,860.27</td>
<td>5,102.93</td>
<td>5,357.73</td>
<td>5,626.40</td>
</tr>
<tr>
<td></td>
<td>Annual 55,546.57</td>
<td>58,323.20</td>
<td>61,235.20</td>
<td>64,292.80</td>
<td>67,516.80</td>
</tr>
<tr>
<td>Assistant Director of Public Works (Mid-Management; Non-Bargaining)</td>
<td>Hourly 38.98</td>
<td>40.93</td>
<td>42.98</td>
<td>45.13</td>
<td>47.39</td>
</tr>
<tr>
<td></td>
<td>Bi-Weekly 3,118.40</td>
<td>3,274.40</td>
<td>3,438.40</td>
<td>3,610.40</td>
<td>3,791.20</td>
</tr>
<tr>
<td></td>
<td>Monthly 6,756.53</td>
<td>7,094.53</td>
<td>7,449.87</td>
<td>7,822.53</td>
<td>8,214.27</td>
</tr>
<tr>
<td></td>
<td>Annual 81,078.40</td>
<td>85,134.40</td>
<td>89,398.40</td>
<td>93,870.40</td>
<td>98,571.20</td>
</tr>
<tr>
<td>Assistant Planner (FBEO)</td>
<td>Hourly 28.84</td>
<td>30.28</td>
<td>31.79</td>
<td>33.38</td>
<td>35.05</td>
</tr>
<tr>
<td></td>
<td>Bi-Weekly 2,307.20</td>
<td>2,422.40</td>
<td>2,543.20</td>
<td>2,670.40</td>
<td>2,804.00</td>
</tr>
<tr>
<td></td>
<td>Monthly 4,998.93</td>
<td>5,248.53</td>
<td>5,510.27</td>
<td>5,785.87</td>
<td>6,075.33</td>
</tr>
<tr>
<td></td>
<td>Annual 59,987.20</td>
<td>62,982.40</td>
<td>66,123.20</td>
<td>69,430.40</td>
<td>72,904.00</td>
</tr>
<tr>
<td>Assistant to the City Manager (Mid-Management; Non-Bargaining)</td>
<td>Hourly 33.51</td>
<td>35.19</td>
<td>36.95</td>
<td>38.80</td>
<td>40.74</td>
</tr>
<tr>
<td></td>
<td>Bi-Weekly 2,680.80</td>
<td>2,815.20</td>
<td>2,956.00</td>
<td>3,104.00</td>
<td>3,259.20</td>
</tr>
<tr>
<td></td>
<td>Monthly 5,808.40</td>
<td>6,099.60</td>
<td>6,404.67</td>
<td>6,725.33</td>
<td>7,061.60</td>
</tr>
<tr>
<td></td>
<td>Annual 69,700.80</td>
<td>73,195.20</td>
<td>76,856.00</td>
<td>80,704.00</td>
<td>84,739.20</td>
</tr>
<tr>
<td>Associate City Engineer (Mid-Management; Non-Bargaining)</td>
<td>Hourly 33.51</td>
<td>35.19</td>
<td>36.95</td>
<td>38.80</td>
<td>40.74</td>
</tr>
<tr>
<td></td>
<td>Bi-Weekly 2,680.80</td>
<td>2,815.20</td>
<td>2,956.00</td>
<td>3,104.00</td>
<td>3,259.20</td>
</tr>
<tr>
<td></td>
<td>Monthly 5,808.40</td>
<td>6,099.60</td>
<td>6,404.67</td>
<td>6,725.33</td>
<td>7,061.60</td>
</tr>
<tr>
<td></td>
<td>Annual 69,700.80</td>
<td>73,195.20</td>
<td>76,856.00</td>
<td>80,704.00</td>
<td>84,739.20</td>
</tr>
<tr>
<td>City Clerk (Mid-Management; Non-Bargaining)</td>
<td>Hourly 33.51</td>
<td>35.19</td>
<td>36.95</td>
<td>38.80</td>
<td>40.74</td>
</tr>
<tr>
<td></td>
<td>Bi-Weekly 2,680.80</td>
<td>2,815.20</td>
<td>2,956.00</td>
<td>3,104.00</td>
<td>3,259.20</td>
</tr>
<tr>
<td></td>
<td>Monthly 5,808.40</td>
<td>6,099.60</td>
<td>6,404.67</td>
<td>6,725.33</td>
<td>7,061.60</td>
</tr>
<tr>
<td></td>
<td>Annual 69,700.80</td>
<td>73,195.20</td>
<td>76,856.00</td>
<td>80,704.00</td>
<td>84,739.20</td>
</tr>
<tr>
<td>Position</td>
<td>Step 1</td>
<td>Step 2</td>
<td>Step 3</td>
<td>Step 4</td>
<td>Step 5</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>---------------------</td>
<td>---------------------</td>
<td>---------------------</td>
<td>---------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>City Councilmember (Elected)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly</td>
<td>138.46</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monthly</td>
<td>300.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annual</td>
<td>3,600.00</td>
<td></td>
<td></td>
<td></td>
<td>Plus $100/mo for Special District Meeting</td>
</tr>
<tr>
<td>City Manager (Executive; At Will; Contract)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly</td>
<td>73.37</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>5,869.60</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monthly</td>
<td>12,717.47</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annual</td>
<td>152,609.60</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Services Officer (FBPA)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly</td>
<td>20.59</td>
<td>21.62</td>
<td>22.70</td>
<td>23.84</td>
<td>25.03</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>1,647.20</td>
<td>1,729.60</td>
<td>1,816.00</td>
<td>1,907.20</td>
<td>2,002.40</td>
</tr>
<tr>
<td>Monthly</td>
<td>3,568.93</td>
<td>3,747.47</td>
<td>3,934.67</td>
<td>4,132.27</td>
<td>4,338.53</td>
</tr>
<tr>
<td>Annual</td>
<td>42,827.20</td>
<td>44,969.60</td>
<td>47,216.00</td>
<td>49,587.20</td>
<td>52,062.40</td>
</tr>
<tr>
<td>Construction Project Manager (Mid-Management; Non-Bargaining)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly</td>
<td>38.98</td>
<td>40.93</td>
<td>42.98</td>
<td>45.13</td>
<td>47.39</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>3,118.40</td>
<td>3,274.40</td>
<td>3,438.40</td>
<td>3,610.40</td>
<td>3,791.20</td>
</tr>
<tr>
<td>Monthly</td>
<td>6,756.53</td>
<td>7,094.53</td>
<td>7,449.87</td>
<td>7,822.53</td>
<td>8,214.27</td>
</tr>
<tr>
<td>Annual</td>
<td>81,078.40</td>
<td>85,134.40</td>
<td>89,398.40</td>
<td>93,870.40</td>
<td>98,571.20</td>
</tr>
<tr>
<td>Director - Community Development Department (Executive; At Will)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly</td>
<td>45.77</td>
<td>48.06</td>
<td>50.46</td>
<td>52.98</td>
<td>55.63</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>3,661.60</td>
<td>3,844.80</td>
<td>4,036.80</td>
<td>4,238.40</td>
<td>4,450.40</td>
</tr>
<tr>
<td>Monthly</td>
<td>7,933.47</td>
<td>8,330.40</td>
<td>8,746.40</td>
<td>9,183.20</td>
<td>9,642.53</td>
</tr>
<tr>
<td>Annual</td>
<td>95,201.60</td>
<td>99,964.80</td>
<td>104,956.80</td>
<td>110,198.40</td>
<td>115,710.40</td>
</tr>
<tr>
<td>Director - Finance Department/City Treasurer (Executive; At Will)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly</td>
<td>45.77</td>
<td>48.06</td>
<td>50.46</td>
<td>52.98</td>
<td>55.63</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>3,661.60</td>
<td>3,844.80</td>
<td>4,036.80</td>
<td>4,238.40</td>
<td>4,450.40</td>
</tr>
<tr>
<td>Monthly</td>
<td>7,933.47</td>
<td>8,330.40</td>
<td>8,746.40</td>
<td>9,183.20</td>
<td>9,642.53</td>
</tr>
<tr>
<td>Annual</td>
<td>95,201.60</td>
<td>99,964.80</td>
<td>104,956.80</td>
<td>110,198.40</td>
<td>115,710.40</td>
</tr>
<tr>
<td>Director of Public Works (Executive; At Will)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly</td>
<td>45.77</td>
<td>48.06</td>
<td>50.46</td>
<td>52.98</td>
<td>55.63</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>3,661.60</td>
<td>3,844.80</td>
<td>4,036.80</td>
<td>4,238.40</td>
<td>4,450.40</td>
</tr>
<tr>
<td>Monthly</td>
<td>7,933.47</td>
<td>8,330.40</td>
<td>8,746.40</td>
<td>9,183.20</td>
<td>9,642.53</td>
</tr>
<tr>
<td>Annual</td>
<td>95,201.60</td>
<td>99,964.80</td>
<td>104,956.80</td>
<td>110,198.40</td>
<td>115,710.40</td>
</tr>
<tr>
<td>Engineering Technician (FBEO)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly</td>
<td>27.46</td>
<td>28.83</td>
<td>30.27</td>
<td>31.78</td>
<td>33.37</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>2,196.80</td>
<td>2,306.40</td>
<td>2,421.60</td>
<td>2,542.40</td>
<td>2,669.60</td>
</tr>
<tr>
<td>Monthly</td>
<td>4,759.73</td>
<td>4,997.20</td>
<td>5,246.80</td>
<td>5,508.53</td>
<td>5,784.13</td>
</tr>
<tr>
<td>Annual</td>
<td>57,116.80</td>
<td>59,966.40</td>
<td>62,961.60</td>
<td>66,102.40</td>
<td>69,409.60</td>
</tr>
</tbody>
</table>
## CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

