



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
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Meeting Agenda Special City Council

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

Monday, August 23, 2021

6:00 PM

Via Video Conference

Special Meeting

CALL TO ORDER

ROLL CALL

PLEASE TAKE NOTICE

This City Council meeting is presented virtually via Zoom. The Governor's executive Orders N-25-20, N-29-20, and N-08-21 suspend certain requirements of the Brown Act. City Councilmembers and staff will participate by video conference.

Public Comment regarding matters on the agenda may be made in person at Town Hall or by joining the Zoom video conference and using the Raise Hand feature when the Mayor or Acting Mayor calls for public comment. Any written public comments received after agenda publication will be forwarded to the Councilmembers as soon as possible after receipt and will be available for inspection at City Hall, 416 N. Franklin Street, Fort Bragg, California. All comments will become a permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible, except those written comments that are in an unrecognized file type or too large to be uploaded to the City's agenda software application. Public comments may be submitted to City Clerk June Lemos at jlomos@fortbragg.com.

ZOOM WEBINAR INVITATION

*You are invited to a Zoom webinar.
When: Aug 23, 2021 06:00 PM Pacific Time (US and Canada)
Topic: Special City Council Meeting*

*Please click the link below to join the webinar:
<https://us06web.zoom.us/j/85976151013>*

Or Telephone:

*Dial US: +1 720 707 2699 or +1 253 215 8782 (*6 mute/unmute; *9 raise hand)
Webinar ID: 859 7615 1013*

TO SPEAK DURING PUBLIC COMMENT PORTIONS OF THE AGENDA VIA ZOOM, PLEASE JOIN THE MEETING AND USE THE RAISE HAND FEATURE WHEN THE MAYOR OR ACTING MAYOR CALLS FOR PUBLIC COMMENT ON THE ITEM YOU WISH TO ADDRESS.

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

MANNER OF ADDRESSING THE CITY COUNCIL: 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. Public comments are restricted to three (3) minutes per speaker.

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.

2. 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.

- 2A. [21-453](#)** Adopt City Council Resolution Supporting the Efforts of the Mendocino County Drought Ad Hoc Committee and the Countywide Drought Task Force to Provide Additional Water Supply to the Mendocino Coast

Attachments: [RESO Water Hauling Support](#)

3. CLOSED SESSION

- 3A. [21-454](#)** CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: One (1) Case.

ADJOURNMENT

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 agenda to be posted in the City Hall notice case on August 21, 2021.

June Lemos, CMC
City Clerk

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 upon making reasonable arrangements with the City Clerk for viewing same during normal business hours.*
- *Such documents are also available on the City of Fort Bragg's website at <https://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.

This notice is in compliance with the Americans with Disabilities Act (28 CFR, 35.102-35.104 ADA Title II).



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Text File

File Number: 21-453

Agenda Date: 8/23/2021

Version: 1

Status: Consent Agenda

In Control: Special City Council

File Type: Resolution

Agenda Number: 2A.

Adopt City Council Resolution Supporting the Efforts of the Mendocino County Drought Ad Hoc Committee and the Countywide Drought Task Force to Provide Additional Water Supply to the Mendocino Coast

RESOLUTION NO. ____-2021

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL
SUPPORTING THE EFFORTS OF THE MENDOCINO COUNTY DROUGHT AD
HOC COMMITTEE AND THE COUNTYWIDE DROUGHT TASK FORCE TO
PROVIDE ADDITIONAL WATER SUPPLY TO THE MENDOCINO COAST**

WHEREAS, Northern California, Mendocino County and the City of Fort Bragg have experienced significantly less rainfall in the last twenty-four (24) months than would be considered normal; and

WHEREAS, the water flow in the Noyo River has declined to water levels below the levels in the summer of 1977, which is the worst drought on record for the City of Fort Bragg; and

WHEREAS, historically, in the months of August, September and October, the Noyo River experiences high tides, where the gravitational pull between the sun and the moon increase tide levels to a foot or two higher than normal tide levels. High tides during periods of low flow levels on the Noyo River increase salinity content and shorten pump run times, impairing the City's ability to replenish water supply from the Noyo River; and

WHEREAS, the weather forecasts continue to show no significant rainfall in the area in the coming weeks and months; and

WHEREAS, on March 5, 2021, the USDA declared that 50 counties in California, including Mendocino County, were designated as primary natural disaster areas due to recent drought; and

WHEREAS, on April 21, 2021, Governor Newsom declared a state of emergency in Mendocino County due to drought conditions; and

WHEREAS, on May 10, 2021 the City Council implemented Stage 1 voluntary water conservation measures; and

WHEREAS, on July 12, 2021 the City Council confirmed the Stage 2 Water Warning and implemented Stage 2 Water Conservation Restrictions; and

WHEREAS, on July 19, 2021, in response to historic low flows and significant drops in the Noyo River, it was necessary for the City to cease water sales to water haulers providing water to businesses and residents outside City limits in the greater Mendocino Coastal area; and

WHEREAS, on August 9, 2021 the City Council held a Public Hearing in compliance with Chapter 14.06 (WATER CONSERVATION STAGES) and declared a Stage 3 Water Emergency implementing Stage 3 Conservation Restrictions; and

WHEREAS, City staff continue to work with the Mendocino County Drought Ad Hoc Committee on solutions to the water needs of the Mendocino Coast, including the City of Fort Bragg; and

WHEREAS, the Mendocino County Drought Ad Hoc Committee and staff have developed a plan whereby water from the inland cities could be hauled by truck to the Coast and placed into the City of Fort Bragg's water system to provide additional supply, that can be

sold to the water haulers providing water to businesses and residents outside City limits in the greater Mendocino Coastal area; and

WHEREAS, the City of Fort Bragg would restore the out of city sales under the terms and conditions of sales prior to July 19, 2021 as soon as the additional water was available; and

WHEREAS, any additional costs to haul water from inland cities will be borne by Mendocino County, the water haulers, and/or the water hauler’s customers and the City’s water ratepayers will not be responsible for any costs above those incurred prior to July 19, 2021 to produce and sell water to the water haulers; and

WHEREAS, based on all the evidence presented, the City Council finds as follows:

1. That the foregoing recitals are true and correct and are made a part of this Resolution.
2. That the City Council supports countywide solutions to the current water shortage emergency on the Mendocino Coast and is committed to assisting the greater coastal community, including providing the physical plant for distributing water hauled from inland to customers on the Coast.
3. That the City Council supports the execution of a Memorandum of Understanding or similar agreement with the County of Mendocino and/or other Mendocino cities to facilitate county-wide solutions to the current water shortage throughout Mendocino County.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby support and pledge ongoing assistance to the Mendocino County Drought Ad Hoc Committee and the Countywide Drought Task Force to provide additional water supply to the Mendocino coast.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a special meeting of the City Council of the City of Fort Bragg held on the 23rd day of August, 2021, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**
- RECUSED:**

BERNIE NORVELL
Mayor

ATTEST:

June Lemos, CMC
City Clerk



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Text File

File Number: 21-454

Agenda Date: 8/23/2021

Version: 1

Status: Closed Session

In Control: Special City Council

File Type: Staff Report

Agenda Number: 3A.

CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: One (1) Case.