Effective 2-24-2020

<table>
<thead>
<tr>
<th>Position</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Environmental Compliance Coordinator (FBO)</strong></td>
<td>Hr: 31.76</td>
<td>33.35</td>
<td>35.02</td>
<td>36.77</td>
<td>38.61</td>
</tr>
<tr>
<td></td>
<td>B/W: 2,540.80</td>
<td>2,668.00</td>
<td>2,801.60</td>
<td>2,941.60</td>
<td>3,088.80</td>
</tr>
<tr>
<td></td>
<td>M: 5,505.07</td>
<td>5,780.67</td>
<td>6,070.13</td>
<td>6,373.47</td>
<td>6,692.40</td>
</tr>
<tr>
<td></td>
<td>A: 66,060.80</td>
<td>69,368.00</td>
<td>72,841.60</td>
<td>76,481.60</td>
<td>80,308.80</td>
</tr>
<tr>
<td><strong>Finance Technician I (FBO)</strong></td>
<td>Hr: 20.21</td>
<td>21.22</td>
<td>22.28</td>
<td>23.39</td>
<td>24.56</td>
</tr>
<tr>
<td></td>
<td>B/W: 1,616.80</td>
<td>1,697.60</td>
<td>1,782.40</td>
<td>1,871.20</td>
<td>1,964.80</td>
</tr>
<tr>
<td></td>
<td>M: 3,503.07</td>
<td>3,678.13</td>
<td>3,861.87</td>
<td>4,054.27</td>
<td>4,257.07</td>
</tr>
<tr>
<td></td>
<td>A: 42,036.80</td>
<td>44,137.60</td>
<td>46,342.40</td>
<td>48,651.20</td>
<td>51,084.80</td>
</tr>
<tr>
<td><strong>Finance Technician II (FBO)</strong></td>
<td>Hr: 22.28</td>
<td>23.39</td>
<td>24.56</td>
<td>25.79</td>
<td>27.08</td>
</tr>
<tr>
<td></td>
<td>B/W: 1,782.40</td>
<td>1,871.20</td>
<td>1,964.80</td>
<td>2,063.20</td>
<td>2,166.40</td>
</tr>
<tr>
<td></td>
<td>M: 3,861.87</td>
<td>4,054.27</td>
<td>4,257.07</td>
<td>4,470.27</td>
<td>4,693.87</td>
</tr>
<tr>
<td></td>
<td>A: 46,342.40</td>
<td>48,651.20</td>
<td>51,084.80</td>
<td>53,642.40</td>
<td>56,326.40</td>
</tr>
<tr>
<td><strong>Finance Technician III (FBO)</strong></td>
<td>Hr: 24.56</td>
<td>25.79</td>
<td>27.08</td>
<td>28.43</td>
<td>29.85</td>
</tr>
<tr>
<td></td>
<td>B/W: 1,964.80</td>
<td>2,063.20</td>
<td>2,166.40</td>
<td>2,274.40</td>
<td>2,388.00</td>
</tr>
<tr>
<td></td>
<td>M: 4,257.07</td>
<td>4,470.27</td>
<td>4,693.87</td>
<td>4,927.87</td>
<td>5,174.00</td>
</tr>
<tr>
<td></td>
<td>A: 51,084.80</td>
<td>53,642.40</td>
<td>56,326.40</td>
<td>59,134.40</td>
<td>62,088.00</td>
</tr>
<tr>
<td><strong>Government Accountant I (FBO)</strong></td>
<td>Hr: 27.08</td>
<td>28.43</td>
<td>29.85</td>
<td>31.34</td>
<td>32.91</td>
</tr>
<tr>
<td></td>
<td>B/W: 2,166.40</td>
<td>2,274.40</td>
<td>2,388.00</td>
<td>2,507.20</td>
<td>2,632.80</td>
</tr>
<tr>
<td></td>
<td>M: 4,693.87</td>
<td>4,927.87</td>
<td>5,174.00</td>
<td>5,432.27</td>
<td>5,704.40</td>
</tr>
<tr>
<td></td>
<td>A: 56,326.40</td>
<td>59,134.40</td>
<td>62,088.00</td>
<td>65,187.20</td>
<td>68,452.80</td>
</tr>
<tr>
<td><strong>Government Accountant II (FBO)</strong></td>
<td>Hr: 29.86</td>
<td>31.35</td>
<td>32.92</td>
<td>34.57</td>
<td>36.30</td>
</tr>
<tr>
<td></td>
<td>B/W: 2,388.80</td>
<td>2,508.00</td>
<td>2,633.60</td>
<td>2,765.60</td>
<td>2,904.00</td>
</tr>
<tr>
<td></td>
<td>M: 5,175.73</td>
<td>5,434.00</td>
<td>5,706.13</td>
<td>5,992.13</td>
<td>6,292.00</td>
</tr>
<tr>
<td></td>
<td>A: 62,108.80</td>
<td>65,208.00</td>
<td>68,473.60</td>
<td>71,905.60</td>
<td>75,504.00</td>
</tr>
<tr>
<td><strong>Housing and Economic Development Coordinator (Confidential; Non-Bargaining)</strong></td>
<td>Hr: 30.28</td>
<td>31.79</td>
<td>33.38</td>
<td>35.05</td>
<td>36.80</td>
</tr>
<tr>
<td></td>
<td>B/W: 2,422.40</td>
<td>2,543.20</td>
<td>2,670.40</td>
<td>2,804.00</td>
<td>2,944.00</td>
</tr>
<tr>
<td></td>
<td>M: 5,248.53</td>
<td>5,510.27</td>
<td>5,785.87</td>
<td>6,075.33</td>
<td>6,378.67</td>
</tr>
<tr>
<td></td>
<td>A: 62,982.40</td>
<td>66,123.20</td>
<td>69,430.40</td>
<td>72,904.00</td>
<td>76,544.00</td>
</tr>
<tr>
<td><strong>Human Resources Analyst (Confidential; Non-Bargaining)</strong></td>
<td>Hr: 24.32</td>
<td>25.54</td>
<td>26.82</td>
<td>28.16</td>
<td>29.57</td>
</tr>
<tr>
<td></td>
<td>B/W: 1,945.60</td>
<td>2,043.20</td>
<td>2,145.60</td>
<td>2,252.80</td>
<td>2,365.60</td>
</tr>
<tr>
<td></td>
<td>M: 4,215.47</td>
<td>4,426.93</td>
<td>4,648.80</td>
<td>4,881.07</td>
<td>5,125.47</td>
</tr>
<tr>
<td></td>
<td>A: 50,585.60</td>
<td>53,123.20</td>
<td>55,785.60</td>
<td>58,572.80</td>
<td>61,505.60</td>
</tr>
<tr>
<td><strong>Laborer (Part-time, Less than 20 hours week; Non-Bargaining)</strong></td>
<td>Hr: 18.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintenance Worker I (FBEO)</td>
<td>Step 1</td>
<td>Step 2</td>
<td>Step 3</td>
<td>Step 4</td>
<td>Step 5</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>--------</td>
<td>--------</td>
<td>--------</td>
<td>--------</td>
<td>--------</td>
</tr>
<tr>
<td>Hourly</td>
<td>16.28</td>
<td>17.09</td>
<td>17.94</td>
<td>18.84</td>
<td>19.78</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>1,302.40</td>
<td>1,367.20</td>
<td>1,435.20</td>
<td>1,507.20</td>
<td>1,582.40</td>
</tr>
<tr>
<td>Monthly</td>
<td>2,821.87</td>
<td>2,962.27</td>
<td>3,109.60</td>
<td>3,265.60</td>
<td>3,428.53</td>
</tr>
<tr>
<td>Annual</td>
<td>33,862.40</td>
<td>35,547.20</td>
<td>37,315.20</td>
<td>39,187.20</td>
<td>41,142.40</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maintenance Worker II (FBEO)</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly</td>
<td>21.53</td>
<td>22.61</td>
<td>23.74</td>
<td>24.93</td>
<td>26.18</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>1,722.40</td>
<td>1,808.80</td>
<td>1,899.20</td>
<td>1,994.40</td>
<td>2,094.40</td>
</tr>
<tr>
<td>Monthly</td>
<td>3,731.87</td>
<td>3,919.07</td>
<td>4,114.93</td>
<td>4,321.20</td>
<td>4,537.87</td>
</tr>
<tr>
<td>Annual</td>
<td>44,782.40</td>
<td>47,028.80</td>
<td>49,379.20</td>
<td>51,854.40</td>
<td>54,454.40</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maintenance Worker III (FBEO)</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly</td>
<td>22.60</td>
<td>23.73</td>
<td>24.92</td>
<td>26.17</td>
<td>27.48</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>1,808.00</td>
<td>1,898.40</td>
<td>1,993.60</td>
<td>2,093.60</td>
<td>2,198.40</td>
</tr>
<tr>
<td>Monthly</td>
<td>3,917.33</td>
<td>4,113.20</td>
<td>4,319.47</td>
<td>4,536.13</td>
<td>4,763.20</td>
</tr>
<tr>
<td>Annual</td>
<td>47,008.00</td>
<td>49,358.40</td>
<td>51,833.60</td>
<td>54,433.60</td>
<td>57,158.40</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maintenance Worker IV (FBEO)</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly</td>
<td>23.73</td>
<td>24.92</td>
<td>26.17</td>
<td>27.48</td>
<td>28.85</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>1,898.40</td>
<td>1,993.60</td>
<td>2,093.60</td>
<td>2,198.40</td>
<td>2,308.00</td>
</tr>
<tr>
<td>Monthly</td>
<td>4,113.20</td>
<td>4,319.47</td>
<td>4,536.13</td>
<td>4,763.20</td>
<td>5,000.67</td>
</tr>
<tr>
<td>Annual</td>
<td>49,358.40</td>
<td>51,833.60</td>
<td>54,433.60</td>
<td>57,158.40</td>
<td>60,008.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maintenance Worker Lead (FBEO)</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly</td>
<td>26.10</td>
<td>27.41</td>
<td>28.78</td>
<td>30.22</td>
<td>31.73</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>2,088.00</td>
<td>2,192.80</td>
<td>2,302.40</td>
<td>2,417.60</td>
<td>2,538.40</td>
</tr>
<tr>
<td>Monthly</td>
<td>4,524.00</td>
<td>4,751.07</td>
<td>4,988.53</td>
<td>5,238.13</td>
<td>5,499.87</td>
</tr>
<tr>
<td>Annual</td>
<td>54,288.00</td>
<td>57,012.80</td>
<td>59,862.40</td>
<td>62,857.60</td>
<td>65,998.40</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mechanic (FBEO)</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly</td>
<td>24.32</td>
<td>25.54</td>
<td>26.82</td>
<td>28.16</td>
<td>29.57</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>1,945.60</td>
<td>2,043.20</td>
<td>2,145.60</td>
<td>2,252.80</td>
<td>2,365.60</td>
</tr>
<tr>
<td>Monthly</td>
<td>4,215.47</td>
<td>4,426.93</td>
<td>4,648.80</td>
<td>4,881.07</td>
<td>5,125.47</td>
</tr>
<tr>
<td>Annual</td>
<td>50,585.60</td>
<td>53,123.20</td>
<td>55,785.60</td>
<td>58,572.80</td>
<td>61,505.60</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Office Assistant (Temporary Position)</th>
<th>Step 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly</td>
<td>15.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Police Chief (Executive; At Will)</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly</td>
<td>58.14</td>
<td>61.05</td>
<td>64.10</td>
<td>67.31</td>
<td>70.68</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>4,651.20</td>
<td>4,884.00</td>
<td>5,128.00</td>
<td>5,384.80</td>
<td>5,654.40</td>
</tr>
<tr>
<td>Monthly</td>
<td>10,077.60</td>
<td>10,582.00</td>
<td>11,110.67</td>
<td>11,667.07</td>
<td>12,251.20</td>
</tr>
<tr>
<td>Annual</td>
<td>120,931.20</td>
<td>126,984.00</td>
<td>133,328.00</td>
<td>140,004.80</td>
<td>147,014.40</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Interim Police Chief (Temporary Executive; At Will)</th>
<th>Step 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly</td>
<td>58.14</td>
</tr>
<tr>
<td>Police Sergeant Basic POST (FBPA)</td>
<td>Step 1</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>Hourly</td>
<td>34.92</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>2,793.60</td>
</tr>
<tr>
<td>Monthly</td>
<td>6,052.85</td>
</tr>
<tr>
<td>Annual</td>
<td>72,634.26</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Police Sergeant Intermediate POST (FBPA)</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly</td>
<td>36.83</td>
<td>38.68</td>
<td>40.61</td>
<td>42.64</td>
<td>44.77</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>2,946.72</td>
<td>3,094.40</td>
<td>3,248.80</td>
<td>3,411.20</td>
<td>3,581.60</td>
</tr>
<tr>
<td>Monthly</td>
<td>6,384.57</td>
<td>6,704.53</td>
<td>7,039.07</td>
<td>7,390.93</td>
<td>7,760.13</td>
</tr>
<tr>
<td>Annual</td>
<td>76,614.81</td>
<td>80,454.40</td>
<td>84,468.80</td>
<td>88,691.20</td>
<td>93,121.60</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Police Sergeant Advance POST (FBPA)</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly</td>
<td>38.93</td>
<td>40.87</td>
<td>42.91</td>
<td>45.06</td>
<td>47.31</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>3,114.12</td>
<td>3,269.60</td>
<td>3,432.80</td>
<td>3,604.80</td>
<td>3,784.80</td>
</tr>
<tr>
<td>Monthly</td>
<td>6,747.27</td>
<td>7,084.13</td>
<td>7,437.73</td>
<td>7,810.93</td>
<td>8,200.40</td>
</tr>
<tr>
<td>Annual</td>
<td>80,697.18</td>
<td>85,009.60</td>
<td>89,252.80</td>
<td>93,724.80</td>
<td>98,404.80</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Police Officer Basic POST (FBPA)</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly</td>
<td>28.92</td>
<td>30.36</td>
<td>31.88</td>
<td>33.47</td>
<td>35.14</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>2,313.40</td>
<td>2,428.80</td>
<td>2,550.40</td>
<td>2,677.60</td>
<td>2,811.20</td>
</tr>
<tr>
<td>Monthly</td>
<td>5,012.38</td>
<td>5,262.40</td>
<td>5,525.87</td>
<td>5,801.47</td>
<td>6,090.93</td>
</tr>
<tr>
<td>Annual</td>
<td>60,148.50</td>
<td>63,148.80</td>
<td>66,310.40</td>
<td>69,617.60</td>
<td>73,091.20</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Police Officer Intermediate POST (FBPA)</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly</td>
<td>30.37</td>
<td>31.89</td>
<td>33.48</td>
<td>35.15</td>
<td>36.91</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>2,429.88</td>
<td>2,551.20</td>
<td>2,678.40</td>
<td>2,812.00</td>
<td>2,952.80</td>
</tr>
<tr>
<td>Monthly</td>
<td>5,264.73</td>
<td>5,527.60</td>
<td>5,803.20</td>
<td>6,092.67</td>
<td>6,397.73</td>
</tr>
<tr>
<td>Annual</td>
<td>63,176.78</td>
<td>66,331.20</td>
<td>69,638.40</td>
<td>73,112.00</td>
<td>76,772.80</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Police Officer Advance POST (FBPA)</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly</td>
<td>31.86</td>
<td>33.45</td>
<td>35.12</td>
<td>36.88</td>
<td>38.72</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>2,548.88</td>
<td>2,676.00</td>
<td>2,809.60</td>
<td>2,950.40</td>
<td>3,097.60</td>
</tr>
<tr>
<td>Monthly</td>
<td>5,522.57</td>
<td>5,798.00</td>
<td>6,087.47</td>
<td>6,392.53</td>
<td>6,711.47</td>
</tr>
<tr>
<td>Annual</td>
<td>66,270.88</td>
<td>69,576.00</td>
<td>73,049.60</td>
<td>76,710.40</td>
<td>80,537.60</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Police Recruit (1040 hours; FBPA)</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly</td>
<td>22.25</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>1,779.67</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monthly</td>
<td>3,855.96</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annual</td>
<td>23,135.76</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Police Services Technician (FBPA)</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly</td>
<td>19.81</td>
<td>20.80</td>
<td>21.84</td>
<td>22.93</td>
<td>24.08</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>1,584.80</td>
<td>1,664.00</td>
<td>1,747.20</td>
<td>1,834.40</td>
<td>1,926.40</td>
</tr>
<tr>
<td>Monthly</td>
<td>3,433.73</td>
<td>3,605.33</td>
<td>3,785.60</td>
<td>3,974.53</td>
<td>4,173.87</td>
</tr>
<tr>
<td>Annual</td>
<td>41,204.80</td>
<td>43,264.00</td>
<td>45,427.20</td>
<td>47,694.40</td>
<td>50,086.40</td>
</tr>
<tr>
<td>Position</td>
<td>Step 1</td>
<td>Step 2</td>
<td>Step 3</td>
<td>Step 4</td>
<td>Step 5</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-----------------</td>
<td>-----------------</td>
<td>-----------------</td>
<td>-----------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Public Works Administrative Analyst (FBEO)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly</td>
<td>23.08</td>
<td>24.23</td>
<td>25.44</td>
<td>26.71</td>
<td>28.05</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>1,846.40</td>
<td>1,938.40</td>
<td>2,035.20</td>
<td>2,136.80</td>
<td>2,244.00</td>
</tr>
<tr>
<td>Monthly</td>
<td>4,000.53</td>
<td>4,199.87</td>
<td>4,409.60</td>
<td>4,629.73</td>
<td>4,862.00</td>
</tr>
<tr>
<td>Annual</td>
<td>48,006.40</td>
<td>50,398.40</td>
<td>52,915.20</td>
<td>55,556.80</td>
<td>58,344.00</td>
</tr>
<tr>
<td>Seasonal: Laborer (1000 Maximum Annual Hours; Non-Bargaining)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly</td>
<td>14.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seasonal: Parking Enforcement Attendant (Part-Time, 1000 Max Annual Hours; Non-Bargaining)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly</td>
<td>16.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Government Accountant (Mid-Management; Non-Bargaining)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly</td>
<td>33.51</td>
<td>35.19</td>
<td>36.95</td>
<td>38.80</td>
<td>40.74</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>2,680.80</td>
<td>2,815.20</td>
<td>2,956.00</td>
<td>3,104.00</td>
<td>3,259.20</td>
</tr>
<tr>
<td>Monthly</td>
<td>5,808.40</td>
<td>6,099.60</td>
<td>6,404.67</td>
<td>6,725.33</td>
<td>7,061.60</td>
</tr>
<tr>
<td>Annual</td>
<td>69,700.80</td>
<td>73,195.20</td>
<td>76,856.00</td>
<td>80,704.00</td>
<td>84,739.20</td>
</tr>
<tr>
<td>Senior Planner (Mid-Management; Non-Bargaining)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly</td>
<td>33.51</td>
<td>35.19</td>
<td>36.95</td>
<td>38.80</td>
<td>40.74</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>2,680.80</td>
<td>2,815.20</td>
<td>2,956.00</td>
<td>3,104.00</td>
<td>3,259.20</td>
</tr>
<tr>
<td>Monthly</td>
<td>5,808.40</td>
<td>6,099.60</td>
<td>6,404.67</td>
<td>6,725.33</td>
<td>7,061.60</td>
</tr>
<tr>
<td>Annual</td>
<td>69,700.80</td>
<td>73,195.20</td>
<td>76,856.00</td>
<td>80,704.00</td>
<td>84,739.20</td>
</tr>
<tr>
<td>Special Projects Assistant (80%, Part-Time; Non-Bargaining)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly</td>
<td>23.25</td>
<td>24.41</td>
<td>25.63</td>
<td>26.91</td>
<td>28.26</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>1,488.00</td>
<td>1,562.24</td>
<td>1,640.32</td>
<td>1,722.24</td>
<td>1,808.64</td>
</tr>
<tr>
<td>Monthly</td>
<td>3,224.00</td>
<td>3,384.85</td>
<td>3,554.03</td>
<td>3,731.52</td>
<td>3,918.72</td>
</tr>
<tr>
<td>Annual</td>
<td>38,688.00</td>
<td>40,618.24</td>
<td>42,648.32</td>
<td>44,778.24</td>
<td>47,024.64</td>
</tr>
<tr>
<td>Systems Analyst - Lead (Confidential; Non-Bargaining)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly</td>
<td>30.28</td>
<td>31.79</td>
<td>33.38</td>
<td>35.05</td>
<td>36.80</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>2,422.40</td>
<td>2,543.20</td>
<td>2,670.40</td>
<td>2,804.00</td>
<td>2,944.00</td>
</tr>
<tr>
<td>Monthly</td>
<td>5,248.53</td>
<td>5,510.27</td>
<td>5,785.87</td>
<td>6,075.33</td>
<td>6,378.67</td>
</tr>
<tr>
<td>Annual</td>
<td>62,982.40</td>
<td>66,123.20</td>
<td>69,430.40</td>
<td>72,904.00</td>
<td>76,544.00</td>
</tr>
<tr>
<td>Systems Analyst (Part-Time, 1000 Max Annual Hours; Non-Bargaining)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly</td>
<td>29.52</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Systems Technician (FBEO)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly</td>
<td>20.77</td>
<td>21.81</td>
<td>22.90</td>
<td>24.05</td>
<td>25.25</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>1,661.60</td>
<td>1,744.80</td>
<td>1,832.00</td>
<td>1,924.00</td>
<td>2,020.00</td>
</tr>
<tr>
<td>Monthly</td>
<td>3,600.13</td>
<td>3,780.40</td>
<td>3,969.33</td>
<td>4,168.67</td>
<td>4,376.67</td>
</tr>
<tr>
<td>Annual</td>
<td>43,201.60</td>
<td>45,364.80</td>
<td>47,632.00</td>
<td>50,024.00</td>
<td>52,520.00</td>
</tr>
<tr>
<td>Treatment Plant Operator-in-Training (FBEO)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly</td>
<td>18.46</td>
<td>19.38</td>
<td>20.35</td>
<td>21.37</td>
<td>22.44</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>1,476.80</td>
<td>1,550.40</td>
<td>1,628.00</td>
<td>1,709.60</td>
<td>1,795.20</td>
</tr>
<tr>
<td>Monthly</td>
<td>3,199.73</td>
<td>3,359.20</td>
<td>3,527.33</td>
<td>3,704.13</td>
<td>3,889.60</td>
</tr>
<tr>
<td>Annual</td>
<td>38,396.80</td>
<td>40,310.40</td>
<td>42,328.00</td>
<td>44,449.60</td>
<td>46,675.20</td>
</tr>
</tbody>
</table>
### CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

**Effective 2-24-2020**

<table>
<thead>
<tr>
<th>Position</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Treatment Plant Operator I (FBEO)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly</td>
<td>22.92</td>
<td>24.07</td>
<td>25.27</td>
<td>26.53</td>
<td>27.86</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>1,833.60</td>
<td>1,925.60</td>
<td>2,021.60</td>
<td>2,122.40</td>
<td>2,228.80</td>
</tr>
<tr>
<td>Monthly</td>
<td>3,972.80</td>
<td>4,172.13</td>
<td>4,380.13</td>
<td>4,598.53</td>
<td>4,829.07</td>
</tr>
<tr>
<td>Annual</td>
<td>47,673.60</td>
<td>50,065.60</td>
<td>52,561.60</td>
<td>55,182.40</td>
<td>57,948.80</td>
</tr>
<tr>
<td><strong>Treatment Plant Operator II (FBEO)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly</td>
<td>24.07</td>
<td>25.27</td>
<td>26.53</td>
<td>27.86</td>
<td>29.25</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>1,925.60</td>
<td>2,021.60</td>
<td>2,122.40</td>
<td>2,228.80</td>
<td>2,340.00</td>
</tr>
<tr>
<td>Monthly</td>
<td>4,172.13</td>
<td>4,380.13</td>
<td>4,598.53</td>
<td>4,829.07</td>
<td>5,070.00</td>
</tr>
<tr>
<td>Annual</td>
<td>50,065.60</td>
<td>52,561.60</td>
<td>55,182.40</td>
<td>57,948.80</td>
<td>60,840.00</td>
</tr>
<tr>
<td><strong>Treatment Plant Operator - Wastewater, Lead (FBEO)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly</td>
<td>27.68</td>
<td>29.06</td>
<td>30.51</td>
<td>32.04</td>
<td>33.64</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>2,214.40</td>
<td>2,324.80</td>
<td>2,440.80</td>
<td>2,563.20</td>
<td>2,691.20</td>
</tr>
<tr>
<td>Monthly</td>
<td>4,797.87</td>
<td>5,037.07</td>
<td>5,288.40</td>
<td>5,553.60</td>
<td>5,830.93</td>
</tr>
<tr>
<td>Annual</td>
<td>57,574.40</td>
<td>60,444.80</td>
<td>63,460.80</td>
<td>66,643.20</td>
<td>69,971.20</td>
</tr>
<tr>
<td><strong>Treatment Plant Operator - Water, Collection and Distribution, Lead (FBEO)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly</td>
<td>29.06</td>
<td>30.51</td>
<td>32.04</td>
<td>33.64</td>
<td>35.32</td>
</tr>
<tr>
<td>Bi-Weekly</td>
<td>2,324.80</td>
<td>2,440.80</td>
<td>2,563.20</td>
<td>2,691.20</td>
<td>2,825.60</td>
</tr>
<tr>
<td>Monthly</td>
<td>5,037.07</td>
<td>5,288.40</td>
<td>5,553.60</td>
<td>5,830.93</td>
<td>6,122.13</td>
</tr>
<tr>
<td>Annual</td>
<td>60,444.80</td>
<td>63,460.80</td>
<td>66,643.20</td>
<td>69,971.20</td>
<td>73,465.60</td>
</tr>
</tbody>
</table>
Approve Revised Minutes of Special Meeting of January 29, 2020

These minutes are revised to include Councilmember Morsell-Haye's top three priorities of the 12 programs presented. Page 2 of the Minutes has been revised as follows: Councilmember Morsell-Haye: Programs 2, 11, and 10.
CALL TO ORDER

Mayor Lee called the meeting to order at 6:00 PM.

ROLL CALL

Present: 5 - Mayor Will Lee, Vice Mayor Bernie Norvell, Councilmember Lindy Peters, Councilmember Jessica Morsell-Haye and Councilmember Tess Albin-Smith

1. CONDUCT OF BUSINESS

1A. 20-598 Receive Report and Provide Direction to Staff on Developing an Economic Development and Housing Development Incentives Manual

The presentation of this report was shared between staff members: City Manager Miller, Finance Director Damiani, Senior Planner Perkins and Assistant Planner McCormick. Councilmembers were asked to vote whether or not they wanted to devote staff time and funds toward each of 12 programs and to ultimately vote on their top three items.

#1 - Community Facilities District

Public Comment: None.

#2 - Infrastructure Financing District

Public Comment:
• Jenny Shattuck asked questions regarding Community Revitalization and Investment Authorities (CRIAs).
• Johanna Jensen asked if a trade school to train people to build housing can be established in an industrial area.

#3 - Business Improvement District

Public Comment: None.
Vote: No: Councilmembers Albin-Smith, Morsell-Haye, Norvell, Peters, and Mayor Lee.

#4 - Hotel Tax Incentive Program

Public Comment:
• Johanna Jensen spoke about Tiny Homes as additional lodging.
• Jacob Patterson spoke in favor of this program.
#5 - Mills Act
Public Comment:
- Gabriel Quinn Maroney spoke about creating a historic district as a high priority.
- Jacob Patterson said this was a useful tool in Claremont.
Vote: **Aye:** Councilmembers Albin-Smith, Morsell-Haye, Norvell, Peters, and Mayor Lee.

Mayor Lee recessed the meeting at 7:14 PM; the meeting reconvened at 7:20 PM.

#6 - Capacity Fee Deferral Program
Public Comment: None.
No vote was taken, as the program is already in place.

#7 - Central Business District (CBD) Capacity Fee Forgiveness Program
Public Comment: None.
Vote: **Aye:** Councilmembers Albin-Smith, Morsell-Haye, Norvell, Peters, and Mayor Lee.

#8 - Community Block Grant (CDBG) Over the Counter Loans
Public Comment: None.
No vote was taken, as the program is already in place.

#9 - Facade Improvement Program
Public Comment: None.
Vote: **Aye:** Councilmembers Albin-Smith, Morsell-Haye, Norvell, Peters, and Mayor Lee.

#10 - Industrial Development Bonds
Public Comment: None.
Vote: **Aye:** Councilmembers Albin-Smith, Morsell-Haye, Norvell, Peters, and Mayor Lee.

#11 - Planning Incentive Program for High Quality Jobs
Public Comment:
- Dan Gjerde recommended developing a package that would pull several program ideas together to be more attractive to people.
Vote: **Aye:** Councilmembers Albin-Smith, Morsell-Haye, Norvell, Peters, and Mayor Lee.

#12 - Planning Incentives for Housing / Density Bonus
Public Comment: None.
No vote was taken, as this program is part of State law.
At the conclusion of the presentation, the Councilmembers were polled on their top three programs:
Councilmember Albin-Smith: Programs 11, 10, and 4.
Councilmember Morsell-Haye: Programs 2, 11, and 10.
Councilmember Peters: Programs 2, 10, and 5.
Vice Mayor Norvell: Programs 2, 4, and 5.
Mayor Lee: Programs 2, 11, and 5.

This Staff Report was referred to staff.

1B. **20-603**
Receive Report and Provide Direction to Staff on Developing a Formula Business Ordinance for Planning Commission Review and Recommendation

Mayor Lee asked that this item be continued to a future City Council special meeting and asked the City Clerk to poll the Councilmembers on a new date. The Mayor allowed persons who wished to make comments on this agenda item to do so.
Public Comment was received from:

- Annemarie Weibel spoke in opposition to allowing formula businesses in town, especially at the gateway to Fort Bragg, and requested that an ordinance restricting formula stores be adopted.
- Jamie Peters recommended a cap on formula stores throughout the entire city as they do not fit in with the character of the city.
- Gabriel Quinn Maroney expressed gratitude that the City is taking a different approach and setting a higher standard, speaking out against cookie cutter stores in Fort Bragg.

This Staff Report was continued to a future date to be determined.

ADJOURNMENT

Mayor Lee adjourned the meeting at 8:03 PM.
Agenda Date: 2/24/2020  
Version: 1  
Status: Consent Agenda  

In Control: City Council  
File Type: Minutes  

Agenda Number: 5E.  

Approve Minutes of February 10, 2020
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

Mayor Lee announced an additional Mayor's Recognition, and read a Proclamation recognizing Mendocino County Sheriff Tom Allman upon his retirement.

1. MAYOR’S RECOGNITIONS AND ANNOUNCEMENTS

1A. 20-578 Presentation of Proclamation Celebrating the 100th Anniversary of the League of Women Voters of the United States

Mayor Lee read a Proclamation celebrating the 100th anniversary of the League of Women's Voters.

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

(1) Non-Agenda Items:
- The following persons spoke in support of the City Council continuing to support the Noyo Center for Marine Science with Transient Occupancy Tax revenue as outlined in Measures AA/AB: Dave Turner, Doug Hammerstrom, Peter O'Donohue, Magnolia Barrett, Cynthia Doll, Wendi Felson, Sarah Grimes, Sue Coulter, Donna Worster, Jon Glidewell, David Jensen, and Linda Rosengarten.

After 30 minutes of Public Comment, the Mayor continued further Public Comment to the end of the agenda.

(2) Consent Calendar Items:
- None.

(3) Closed Session Items:
- None.
3. STAFF COMMENTS

City Manager Miller reported on the upcoming budget workshop, a Mendo Recycle project, Restaurant Week and recent City Managers Conference. Chief Naulty gave an update on vandalism and graffiti cleanup and last weekend’s downtown assault case. Public Works Director Varga spoke on the tire amnesty event, Zero Waste presentation, flag installation plans, and new parcel lockers installed by the US Postal Service (USPS).

4. MATTERS FROM COUNCILMEMBERS

The Mayor and all Councilmembers welcomed Interim Police Chief John Naulty to City staff. Councilmember Morsell-Haye provided an update on the work of the Mill Site zoning map ad hoc committee. She requested that staff proceed with a cannabis cultivation ordinance. Consensus of the Council was to direct staff to go forward with preparation of such an ordinance. Councilmember Peters commented on an upcoming Public Safety Committee meeting regarding installation of a stop sign at Dana and Chestnut Streets, the Point In Time count of homeless people, Bee City Garden committee, and the town clock. Councilmember Albin-Smith reported on recent MTA and MCOG meetings. Mayor Lee summarized his presentation to a recent eighth grade government class. He asked staff to investigate having a student ambassador on the City Council.

5. CONSENT CALENDAR

Vice Mayor Norvell requested that items 5A, 5C and 5I 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 Items 5A, 5C and 5I. The motion carried by the following vote:

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

5B. 20-609

Adopt by Title Only and Waive the Second Reading of Ordinance 959-2020 Amending Tables in Sections 18.22.030 and 18.22.050 of Article 2 (Zoning Districts and Allowable Land Uses), Repealing and Replacing Article 4 Standards for Specific Land Uses), Repealing and Replacing Sections 18.90.030 and 18.90.040 of Article 9 (Inland Land Use and Development Administration), and Amending Article 10 (Definitions) of Title 18 (Inland Land Use and Development Code) of the Fort Bragg Municipal Code Relating to Second Units

This Ordinance was adopted on the Consent Calendar.

Enactment No: ORD 959-2019

5D. 20-614

Adopt City Council Resolution Updating the City's Compensation Plan and Confirming the Pay/Rates/Ranges for all City of Fort Bragg Established
Classifications

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4232-2020

5E. 20-599

Receive and File Minutes of November 6, 2019 Finance and Administration Committee Meeting

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

5F. 20-605

Approve Minutes of Special Closed Session of January 27, 2020

These Minutes were approved on the Consent Calendar.

5G. 20-606

Approve Minutes of January 27, 2020

These Minutes were approved on the Consent Calendar.

5H. 20-608

Approve Minutes of Special Meeting of January 29, 2020

These Minutes were approved on the Consent Calendar.

ITEMS REMOVED FROM CONSENT CALENDAR

5A. 20-602

Adopt City Council Resolution Authorizing the City to Apply for an Award from the Infill Infrastructure Program

In response to a request for further information on this agenda item, Danco’s Chris Dart gave an update on the 68-unit housing project on South Street.

Public Comment: None.

A motion was made by Vice Mayor Norvell, 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 4230-2020

5C. 20-613

Adopt City Council Resolution Authorizing Application for, and Receipt of, Local Government Planning Support Grant Program Funds

Assistant Planner McCormick gave a summary of the application status associated with this agenda item.

Public Comment: None.

A motion was made by Vice Mayor Norvell, 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 4231-2020
5I. 20-617 Approve a Letter to the Mendocino County Board of Supervisors Requesting an Assessment of the Services Provided by Redwood Quality Management Company and Their Subcontractors.

Councilmembers discussed the contents of the letter to the Board of Supervisors and agreed to send the letter as presented in this agenda item.

Public Comment was received from Dan Gjerde and Malcolm Macdonald.

A motion was made by Vice Mayor Norvell, seconded by Councilmember Morsell-Haye, that this Council Letter be approved. The motion carried by the following vote:

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

6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

None.

7. PUBLIC HEARING

7A. 20-601 Receive Report, Conduct Public Hearing, and Consider Adoption of City Council Resolution Approving an Application for Funding and Execution of a Grant Agreement and any Amendment Thereeto from the 2019-20 Funding Year of the State Community Development Block Grant (CDBG) Program

Mayor Lee opened the public hearing at 7:31 PM.

Special Projects Assistant McLaughlin presented the staff report on this agenda item.

Public Comment was received from Gabriel Quinn Maroney.

Mayor Lee closed the public hearing at 7:41 PM.

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 4233-2020

8. CONDUCT OF BUSINESS

8A. 20-610 Receive Report Regarding Request for Proposals (RFP) Scope of Work for Pudding Creek Water Main Relocation Project

Public Works Director Varga gave the staff report on this matter.

Public Comment: None.

Council consensus was the approve the scope of work for the request for proposals for this project.

Mayor Lee recessed the meeting at 7:56 PM; the meeting reconvened at 8:03 PM.

This Scope of Work was approved by a unanimous voice vote.
8B. **20-581**

Receive Report and Consider Adoption of City Council Resolution Approving Water Department Shutoff Policy in Compliance with Senate Bill 998

Finance Director Damiani gave the staff report on this agenda item.

Public Comment: None.

A motion was made by Councilmember Albin-Smith, seconded by Councilmember Peters, 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 4234-2020

8C. **20-582**

Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance No. 958-2020 Repealing and Replacing Chapter 14.04 (Water Department and Regulations) of Title 14 (Water and Sewers) of the Fort Bragg Municipal Code to Remove Water Department Shut-Off Requirements in Preparation for Implementation of Senate Bill 998

Finance Director Damiani summarized the staff report for this item.

Public Comment: None.

A motion was made by Councilmember Morsell-Haye, seconded by Vice Mayor Norvell, that this Ordinance be introduced. The motion carried by the following vote:

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

8D. **20-604**

Receive Report and Consider Adoption of City Council Resolution Establishing a Provisional Business License Procedure Under SB 205 (Hertzberg) Regarding Stormwater Discharge Compliance

Public Works Director Varga presented the report on this item.

Public Comment: None.

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 4235-2020

**PUBLIC COMMENTS ON NON-AGENDA ITEMS (30 Minutes, If Necessary)**

(1) Non-Agenda Items:
  - John Malcolm spoke in opposition to the USPS parcel lockers installed on Glass Beach Drive.
9. CLOSED SESSION

ADJOURNMENT

Mayor Lee adjourned the meeting at 8:38 PM.

________________________________
WILLIAM V. LEE, MAYOR

_______________________________
June Lemos, CMC, City Clerk

IMAGED (___________)
Receive and File Minutes of Public Safety Committee for November 20, 2019
MEETING CALLED TO ORDER

Meeting Chair Peters opened the Meeting at 10:00a.m.

ROLL CALL

Present: 8 - Bernie Norvell, Lindy Peters, Tabatha Miller, Fabian Lizarraga, Steve Orsi, Tom Varga, Scott Perkins and Lesley Bryant

1. APPROVAL OF MINUTES

1A. 19-440 Approve Minutes of August 21, 2019 Public Safety Committee Meeting

A motion was made by Committee Member Norvell, seconded by Chair Peters that the Minutes of the August 21, 2019 Meeting be approved. The motion was carried by unanimous vote.

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None

3. CONDUCT OF BUSINESS

3A. 19-496 Update on School Resource Officer (SRO) Grant

Wendy Boice representing the Fort Unified School District, detailed the plan for the 5 year grant for approximately $360,000, the school district will be receiving. The Department of Justice are working through the backlog of grants, and although the grant has been secured, the funds are not available yet.

Chief Lizarraga stated the Police Department and School District have similar ideas of how the School Resource Officer will be used.

3B. 19-497 Receive Report from Staff on Hospitality House Inspection

Scott Perkins presented the report of the un-announced visit at the Hospitality House (HH). On that specific day the HH appeared to be in compliance with the permit, and the on-site manager seemed to be knowledgable of the special conditions.

Committee Members commented on the report. Carla Harris, Executive Director, was thanked by Committee Member Norvell for stepping into a volatile situation, but being willing to meet with the Committee Members. Harris explained the long term goals for both staff and
Board Members to become a high performing sustainable entity. The relationship between neighbors, businesses and stakeholders needs to be addressed and improved.

Questions were raised regarding the requirements for staff training and licensing, compliance every day, and maybe another inspection should be made during the evening hours.

Public comments were heard from Malcom Macdonald

3C. 19-502 Receive Report on October 26 and 29, 2019 PG&E Public Safety Power Shutdown (PSPS) and City Response and Recommended Improvements to Preparedness

City Manager Tabatha Miller presented her report regarding the PG&E Public Safety Power Shutdown (PSPS). The City is reliant on information from the County, but it would be nice to get information as soon as possible to ensure all four sites within the City continue to provide services.

The City does not have it's own fuel supply for an extended outage. Tom Varga explained the legal and logistical requirements regarding having own supply. City vehicles were allowed to cut the lines at the gas stations to top off. Fuel trucks would need to bring fuel to the coastal areas.

The community did not seem to be prepared for the outage. Maybe a one item town hall style meeting should be held to allow for discussion.

3D. 19-506 Receive Oral Update from Staff on Safeway and ABC Cooperation

City Manager stated she had hope to hear from ABC or Safeway regarding the issues.

Chief Lizarraga stated there is a non-uniformed security guard at Safeway, but it is not a 24/7 position. There seems to be a reduction in calls. Committee Member Norvell asked if the security video is ready for viewing when the officer arrives. Chief Lizarraga stated there have been no instances of staff not allowing the video to be viewed.

Public Comments were heard from Malcolm Macdonald.

3E. 19-495 Receive Oral Update from Staff on Departmental Activities

Chief Orsi stated the department is continuing training and getting ready for the Holidays. A new truck should be arriving in April or May.

Chief Lizarraga stated the department is in training mode. The fourth Community Service
Officer is now on board.

City Manager Miller stated the City is working with the Chamber of Commerce on providing a "Citizens Arrest Training", using the Harvest Market model.

4. MATTERS FROM COMMITTEE / STAFF

ADJOURNMENT

Chair Peters closed the meeting at 11:32a.m.
Approve the Addition of a Stop Sign at Chestnut Street and Dana Street

The Fort Bragg Unified School District has requested that a Stop sign be placed at the eastern leg of the Chestnut Street and Dana Street intersection. The Public Safety Committee considered the request on February 18, 2020. The Committee recommends that the City Council approve the request and direct staff to install the Stop sign and any other supporting signs as appropriate.
Receive Report and Provide Direction to Staff on Developing a Formula Business Ordinance for Planning Commission Review and Recommendation
TITLE:  
Receive Report and Provide Direction to Staff on Developing a Formula Business Ordinance for Planning Commission Review and Recommendation

ISSUE:  
The City Council initially considered a Formula Business Ordinance on October 24, 2019, and provided staff some direction (staff report is attached). The discussion this evening is to refine Council direction on what should be addressed in an ordinance regulating formula businesses so that a draft ordinance can be presented to the Planning Commission for review and recommendation to City Council.

ANALYSIS:  
The definition of “formula business” can vary by jurisdiction but generally the term refers to any business that is required to maintain a standardized array of services, merchandise, menu, uniform, décor, signage, color scheme, trademark or service mark; and is substantially identical to 25 or more other businesses in the United States. The City’s Land Use & Development Codes (LUDC) include a definition of Formula Business, although it is less specific than most jurisdictions and provides no limit on the number of standardized businesses needed to be considered a formula business. The consequence is that local businesses such as Harvest Market, Le Tre Clothing or Oasis that have more than one location would likely be considered a formula business under Fort Bragg’s definition.

Formula Business (definition from Fort Bragg LUDC). A business that is required by contractual or other arrangement to maintain standardized uses, services, décor, uniforms, architecture, signs or other similar features. Formula businesses can include retail sales services, restaurants, gas stations, visitor accommodations, etc.

While the City does not have the legal authority to ban all formula businesses, the City may take a balanced approach to regulating formula businesses in order to preserve the small-town charm and character of Fort Bragg. Zoning is the primary tool that cities use to exercise authority over land-use matters. There are two basic types of zoning regulations:

1. Site Planning and Project Design Standards, such as those that control setbacks, height, lighting, landscaping and location; and
2. Allowable Land Uses, that control what uses are allowed in the designated district or areas within the City.

A zoning ordinance will typically set forth a list of permitted uses, as a matter of right, within each zoning district. Other uses may be allowed, not as a matter of right, but with a
conditional use permit (CUP). CUPs (or UP/MUPs in Fort Bragg codes) add flexibility to zoning and allow for local review to ensure compatibility with the neighborhood or pre-established set of criteria.

**Use Permits in Fort Bragg LUDC**

Per the Fort Bragg ILUDC, a Use Permit (UP) or Minor Use Permit (MUP) provides a process for reviewing uses and activities that may be appropriate in the applicable zoning district. The impacts of certain land uses on a neighborhood cannot be evaluated without reviewing the specifics of the project, such as noise, traffic congestion, and the effects on neighboring properties. UPs and MUPs allow for an evaluation and if applicable placement of conditions on the permit to mitigate the negative impacts of a project on the neighborhood.

MUPs are approved or denied by the Community Development Director, while UPs must be approved or denied by the Planning Commission. Public notices of an application for an MUP will state that a decision will be made by the Director by the date specified unless an interested person requests in writing a public hearing. Notice of a pending UP or MUP is provided to property owners within a 300-foot radius by mail, is posted on the property and published in the newspaper at least 10 days before the decision.

The most significant difference between an MUP and UP is that an MUP will only get a hearing if an interested person requests it in writing. This makes the MUP permit process faster than a UP and therefore typically less expensive and less risky for the applicant.

Using an MUP versus a UP as a means to evaluate the compatibility of a formula business would provide much of the benefit of a UP but with a less expensive and time consuming permit process. It places the burden of requesting a hearing on the public while still providing a means for a public review and input. This is the process incorporated into Cannabis Dispensary Permits and vacation rentals allowed only in the Central Business District.

Whether an MUP or UP is required can and often does vary depending on the zoning district. What is allowed by right and appropriate in one zoning district may need to be evaluated on a case by case basis to assess impacts to another zoning district. A negative aspect of an MUP is that anyone can exercise this option, without justification or merit, so it can be used simply to slow down permit issuance and create additional work for staff adding cost to the applicant.

**Summary of Council Input to Date**

The only consensus from the October 24, 2019 special meeting on a formula business ordinance, was the desire by City Council to develop constraints on the type and location of formula businesses, and the desire to preserve the character and economic vitality of Fort Bragg. The Council was less united in what type, location and means to use to preserve the character should be incorporated into the Ordinance. That said, there were general themes

---

1 The City of Fort Bragg Land Use & Development Codes refer to these Conditional Permits as a Use Permit (UP) or Minor Use Permit (MUP).
during that discussion to guide staff in the development of a proposed Ordinance for review and recommendation by the Planning Commission:

1. **Gateway.** The area from Highway 20 to the Noyo Bridge is sometimes referred to as the gateway to Fort Bragg, as most people enter the City from the south. At least some Councilmembers indicated that they would like to see at least some restriction on formula based businesses here, despite the fact that formula businesses already exist. Of particular interest was creating more Fort Bragg character and charm in this entrance to our City.

2. **General Commercial Corridor.** There was little discussion or concern voiced about control over formula businesses in the Main Street corridor that stretches from the Noyo Bridge to the Central Business District (CBD). Many of the City’s existing formula businesses are located in this commercial corridor and it seems to be the most likely District to allow such businesses. The City could still require an MUP so that there is an option to review the project before approval, if there is some concern about the impact from the project to the neighborhood.

3. **Central Business District.** The one clear consensus regarding the CBD was maintaining what is considered the character and charm of Fort Bragg as reflected in much of the CBD, with Laurel Street from Main St. to Franklin St. representing a strong example of that quaint small town charm. Whether formula businesses should be allowed in this district was debated by City Council. One thought was that office, retail and/or restaurant formula businesses would not detract from the character of the CBD and might increase foot traffic and occupy what are now empty, dilapidated store fronts in this struggling district. Businesses, including formula businesses could be required to maintain the character of the CBD by locating in existing vacant store fronts and conforming to design standards. For example, the City could prohibit façade renovations that incorporate an element of uniform branding and limit exterior displays to signage only. As pointed out in the October 24, 2019 staff report, many cities limit the size, design, location and configuration of businesses so they fit within historic downtowns and do not dominate a downtown district.

4. **South of Pudding Creek.** The area from the Pudding Creek bridge south to the CBD along Main Street is primarily zoned Highway Visitor Commercial and a few formula businesses already exist in this area. Council did not discuss this area in much detail and like the General Commercial Corridor it may be a good location to consider formula businesses subject to an MUP.

5. **North of Pudding Creek.** This area is zoned Highway Visitor Commercial and at the north end of town Industrial and Light Industrial. It is the northern entry or gateway to the City. A number of hotels already exist in this area; both those associated with a franchise and independent accommodations. The City Council did not spend much time discussing the merits of formula hotel/accommodation businesses but could distinguish this area from the General Commercial Corridor by not allowing additional formula accommodation businesses in this area. This area, close to MacKerricher

---

2 The entire southern gateway is in the Coastal Zone and so almost all development is subject to a Coastal Development Permit and falls within the City’s Coastal General Plan and Coastal Land Use & Development Code. Additionally, the western portion of the northern gateway is also in the Coastal Zone. Changes to the Coastal Codes involve the Coastal Commission approval and cannot be easily incorporated.
State Park and with better ocean views, may be more suitable to further restrictions to preserve the views and character of its surroundings. The Industrial and Light Industrial zones at the north end of the City are unlikely to need additional regulation beyond the MUP process.

Existing Formula Business Regulation

Fort Bragg’s Coastal and Inland Land Use & Development Codes and General Plans contain some guidelines and restrictions on formula based businesses that should be considered in adding to and/or revising the existing regulation.

Formula Business (definition). A business that is required by contractual or other arrangement to maintain standardized uses, services, décor, uniforms, architecture, signs or other similar features. Formula businesses can include retail sales services, restaurants, gas stations, visitor accommodations, etc.

Goal LU-4 Promote the economic vitality of the City’s existing commercial areas.

Policy LU-4.1 Formula Businesses and Big Box Retail: Regulate the establishment of formula businesses and big box retail to ensure that their location, scale, and appearance do not detract from the economic vitality of established commercial businesses and are consistent with the small town, rural character of Fort Bragg.

Policy LU-4.2 Require that a fiscal and economic analysis be performed as part of the conditional use permit process for big box retail projects. The analysis shall evaluate the economic effects of the project for a minimum five-year time frame. A consultant selected by the City and paid for by the project proponent shall carry out the analysis.

Policy LU-4.3 Large-Scale Commercial Development: To maintain scenic views of the coast and to ensure that building sizes at the City’s gateways are in scale with the community, no commercial building shall exceed the following limitations on the gross floor area:

- a) between the Noyo River and Pudding Creek Bridges - maximum 50,000 square feet;
- b) east of Highway One and north of Pudding Creek Bridge - maximum 30,000 square feet;
- c) west of Highway One and north of Pudding Creek Bridge and south of the Noyo River Bridge - maximum 15,000 square feet; and
- d) east of Highway One and south of Noyo River Bridge – maximum 40,000 square feet.

Existing Gateway Guidance and Regulation

Fort Bragg’s Coastal and Inland Land Use & Development Codes and General Plans contain some guidelines and restrictions for the City’s entryways or Gateways that should also be
Goal CD-3 Create attractive entryways to the City.

Policy CD-3.1 Entryways: Clearly define the points of entry to the City through the use of distinctive signs, lighting, and landscaping.

Program CD-3.1.1: Maintain distinctive signs placed in a landscaped area at the south entryway at Highway 20/Highway One and at the north entryway on Highway One at the City Limits.

Policy CD-3.2 Gateway Development: Encourage a higher quality of development at the City’s gateways.

Program CD-3.2.1: Consider adopting the following standards for Gateway Developments in the Citywide Design Standards:

- Define gateway development as development located South of the Noyo Harbor Bridge or North of the Pudding Creek Bridge.
- Gateway development should not detract from views to the ocean.
- Signage should be modest in scale and should not block the viewshed.
- Significant landscaping shall be installed to reinforce the transition from a wilderness environment to an urban environment in gateway development. Landscaping should include trees and drought tolerant plants. Lawns are discouraged.
- Site design should include open space around the periphery of the gateway development to reinforce the transitional quality of the area.
- Site design should include installation of bike lanes and sidewalks.
- Gateway development should model Green Building techniques and materials.

Recent Fort Bragg Formula Businesses

Notably, Policy LU-4.1 above, applied to AutoZone during its application for a Coastal Development Permit (CDP). The CDP also triggered Design Review. Likewise, Taco Bell, also in the Coastal Zone was subject to a CDP and Design Review. Other formula businesses that have opened in recent years in Fort Bragg have not been subject to any use or compatibility review, including: Mountain Mike’s Pizza; SHN Consulting Engineers & Geologists; Edward Jones Investments or Sinclair Gas.

RECOMMENDED ACTION:
Direct staff to develop a formula business ordinance for review by the Planning Commission incorporating the following direction concepts:
1. Revise the City’s definition of Formula Business to be more specific and to allow expansion of small successful businesses in Fort Bragg.

2. Require all formula businesses be subject to, at the least, a Minor Use Permit.

3. Require fast-food restaurant formula businesses to have a Use Permit, not just a Minor Use Permit. Consider districts or zones where such businesses may be barred.

4. Review existing design regulations and policies and ensure that they preserve the character of Fort Bragg in the south and north gateways to the City.

5. Review existing design regulations and policies and ensure that they preserve the character of Fort Bragg in the Central Business District by limiting size, location and density of formula businesses, requiring specific design standards and encouraging historic preservation.

6. Create policies that discourage or ban formula businesses, including formula accommodations, north of Pudding Creek.

**ALTERNATIVE ACTION(S):**

1. Provide staff direction to not develop formula business regulation.

2. Provide staff with alternative direction on a formula business ordinance.

**FISCAL IMPACT:**
The staff time and legal costs to develop the Ordinance are estimated at $10,000-$15,000.

The impact of the Ordinance on City revenues is unknown. Of the City's most recent top twenty-five sales tax generating businesses, fifteen (15) or 60% would likely be considered a formula business (depending on the specific definition). The top twenty-five sales tax generating businesses together generate 66% of the City’s total sales tax revenue.

However, as a general rule local businesses typically spend a much greater portion of their profits or earnings locally, which creates a multiplier by supporting other businesses and jobs in the local economy.

**GREENHOUSE GAS EMISSIONS IMPACT:**
The impacts of a formula business Ordinance on greenhouse gas emissions are unknown but will likely be tied to an increase or decrease in new business construction or remodels.

**CONSISTENCY:**
A formula business ordinance is consistent with the City Council’s goal:

Priority Area 1: Jobs/Industry

Goal 3 – Foster and help sustain Local businesses

**IMPLEMENTATION/TIMEFRAMES:**
The timeframe for implementing a zoning ordinance to regulate formula businesses differs depending on the business location. For the Inland Land Use & Development Code, an Ordinance is introduced at a Council meeting, adopted at the next meeting and typically effective thirty (30) days later. The process for the Coastal Land Use & Development Code is more complex because any modification to the Coastal Land Use & Development Code
must be approved by the Coastal Commission, which is often a lengthy reiterative process. The time frame for final adoption could be years.

Changes to the Citywide Design Guidelines specifically related to formula businesses, would be applicable to both the Inland Land Use & Development and the Coastal Land Use & Development Code without the need for Coastal Commission approval.

**ATTACHMENTS:**
1. Current Zoning Map
2. Staff Report on Formula Businesses from 10-24-2019

**NOTIFICATION:**
1. Economic Development Planning, Notify Me subscriber list
2. Tourism and Marketing, Notify Me subscriber list
3. Fort Bragg Downtown Businesses, Notify Me subscriber list
FORMULA BUSINESS ORDINANCE

City Council Meeting
February 24, 2020
PURPOSE OF AGENDA ITEM

- More specific guidance to draft a proposed formula business ordinance for review by Planning Commission and its recommendation to City Council.
- Staff Report recommendation is an attempt to articulate the discussions from the 10-24-2019 special meeting.
1. DEFINITION OF FORMULA BUSINESS

Staff recommendation is to update existing definition to be less ambiguous and to establish the number of “substantially identical businesses” that would trigger the definition and requirements.

■ **Current Definition**: Formula Business is a business which is required by contractual or other arrangement to maintain standardized services, décor, uniforms, architecture, signs or other similar features. This shall include, but not be limited to retail sales and service, and visitor accommodations.
2. USE PERMIT (UP) vs. MINOR USE PERMIT (MUP)

- Adds flexibility to zoning, allows for local review to ensure use is compatible with neighborhood and provides opportunity to add conditions to mitigate impacts.
- Both UP and MUP require notice to be mailed to property owners within 300 foot radius, to be posted on the property and published in the newspaper at least ten days prior to permit/hearing.
- UP approved or denied by Planning Commission, MUP is approved by Community Development Director.
- MUP only gets a hearing if an interested party requests.
3. SOUTHERN GATEWAY

- Entirely Coastal Zone
- Highway Visitor & General Commercial
- Preserve Character
- Higher Quality of Development Desired
4. GENERAL COMMERCIAL CORRIDOR

- Allow some Types of Formula Businesses by Right?
- General Commercial & Highway Visitor Commercial
- Much of Area is in the Coastal Zone
5. CENTRAL BUSINESS DISTRICT (CBD)

- Zoned Central Business District
- Essentially, No Existing Formula Businesses
- Highlights Fort Bragg Character and Charm
- West of Hwy 1 - Coastal Zone
6. SOUTH OF PUDDING CREEK

- Primarily Zoned Visitor Commercial
- Formula Businesses Located in Area
- Allow by Right or MUP?
- Extend Character from CBD?
7. NORTH OF PUDDING CREEK

- Northern Gateway
- Highway Commercial in South End
- Highway Commercial mostly Lodging
- Industrial or Light Industrial in North End
- Close to MacKerricher State Park
- Good Ocean Views
- West Side is Coastal Zone
## TOP TWENTY-FIVE SALES TAX PRODUCERS
(in alphabetical order)

<table>
<thead>
<tr>
<th>BUSINESS NAME</th>
<th>TYPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arco AM/PM Mini Marts</td>
<td>Service Stations</td>
</tr>
<tr>
<td>Boatyard Tobacco</td>
<td>Miscellaneous Retail</td>
</tr>
<tr>
<td>Chevron Service Stations</td>
<td>Service Stations</td>
</tr>
<tr>
<td>CVS/Pharmacy</td>
<td>Drug Stores</td>
</tr>
<tr>
<td>David's Deli</td>
<td>Restaurant</td>
</tr>
<tr>
<td>Denny's Restaurants</td>
<td>Restaurant</td>
</tr>
<tr>
<td>Dollar Tree Stores</td>
<td>Department Stores</td>
</tr>
<tr>
<td>Geo Aggregates</td>
<td>Bldg. Matls-Retail</td>
</tr>
<tr>
<td>Harvest Market</td>
<td>Food Markets</td>
</tr>
<tr>
<td>McDonald's Restaurants</td>
<td>Restaurant</td>
</tr>
<tr>
<td>Mendo Mill &amp; Lumber Company</td>
<td>Bldg. Matls-Retail</td>
</tr>
<tr>
<td>Mendocino County Horticulture</td>
<td>Florist/Nursery</td>
</tr>
<tr>
<td>O'Reilly Auto Parts</td>
<td>Auto Parts/Repair</td>
</tr>
<tr>
<td>Redwood Coast Fuels</td>
<td>Energy Sales</td>
</tr>
<tr>
<td>Rino Pacific Service Stations</td>
<td>Service Stations</td>
</tr>
<tr>
<td>Rite Aid Drug Stores</td>
<td>Drug Stores</td>
</tr>
<tr>
<td>Rossi Building Materials</td>
<td>Bldg. Matls-Retail</td>
</tr>
<tr>
<td>Safeway Stores</td>
<td>Food Markets</td>
</tr>
<tr>
<td>Sinclairs Service Stations</td>
<td>Service Stations</td>
</tr>
<tr>
<td>Sport Chrysler Jeep Dodge</td>
<td>Auto Sales - New</td>
</tr>
<tr>
<td>Taco Bell</td>
<td>Restaurant</td>
</tr>
<tr>
<td>The Brewery Shop</td>
<td>Food Markets</td>
</tr>
<tr>
<td>True Value Hardware</td>
<td>Bldg. Matls-Retail</td>
</tr>
<tr>
<td>Two Short Sales</td>
<td>Bldg. Matls-Whsle</td>
</tr>
<tr>
<td>US Cellular</td>
<td>Miscellaneous Retail</td>
</tr>
</tbody>
</table>
STAFF RECOMMENDATION

1. Revise the City’s definition of Formula Business to be more specific and to allow expansion of small successful businesses in Fort Bragg.

2. Require all formula businesses be subject to, at the least a Minor Use Permit.

3. Require a Use Permit for fast-food restaurant formula businesses, not just a Minor Use Permit.

4. Review existing design regulations and policies to ensure that they preserve the character of Fort Bragg in the south and north gateways to the City.

5. Review existing design regulations and policies to ensure that they preserve the character of Fort Bragg in the Central Business District.

6. Create policies that discourage or ban formula businesses, including formula accommodations, north of Pudding Creek.
QUESTIONS AND STAFF DIRECTION
The boundaries of the Land Use Designations are general and schematic illustrating the policies of the various zoning districts. Refer to the Assessor's Parcel Map for updated parcel boundary maps.

Parcel Boundaries per Mendocino County Assessor Office
02/19/2016
TITLE: Receive Report and Provide Direction on Regulating “Formula Businesses”

ISSUE: The City Council asked staff to explore banning box or formula businesses within the City of Fort Bragg. In response, the City Attorney prepared a memo addressing a California city’s authority to regulate these businesses.

According to the Attorney, the short answer is that cities cannot completely prohibit “formula businesses” within their jurisdiction but they may impose additional requirements that limit the number allowed in a given area, impose certain design guidelines and ensure that the formula businesses are compatible with surrounding uses. This is grounded in the City’s extensive authority over land-use matters. That authority does not extend to regulating who or what type of entity can own/use property within the City but the use itself.

The definition of “formula business” can vary by jurisdiction but generally the term refers to any business that is required to maintain a standardized array of services, merchandise, menu, uniform, décor, signage, color scheme, trademark or service mark; and is substantially identical to 25 or more other businesses in the United States.¹

The discussion this evening is whether or not to pursue an ordinance regulating formula businesses and if so, provide staff direction on how and where such regulation is desired.

ANALYSIS: While the City does not have the legal authority to ban all formula businesses, the City may take a balanced approach to regulating formula businesses in order to preserve the small-town charm and character of Fort Bragg. Zoning is the primary tool that cities use to exercise authority over land-use matters. There are two basic types of zoning regulations:

1. Site Planning and Project Design Standards, such as those that control setbacks, height, lighting, landscaping and location; and
2. Allowable Land Uses that control what uses are allowed in the designated district or area within the City.

A zoning ordinance will typically set forth a list of permitted uses, as a matter of right, within each zoning district. Other uses may be allowed, not as a matter of right, but with a conditional use permit (CUP)². CUPs add flexibility to zoning and allow for local review to

¹ Port Townsend, Washington’s Ordinance provided helpful detailed definitions of each of the standardized features. This may be something to consider adding if the Council pursues an ordinance. The number of substantially identical businesses that trigger the definition varies from jurisdiction to jurisdiction.
² The City of Fort Bragg Land Use & Development Codes refer to this as just a Use Permit or UP.
ensure compatibility with the neighborhood.

CUPs can be used to regulate formula businesses in a legally defensible manner. One key aspect of applying CUPs to formula businesses in a defensible manner is to focus on the use of the land and not on restricting a specific formula business. The purpose of the regulation must also be tied to the long-term commercial health of the city and cannot be discriminatory against a particular business. Long-term commercial health can be tied to preserving the character of the community or city. For example, Coronado, CA was successful in defending its ordinance in part because it set forth a clear purpose. Namely, to maintain and preserve the special seaside tourist village atmosphere with small-scale eclectic ambiance by establishing an appropriate mix of local, regional and national-based businesses and small, medium or large-sized businesses.

What types of uses do we want to regulate?

Only a few cities regulate all types of formula businesses. The most common target is formula fast-food restaurants, formula restaurants and formula retail. Arcata, Ukiah and Coronado regulate formula fast-food restaurants by limiting the total number allowed in city limits or within a zoning district. This type of cap, when it is set at the current number of formula restaurants (fast-food or otherwise) in operation when the Ordinance is adopted, is in essence a ban on new formula businesses because new formula restaurants are only allowed when space becomes available from closures or sale of an existing formula business.

Other cities regulate where formula restaurants can be located. For example, Sebastopol prohibits formula restaurants in the downtown district but allows them in other districts. Likewise, Solvang bans formula restaurants in their Village District. Coronado does not allow formula fast-food restaurants on street corners and limits a site to just one formula restaurant to control concentration. On the more stringent side, Pacific Grove and Ojai ban formula fast-food restaurants city-wide and Calistoga and Carmel-by-the-Sea ban all formula restaurants.3 San Juan Bautista bans drive-through formula restaurants everywhere.

Calistoga also bans formula visitor accommodation businesses (chain hotels) and Sebastopol does not allow those in their downtown district but does allow them elsewhere in the city. Coronado allows formula visitor accommodation but only with a major special use permit that is reviewed by the Planning Commission for compatibility with the surroundings and character of the community.

Formula business offices on the ground floor street front are prohibited by Sebastopol in the downtown. This includes formula tax preparation businesses, banks, credits unions and real estate offices.

3 In some jurisdictions, existing formula business ordinances appear to exceed what is legally defensible under current law. There is limited case law challenging formula business regulation and these jurisdictions have most likely not been subject to legal challenge. Staff is recommending a more conservative legally defensible approach to formula business regulations.
Do we want to regulate size?4

A common regulation on formula businesses is a limit on the amount of linear feet the business may occupy on any street, particular if located in a downtown, historic or dense commercial district. This typically ranges from 50 feet in Arcata to 25 feet in Ojai. Other regulations on formula businesses included limits on the total square footage. In Ojai, for example, the square footage is limited to 2,000 square feet. Some jurisdictions also limit formula businesses to one story.

Cities concerned with the larger “box” stores may have limitations on formula businesses larger than 20,000, 30,000 or 100,000 square feet. This regulation, especially on the larger size, limits mega or warehouse type stores.

Do we want to regulate the appearance?

A method to preserve the quaint character or charm of a neighborhood or even the entire city is to strictly regulate the design guidelines so that a theme, character or consistent standard is maintained. A few iconic examples include: Santa Fe, NM; Solvang, CA; Sedona, AZ; Carmel by the Sea, CA; and Nantucket, MA. Formula businesses (or all businesses) can be required by ordinance to develop the site in compliance with certain development standards.

Do we want to regulate the formula business through CUPs?

San Francisco and San Juan Bautista require essentially all formula restaurants, visitor accommodations and retail businesses to apply for a CUP that is reviewed by the Planning Commission. The Planning Commission in San Francisco reviews all permit applications on a case-by-case basis considering:

1. The existing concentration of formula retail businesses within the neighborhood;
2. Whether similar goods or services are already available within the area;
3. The compatibility of the proposed business with the character of the neighborhood;
4. Retail vacancy rates in the area; and
5. The balance of neighborhood-serving versus citywide or regional-serving businesses.

The Planning Commission in San Juan Bautista requires the following findings to issue a formula business a CUP:

---

4 Fort Bragg code lists “big box retail” as a land use that is only allowable in the CG and CH districts with Use Permit approval. “Big box” is defined as: A large formula retail establishment that is generally located on an arterial or collector roadway, requires a site of 1 acre or larger, and generally contains 1 or several businesses or structures totaling 30,000 or more square feet. They may operate as stand-alone facilities, but also in a type of shopping center called a “power center” or “value mall” having common characteristics including large warehouse-sized buildings and a reliance on auto-borne traffic. Warehouse retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Patrons may be required to pay membership fees.
1. The business offers merchandise and/or services that serve the unmet needs of the population.
2. Although the formula-based business may have other store locations throughout the country, State, or region, the business will complement and enhance the character of the City.
3. Both exterior and interior appearance and presentation of the business are compatible with the existing scale of development, distinctive architecture and pedestrian orientation of the town character and result in an enhancement of the look and feel (i.e., character) of the surrounding area.
4. Signs shall conform to the City sign standards and design guidelines.
5. Drive-through food establishments shall be prohibited.

Sausalito only allows formula retail establishments in the central commercial, shopping center and neighborhood commercial districts and then only with a CUP the following findings:

1. The formula retail establishment will be compatible with existing surrounding uses, and has been designed and will be operated in a non-obtrusive manner to preserve the community’s distinctive character and ambiance;
2. The formula retail establishment will not result in an over-concentration of formula retail establishments in its immediate vicinity or the City as a whole;
3. The formula retail establishment will promote diversity and variety to assure a balanced mix of commercial uses available to serve both resident and visitor populations;
4. The formula retail establishment will contribute to an appropriate balance of local, regional or national-based businesses in the community;
5. The formula retail establishment will be mutually beneficial to and would enhance the economic health of surrounding uses in the district;
6. The formula retail establishment will contribute to an appropriate balance of small, medium and large-sized businesses in the community; and
7. The proposed use, together with its design and improvement, is consistent with the unique historic character of Sausalito, and would preserve the distinctive visual appearance and shopping experience of Sausalito for its residents and visitors.

How do we want to define “formula business”?

As mentioned under the Issue section of this report, the definition of “formula business” can vary but generally the term refers to any business that is required to maintain a standardized array of services, merchandise, menu, uniform, décor, signage, color scheme, trademark or service mark; and is substantially identical to 25 or more other businesses in the United States.

Some jurisdictions provide a set number, such as two or three, of the standardized features (services, merchandise, menu, etc.) which trigger the definition. The number of substantially identical formula businesses included in the definition also varies from city to city. Some
cities outside of California have this as low as two. Solvang, CA sets this number at 5. San Francisco’s limit of 11 had created difficulties for locally grown businesses, such as Blue Bottle Coffee Company, when that businesses’ popularity and number of stores exceeded that limit. As a local example, Mendocino County uses ten (10) or more substantially identical businesses and two standardized features as its trigger for meeting its definition of formula business.

If the number of substantially identical formula businesses is set too low, it could block regional businesses, with a handful of locations, from locating in Fort Bragg. One avenue for economic development in Fort Bragg has been to reach out and encourage compatible regional businesses that would provide unique goods or services to expand here.

Another consideration in regulating formula businesses is whether to treat franchises differently than corporate formula businesses. Many franchises are locally owned and managed and support local employees and families. The argument for keeping dollars local and not allowing formula businesses is much less applicable when the business is not part of the corporate structure. A number of existing Fort Bragg’s locally owned franchise businesses would be considered a formula business under the typical definition.

Other Considerations

A criticism of the formula business regulation in San Francisco is the cost and uncertainty tied to the case-by-case review faced by businesses because of the CUP requirement. There is also a concern that the largest threat to independent and small businesses is not formula businesses, but is on-line retailers. Loss of foot traffic from shoppers can adversely impact independent businesses more than formula businesses which have a bigger draw. Less foot traffic equates to less contact and less sales. It is argued that chain anchor stores can generate additional foot traffic that benefits both independent and formula businesses in the area. With the increase in vacant retail space across the United States, this argument is of more concern.

Supporters of formula business regulations champion keeping dollars, particularly profits, local where those dollars support other businesses, jobs and recirculate in the local economy. Many of the cities that have adopted formula business regulations, have unique characteristics that make them desirable destinations and are at least partially reliant on tourism. Other cities cite a desire to avoid homogeneity in the American business landscape and champion unique experiences and businesses. Support and protection for small local businesses is also a goal of formula business regulation. A good balance of businesses supports a healthy local economy, meets the needs of the community and supports sustainability.

What are the legal concerns?

1. **Purpose of the Ordinance.** One key to a legally defensible Ordinance is to make

---

5 Support of small businesses can also equate to support of minority, veteran or women owned businesses that may face bigger challenges in establishing and operating a successful enterprise.
extensive findings about the purpose when the formula business Ordinance is adopted and how it furthers the goals identified in the City’s General Plan.

2. **Establish Clear Criteria.** If the City uses the Conditional Use Permit (CUP) tool, clear standards and criteria tied to the land and land use are crucial. Standards and criteria that are specific to the business owner are subject to legal challenge. The standards and criteria need to guide clear findings that further the purpose of the Ordinance and the City’s General Plan.

3. **Connect the Specific Regulations.** The City should be able to draw a clear connection between the stated purpose of the Ordinance and the regulations applicable to formula businesses and state how these will achieve the purpose.

4. **Cannot Discriminate Against Nonlocal Businesses.** A zoning Ordinance cannot be drafted to only inhibit competition.

**RECOMMENDED ACTION:**
The purpose of this report is to present the topic of formula business regulation to City Council and the public. If the City Council decides that it would like to develop an Ordinance that regulates formula businesses, staff requests direction on:

1. Land uses to regulate (fast-food, restaurant, retail, accommodations and/or office)
2. Zones or districts to regulate (Central Business District (CBD), Highway Commercial, etc.)
3. Design regulations (designs that preserve the character of Fort Bragg or a particular community). This seems most applicable in the CBD.
4. Whether to regulate the size of businesses.
5. Inclusion of Conditional Use Permits (CUPs) or Use Permits as part of the regulations.

**ALTERNATIVE ACTION(S):**
Provide staff direction to not develop or research formula business regulation.

**FISCAL IMPACT:**
The cost to develop the Ordinance is estimated at $10,000-$15,000. The impact of the Ordinance on City revenues is unknown. Of the City’s most recent top twenty-five sales tax generating businesses, fifteen (15) or 60% would likely be considered a formula business (depending on the specific definition). The top twenty-five sales tax generating businesses together generate 66% of the City’s total sales tax revenue.

However, as a general rule local businesses typically spend a much greater portion of their profits or earnings locally, which creates a multiplier by supporting other businesses and jobs in the local economy.

**GREENHOUSE GAS EMISSIONS IMPACT:**
The impacts of a formula business Ordinance on greenhouse gas emissions are unknown but will likely be tied to an increase or decrease in new business construction or remodels.

**CONSISTENCY:**
A formula business ordinance is consistent with the City Council’s goal:
  Priority Area 1: Jobs/Industry
  Goal 3 – Foster and help sustain local businesses

IMPLEMENTATION/TIMEFRAMES:
The timeframe for implementing a zoning ordinance to regulate formula businesses differs depending on the business location. For the Inland Land Use & Development Code, an Ordinance is introduced at a Council meeting, adopted at the next meeting and typically effective thirty (30) days later. The process for the Coastal Land Use & Development Code is more complex because any modification to the Coastal Land Use & Development Code must be approved by the Coastal Commission, which is often a lengthy reiterative process. The time frame for final adoption could be years.

Changes to the Citywide Design Guidelines would be applicable to both the Inland Land Use & Development and the Coastal Land Use & Development Code without the need for Coastal Commission approval.

ATTACHMENTS:
1. N/A

NOTIFICATION:
1. Economic Development Planning, Notify Me subscriber list
2. Tourism and Marketing, Notify Me subscriber list
3. Fort Bragg Downtown Businesses, Notify Me subscriber list
From: Paul Clark <pclark@fortbraggrealty.co>
Sent: Monday, February 24, 2020 6:51 AM
To: McCormick, Sarah <SMcCormick@fortbragg.com>; CMAR (CMAR@MCN.ORG) <CMAR@MCN.ORG>; Paul Clark < pclark@fortbraggrealty.co>
Subject: City Council

8. CONDUCT OF BUSINESS
Receive Report and Provide Direction to Staff on Developing a Formula Business Ordinance for Planning Commission
Review and Recommendation 8A. 20-623
02242020 Formula Businesses Ordinance Direction Att. 1 Current Zoning Map Att. 2 10242019 Formula Businesses Staff Report Public Comment

I hope the Council will step back on this formula business issue. We are in the age of Amazon, and have become more of a tourist economy since the GP mill shut down.
I hear often the desire to keep Fort Bragg as a small town and such things. I moved here in 1976 and can assure the town has changed considerably since then.
Regulations have gotten us where we are, that and the changing world economy and the internet. You can't put the Genie back in the bottle.
Costco is in Ukiah with cheaper gas then anyone can sell here, we had a Kmart try years ago but after a few weeks the developer made the right call, go elsewhere.
You may not like those stores, no one is forcing you to shop there. The county blew its opportunity get get Costco, now the City of Ukiah is getting all that sales tax income.
Imagine what the county could have done for the entire county with the extra income. Our elected officials screwed that up. They wanted to go on the Masonite site, it only had to be rezoned.
Think carefully about what a few vocal citizens have asked you to do. Perhaps its time to talk to the rest of the public. You represent us all, not just a few, and not just the Down Town which is dying if you had not noticed. There are more vacant store fronts each year. You can't change that. To make one into a restaurant is very costly with the impact fees in place.
You look at expanding the CBD into the mill site, what do you think will happen to the existing CBD then? Move slowly please. California is seeing an exodus out of state, we don't want to lose anymore locals than we have too. When I travel, I don't look at other towns and judge them by what stores they have. Most all have big chain stores. Most are still nice towns. The People make a town. If you click the mouse and order anything on line, you have already turned your back on mom and pop stores. It is a changing world and Fort Bragg needs to change too. It is not the town I moved to, but still a nice place to live and work. We have seen what will happen with no big box stores.
Thank you

Paul Clark
Century 21 Fort Bragg Realty
BRE 00640014
809 North Main Street
Fort Bragg, CA 95437
707-964-0811 voice
707-964-3402 fax
Dear City Council members,

City Council meeting 2-24-20. Please accept my comments about item # 8A.

As I am not able to attend this meeting I am sending you my comments ahead of time.

Some of you might know that I along with other members of CACLU (citizens for appropriate coastal land use) advocated since 4-6-17 to have a formula business ordinance in place like Mendocino County came up with. At that time neither the Fort Bragg community development commission, planning commission, nor the city council was willing to come up with such an ordinance.

Mendocino County, CA, passed a formula business ordinance in November 2016, and it took effect in August 2017. As an ordinance at the county level, it’s particularly effective, as it covers unincorporated areas that are outside the boundaries of city and municipal zoning. The ordinance, which the county describes as a “community character” measure, was passed after a two-year process that began when Dollar General received permits to construct a 9,100 square ft. store in the area of Redwood Valley. The location was next to a small farm and locally owned grocery store in the rural area, as the group Smart Growth Rural Mendocino reported on its website.

https://ilsr.org/rule/formula-business-restrictions/formula-business-restriction-mendocino-county-ca/

Why reinvent the wheel and not learn what we can from this ordinance as was suggested to the city council many times?

Now, shortly before a new project by Grocery Outlet Bargain Market is discussed (not for the Hare Creek site, but at the site of the old Social Services building on South Franklin Street) we are finally addressing
The following communities/counties restrict formula businesses in various ways: Mendocino County, San Francisco, Arcata, Benicia, Coronado, Sebastopol, Solvang, Pacific Grove, Ojai, Calistoga, San Juan Bautista, Carmel-by-the-Sea, Sausalito, CA; Port Townsend, Bainbridge Island, WA; Chesapeake City, Nantucket, MA; Jersey City, NJ; NY; McCall, ID; Bristol, RI; York, MI; Sanibel, FL; New York City, Port Jefferson NY; Ogunquit ME; Fredericksburg TX, Fairfield CT; Chesapeake City, MD; Bristol, RI; and Banff, Calgary in Canada.

It seems to me that it would be helpful to study all these and find out where, and why they came up with these restrictions. [https://ilsr.org/rule/formula-business-restrictions/](https://ilsr.org/rule/formula-business-restrictions/)

It would help to have a subcommittee study these models and see how and where they would apply to our situation.

It is crucial that the community has a chance to weigh in on every proposal for a formula business. It is not good enough to inform the residents who live within 300ft radius, post a sign on the property, publish in a local newspaper and have the Community Development Director make decisions for the whole community.

We demand Use Permits (UP’s), that will be approved or denied by the planning commission, not Minor Use Permits (MUP’s), no matter where the site of a future formula business would be.

We also demand that the information is also shared with everyone that asked the City to be notified about economic development & planning; tourism & marketing; and Fort Bragg downtown businesses as well as a separate new Notify Me list for formula businesses.

A MUP would only get a hearing if someone finds out about it in time and would request a hearing. Already Cannabis Dispensary permits and vacation rentals in the Central Business District are dealt with it.
that way. We can not be so nonchalant about such major changes to our town. We have reached the tipping point already.

How many more pizza businesses do we need?

In the agenda item summary a formula business is described as a business that is identical of 25 other businesses in the US. Mendocino County uses 10 identical other businesses and 2 standardized features as its trigger.

At the October 24, 2019 special city council meeting the power point presentation listed all top 25 sales tax producers (marked in yellow were the 16 formula stores as well as big box retail policies about max. square ft. within various areas in Fort Bragg. In addition to these top 25 sales producers we have formula businesses like Mountain Mike's Pizza, Starbucks, Sears, Rite Aide, Subway Sandwiches & Salads, SHN Consulting Engineers & Geologists, Edward Jones Investments and Sinclair Gas.

Leslie Kashiwada in her letter to you from 1-29-20 encouraged you to look at the market study prepared by HdL ECONSolutions for AutoZone carefully when making future decisions for formula businesses. The study included a void analysis summary & market profile listing 24 formula businesses, in addition to AutoZone, that they deemed a good fit for Fort Bragg (refer to the table on page 7 of their report). Leslie also encouraged you to look at existing policies in other municipalities and decide which work for Fort Bragg and which do not, as well as consider the unique character of Fort Bragg, especially the southern gateway between Hwy 20 and the Noyo Bridge and the central business district.

The market study prepared by HdL ECONSolutions suggested that the following would be a good fit for Fort Bragg. These included: AutoZone, Big O Tires, Les Schwab, Pep Boys, Dunkin’ Donuts, Dutch Bros Coffee, Boot Barn, 7-Eleven, Circle K, Big Lots Stores, Family Dollar, Grocery Outlet, Raley’s, Save Mark Supermarkets, Harbor
Freight Tools, Arby’s, Burger King (which used to exist in Fort Bragg), Carl’s Jr, Chipotle Mexican Grill, Five Guys, Jack in the Box, Panda Express, Wendy’s, Tractor Supply, and Dollar General. Ten of these are formula food stores, three sell discount merchandise (much of it cheap plastic products made overseas), two are usually associated with gas stations and sell snacks and general merchandise, three are supermarkets, six sell car/tractor parts and/or services and one sells boots and clothing. I don’t think any of these have a place in Fort Bragg as they all compete with existing businesses and will mostly take customers away from existing businesses. This doesn’t grow the economy, it merely swaps one set of sales for another, and often for cheaper products that will generate less tax revenue. In addition, most, if not all of these businesses, provide part-time low-wage jobs.

The public comments section of the Oct. 24 meeting includes a link to the Mendocino County’s Ordinance deal with “community character”, rezoning, etc. Here is the complete document: https://mendocinocounty.nextrequest.com/documents/2011342?token=edee79984fb0797e2134613e8c5e7410 and also a link to the CHAPTER 20.147 - COMMUNITY CHARACTER COMBINING DISTRICT https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT20ZOOR_DIVIMECOZOCO_CH20.147COCHCODI

Formula businesses should not be allowed in the Central Business District and the City should prohibit façade renovations that incorporate an element of uniform branding and limit exterior displays to signage.

The area north of Pudding Creek should not have any additional formula accommodation businesses as it is close to Mac Kerricher State Park. It is important to preserve the views and character of its surroundings.
Regulations for the General Commercial Corridor, Central Business District, and the area north of Pudding Creek need to be formulated with more constraints.

We need a fiscal and economic analysis as part of the conditional use permit process for all formula and big box retail projects.

We demand Use Permits (UP’s), that will be approved or denied by the planning commission, not Minor Use Permits (MUP’s), no matter where they would be located.

Roanne Withers and Ron Guenther (both no longer alive) along with Anna Marie Stenberg advocated long and hard to protect our coast and Fort Bragg from becoming like Anytown USA. So have members of CACLU. We are asking the city council to make wise decisions and think for the long run. Neither tourists nor locals desire any more formula businesses. Fort Bragg already has lots of vacancies in the boatyard shopping center, the DMV mall and downtown (approx.20 vacancies). We need to fill these first and prevent blight.

Thank you for your consideration, Annemarie Weibel
2-24-20
Lemos, June

<table>
<thead>
<tr>
<th>From:</th>
<th>Miller, Tabatha</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sent:</td>
<td>Monday, February 24, 2020 6:11 PM</td>
</tr>
<tr>
<td>To:</td>
<td>Lemos, June</td>
</tr>
<tr>
<td>Subject:</td>
<td>FW: Formula business ordinance comment</td>
</tr>
</tbody>
</table>

Public Comment on 8A.

-----Original Message-----
From: Ron Munson [mailto:rontmunson@gmail.com]
Sent: Monday, February 24, 2020 5:21 PM
To: Miller, Tabatha <TMiller@fortbragg.com>
Subject: Formula business ordinance comment

Hello, Tabitha and the Fort Bragg City Council, First of all I want to commend the City Council for engaging in the process of developing a Formula Business Ordinance. It is surely a complex issue with outcomes that are difficult to predict reliably.

It seems like the use permit process would give the City the most flexibility in making final determinations on the merits or drawbacks to specific proposals as they come forward.

That being said, after having traveled all over the United States and to many parts of the world I can tell you that formula businesses generally lend very little to the unique charm of rural communities, and often they seem to be indicators of economically depressed or impoverished communities.

I think that the City Council has demonstrated an appreciation for the historic character and the magnificence of the scenic coastal corridor, and the effort to preserve this character is very worthwhile, especially considering the blank slate represented by the former mill site.

I would suggest perhaps restricting any new formula businesses west of Highway 1, along the scenic coastal corridor between the Highway 20 Gateway and the northern city limit, and I would also recommend specifically restricting formula businesses from any of the former mill site property.

I appreciate the opportunity to submit my observations and cursory comments, and I also appreciate the City Council’s thoughtful endeavors to codify protective measures to maintain Fort Bragg’s unique charm and coastal vistas.

Sincerely,

Ron Munson
Dear Ft Bragg City Council Members,

Once again, I am writing in strong opposition to The Auto Zone & other franchise businesses being sited & built on the west side of Hwy One & the Highway 20 intersection. I cannot attend tonight's meeting.

I urge you to turn down any MUPs (Minor Use Permits) submitted as ways to weasel around the restrictions of any UP (Use Permit) before you.

Along with many other concerned locals & a few officials of agencies who expressed themselves in previous letters & meetings, I urge you to heed their informed & heartfelt objections to developing/destroying a key public resource in this way.

Can we rely on you to govern wisely by supporting existing businesses & protecting our resources? Or will you make cynical, short-term decisions serving only a moneyed few?

Respectfully,

Liz Helenchild
Good morning, June. I would like to enter my letter as a public comment regarding the establishment of a city ordinance regarding formula businesses. I understand that at this time Fort Bragg does not have such an ordinance. By not having a control on these types of stores, we lessen the possibility of keeping a small town flavor here and also discourage entrepreneurial folks from starting their own businesses in town. Such an ordinance could assist in promoting and preserving the city's attractiveness, rural character and locally oriented tourist business.

Thank you.

Linda Jo

Linda Jo Stern, MPH
lindajostern@gmail.com
617-435-8412 (mobile)
Greetings,

I am glad there will be continued discussion about regulating formula businesses tonight. Unfortunately, I am unable to attend.

I would like to remind you that the market study prepared by HdL ECONSolutions for AutoZone included a void analysis summary & market profile listing 24 formula businesses, in addition to AutoZone, that they deemed a good fit for Fort Bragg (refer to the table on page 7 of their report). These include AutoZone, Big O Tires, Les Schwab, Pep Boys, Dunkin’ Donuts, Dutch Bros Coffee, Boot Barn, 7-Eleven, Circle K, Big Lots Stores, Family Dollar, Grocery Outlet, Raley’s, Save Mark Supermarkets, Harbor Freight Tools, Arby’s, Burger King (which used to exist in Fort Bragg), Carl’s Jr, Chipotle Mexican Grill, Five Guys, Jack in the Box, Panda Express, Wendy’s, Tractor Supply, and Dollar General. Ten of these are formula food stores, three sell discount merchandise (much of it cheap plastic products made overseas), two are usually associated with gas stations and sell snacks and general merchandise, three are supermarkets, six sell car/tractor parts and/or services and one sells boots and clothing. I don’t think any of these have a place in Fort Bragg as they all compete with existing businesses and will mostly take customers away from existing them. This doesn’t grow the economy, it merely swaps one set of sales for another, and often for cheaper products that will generate less tax revenue. In addition, most, if not all of these businesses, provide part-time low-wage jobs.

Look at this list carefully when crafting a formula business ordinance (assuming you decide to do so). I encourage you to look at existing policies in other municipalities (as outlined in the staff report) and decide which work for Fort Bragg and which do not. And consider the unique character of Fort Bragg, especially the southern gateway between Hwy 20 and the Noyo Bridge and the central business district.

Thank you for your consideration,

-Leslie Kashiwada
Greetings,

I am glad there will be continued discussion about regulating formula businesses tonight.

As a member of Citizens for Appropriate Coastal Land Use and active promoter of a formula business ordinance I am asking you to consider these facts.

As you may know I approached the city since April 2017 to adopt an ordinance like the one the county adopted. I understand if you do not want to adopt a complete moratorium, but agree with the comments by Leslie Kashiwada that AutoZone, Big O Tires, Les Schwab, Pep Boys, Dunkin’ Donuts, Dutch Bros Coffee, Boot Barn, 7-Eleven, Circle K, Big Lots Stores, Family Dollar, Grocery Outlet, Raley’s, Save Mark Supermarkets, Harbor Freight Tools, Arby’s, Burger King, Carl’s Jr, Chipotle Mexican Grill, Five Guys, Jack in the Box, Panda Express, Wendy’s, Tractor Supply, and Dollar General do not fit in considering the unique character of Fort Bragg, especially the southern gateway between Hwy 20 and the Noyo Bridge and the central business district. We already have one Dollar Store, so we do not need another one.

Specifically on page 3 of the Agenda Summary # 2 needs to say that the City should (not could) require an MUP. We do not want to look like Anywhere USA! It does not help with filling the approx. 20 vacancies downtown (blight issue).

#3 Formula businesses should (not could) not be be allowed in the Central Business District and the City should prohibit façade renovations that incorporate an element of uniform branding and limit exterior displays to signage only.

#4 South of Pudding Creek. The area from the Pudding Creek bridge south to the CBD along Main Street is primarily zoned Highway Visitor Commercial and a few formula businesses already exist in this area. Formula businesses should be subject to an MUP.

page 4 #5 North of Pudding Creek. The City Council should distinguish this area from the General Commercial Corridor by not allowing additional formula accommodation businesses in this area. This area, as it is close to MacKerricher, State Park and with better ocean views, should be restricted to preserve the views and character of its surroundings. The Industrial and Light Industrial zones at the north end of the City should also have additional regulation beyond the MUP process.

Policy LU-4.2 on page 4
Require that a fiscal and economic analysis be performed as part of the conditional use permit process for all formula and big box retail projects.

Recent Fort Bragg Formula Businesses on page 5 Notably, Policy LU-4.1 above, applied to AutoZone during its application for a Coastal Development Permit (CDP). The CDP also triggered Design Review. Likewise, Taco Bell, also in the Coastal Zone was subject to a CDP and Design Review.

Other formula businesses that have opened in recent years in Fort Bragg have not been subject to any use or compatibility review, including: Mountain Mike’s Pizza; SHN Consulting Engineers & Geologists; Edward Jones Investments or Sinclair Gas.
Other formula businesses should in the future need to apply for a Coastal Development Permit (CDP) and a Design Review.

Thank you for your consideration, Annemarie Weibel
Dear Joanna & Sarah,

Please add these to tonight’s packet:

Our community is at a critical point. We need to make smart choices regarding what we want the future of Fort Bragg to look like and to become. Based on the Mission of the City’s General Plan to “preserve and enhance the small town character and natural beauty that make the City a place where people want to live and visit, and to improve the economic diversity of the City to ensure that it has a strong and resilient economy which supports its residents,” it is clear that AutoZone doesn’t mesh with the City of Fort Bragg’s Mission Statement.

They are NOT helping to economically diversify our community – they’re only adding to an existing industry that is wholly unnecessary and has no economic value to our community; rather, they would cause great harm to existing, locally owned businesses – not just Napa Auto Parts, but other locally owned businesses who also have a footprint in the after sales auto supplies business such as Coast Hardware, Rossi Building Materials, Mendo Mill, Matson Building Materials, Fort Bragg Outlet, Harvest Market’s Hardware Supply Store, and certainly they’d have an adverse impact on existing auto repair business since they’re business plan is based in large part of DIY auto maintenance. Businesses like Sport Chrysler, North Coast Tire Pros, The Shop, E&B Auto, Fort Bragg Transmission, and many others.

Every time you bring in a big box, chain, or formula store into a community that is already covered in that industry, you harm existing businesses that support that community.

Along with the City of Fort Bragg’s mission, there are several statements meant to affirm said mission, and these statements written out by the Development Department have been pointed out as relevant to our time here today. **AutoZone doesn’t fit within our mission nor with the affirmed statements, which is another reason why their permit should be denied.**

- A friendly city with a small-town character and a strong sense of community.
  - How does a corporation like AutoZone fit with either a small town character or provide a strong sense of community? The answer is, they don’t. With over 5,500 stores in the United States alone, they are far from small town. They are based in Tennessee – that is their community. They don’t offer franchises,
and they are boastful of it and of aggressively pursuing places to open more stores. If you want to talk about a strong sense of community – all you need to do is look at our existing, locally owned businesses (like those previously mentioned) They have supported this community through numerous fundraisers, etc. They epitomize a strong sense of community.

- A city which strives to create an environment where business and commerce would grow and flourish.
  - What do you think is going to happen with the addition of another auto parts store in this community? We already lost one locally owned independent auto store when O'Reilly’s came to town; are we willing to lose another one? Certainly the other auto parts stores and those that sell auto parts wouldn’t flourish or grow. How many businesses are you willing to impact for the sake of a corporation that has no ties to and no interest in our community?

- A city that embraces its role as the primary commercial and service center of the Mendocino Coast
  - That’s great – we already have businesses that take care of the auto parts needs, so another is not needed and will only cannibalize existing businesses.

- A city that promotes itself as a tourist destination and which provides the necessary infrastructure and services to support a growing population of transient visitors.
  - There will never been a large enough population in Fort Bragg, or even along the Coast to warrant a third auto parts store. The current population is under 7,500 people. With a very obvious housing problem; even with new housing, it still won’t be enough to warrant another auto parts store.

- A city that supports efforts to preserve and strengthen the vitality of commerce in its central business district.
  - Rhoads Auto Parts falls within the CBD. By allowing another corporate auto parts store to set up shop, you directly oppose the mission’s effort to preserve this locally owned business. The reality is with another auto parts store, one may go out of business, leaving an empty building, thus creating more blight. This does not strengthen the vitality of commerce – it diminishes it.

- A city that fosters a business climate which sustains and nourishes the growth and expansion of local businesses and cottage industries.
  - Again, AutoZone is not a local business or cottage industry. AutoZone isn’t here to become a part of our community, at least not in the manner intended per our General Plan. We’re just another notch in their bloated, corporate belt.
Further reasons why AutoZone should not be permitted to build in Fort Bragg: A) we don't need another auto parts store; B) AutoZone has a terrible track record for environmental hazards – they are polluters; C) it takes tax dollars out of our local economy - they're based in Tennessee; D) they are detrimental to other local businesses; and E) they don’t mesh with our city’s General Plan Mission.

It is naïve to think that AutoZone can be trusted to “ensure adequate measures in the handling and disposal of hazardous waste materials and their containers” considering that they’re settlement wasn’t due to one or two or even ten mistakes, they have a culture of non-compliance as it relates to handling and disposing of toxic materials over a 2+ year period of time – with over 5,000 violations. While they may be prudent for the first few years, but what about in 10 years, or 20 years? Do you think they’ll take the same care?

Please do not turn Fort Bragg into a Corporate Candyland – saying no to AutoZone is the first step.

Thank you!
Jamie Peters-Connolly

Sent from Mail for Windows 10
Please forward public comment to Planning Commissioners and add to record.
Thank you,
Sarah

Sarah Million McCormick
Assistant Planner
City of Fort Bragg
(707) 961-2827 x113

-----Original Message-----
From: Ron Munson <rontmunson@gmail.com>
Sent: Friday, September 6, 2019 1:19 PM
To: McCormick, Sarah <SMcCormick@fortbragg.com>
Subject: No AutoZone
Dear Ms McCormick,

Don't know if it's too late to submit comments on the AutoZone proposal, but I think it would be a big mistake to allow these cheap franchise operations like AutoZone or Dollar Store to be built right at the gateway to Fort Bragg in the highly scenic coastal corridor.

Fort Bragg has managed to fairly gracefully transition from a primarily fishing and logging town to a tourism based economy, thanks in large part to that brilliant Noyo Headlands Coastal Trail, which rightfully celebrates our magnificent coastal vistas.

Cheap franchises like AutoZone do nothing to enhance what makes FB special; in fact they denigrate the coastal corridor and advertise an impoverished community that might just as well be in West Virginia or Oklahoma.

I urge you to work with the city council to pass some sort of ordinance to put to bed once and for all the continuing and thoughtless efforts to spoil Fort Bragg’s beautiful coastline with tawdry development proposals.

Thanks for the opportunity to comment.

Ron Munson
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to Paragraph (2) of Subdivision (d) of California Government Code Section 54956.9: One (1) Potential Case