



# City of Fort Bragg

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## Meeting Minutes City Council

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

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Monday, August 9, 2021

6:00 PM

Town Hall, 363 N. Main Street

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### CALL TO ORDER

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

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present:** 5 - Mayor Bernie Norvell, Vice Mayor Jessica Morsell-Haye, Councilmember Tess Albin-Smith, Councilmember Lindy Peters and Councilmember Marcia Rafanan

### AGENDA REVIEW

#### **1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS**

- 1A. [21-357](#) Presentation of Proclamation to Mendocino Coast Clinics for "National Health Center Week" August 8 - 14, 2021, and Receive Presentation from Executive Director Lucresha Renteria Regarding Mendocino Coast Clinics

Mayor Norvell read and presented a Proclamation recognizing National Health Center Week to Mendocino Coast Clinics executive director Lucresha Renteria. Ms. Renteria gave a brief presentation to City Council on the accomplishments of the Mendocino Coast Clinics over the years and a recap of their present programs and staff.

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

- (1) Annemarie Weibel spoke about public comments. Jay McMartin Rosenquist said public comments should alternate between in-person and Zoom attendees and commented on the City's receivership of a Whipple Street property.
- (2) Shelley Coben commented on mask mandates.
- (3) None.

#### **3. STAFF COMMENTS**

City Manager Miller reported on the Mendocino County mask mandate, National Night Out, a mutual aid request to send local officers to the Dixie fire to assist with traffic control, and the upcoming special recall election. A Blue Economy symposium will be held October 8-9. Miller requested that \$5,000 of the Councilmember budget be used for the symposium, to which the Council agreed. She asked that Council choose a date certain for the continuation of the

public hearing on the Sunshine Holistic appeal (Item 7A) and provided some possible dates. Council consensus was September 1, 2021 at 6:00 PM. City Manager Miller reported that three proposals were received in response to the joint City/County Request for Proposals on a solid waste franchise agreement. She noted that photos from the winners of the Visit Fort Bragg photo contest are now hanging in Town Hall windows and in Central Business District kiosks. Public Works Director John Smith provided a water flow update and gave a status report on current Public Works projects.

#### **4. MATTERS FROM COUNCILMEMBERS**

Councilmember Albin-Smith announced an event marking 101 years since women earned the right to vote. Councilmember Peters reported that Sonoma Clean Power is purchasing software with the ability to add specs for climate change, sea level rise, wildfires, and other variables to determine how they affect the ability to have renewable energy for a power source. Vice Mayor Morsell-Haye spoke about the Central Business District outreach program, September 11 at 8AM at Town Hall, to give downtown business owners a chance to have a conversation and ask questions. She noted that the Citizens Commission received over 1,250 online responses and 300 physical responses to the community questionnaire regarding possible name change for the City of Fort Bragg. Mayor Norvell reported on the recent National Night Out event and how the Homeward Bound program had helped a person suffering from homelessness get back to his family in Utah.

#### **5. CONSENT CALENDAR**

Councilmember Peters requested that Items 5C and 5G be removed from the Consent Calendar so he could recuse himself, citing a potential conflict of interest because of his wife's employment at the City. Mayor Norvell removed Item 5F so he could read the letter aloud.

#### **Approval of the Consent Calendar**

**A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, to approve the Consent Calendar with the exception of Items 5C, 5G and 5F. The motion carried by the following vote:**

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

- 5A.** [21-331](#) Adopt City Council Resolution Authorizing the City Manager to Execute Agreement for Foundation Repairs to the Water Treatment Plant Facility with Mathew Phelps Enterprises, Inc. DBA NorCal Foundation Support, Amount Not to Exceed \$32,471.69 (Account No. 651-6006-0731); and Approving Budget Amendment No. 2022-01 to Appropriate \$33,000.00 from the Water Enterprise Fund to Account No. 651-6006-0731

**This Resolution was adopted on the Consent Calendar.**

Enactment No: RES 4425-2021

- 5B.** [21-428](#) Adopt City Council Resolution Approving 2021-2024 Memorandum of Understanding with the Fort Bragg Police Association and Authorizing City Manager to Execute Same

**This Resolution was adopted on the Consent Calendar.**

Enactment No: RES 4426-2021

- 5D.** [21-415](#) Adopt City Council Resolution Confirming the Continued Existence of a Local Emergency in the City of Fort Bragg

**This Resolution was adopted on the Consent Calendar.**

Enactment No: RES 4427-2021

- 5E.** [21-417](#) Adopt City Council Resolution Approving the Temporary Water Sharing Agreement Between the City of Fort Bragg and the Fort Bragg Unified School District

**This Resolution was adopted on the Consent Calendar.**

Enactment No: RES 4428-2021

- 5H.** [21-397](#) Receive and File Minutes of the Public Safety Committee Meeting of June 16, 2021

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

- 5I.** [21-396](#) Receive and File Minutes of Community Development Committee Meeting of June 22, 2021

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

- 5J.** [21-395](#) Approve Minutes of Special Closed Session of July 22, 2021

**These Minutes were approved on the Consent Calendar.**

- 5K.** [21-416](#) Approve Minutes of Special Closed Session of July 26, 2021

**These Minutes were approved on the Consent Calendar.**

- 5L.** [21-419](#) Approve Minutes of July 26, 2021

**These Minutes were approved on the Consent Calendar.**

### **ITEMS REMOVED FROM CONSENT CALENDAR**

- 5C.** [21-398](#) Approve Scope of Work for a Classification and Compensation Study

**Councilmember Peters recused himself from voting on this item due to a conflict of interest.**

**Public Comment:** None.

**A motion was made by Vice Mayor Morsell-Haye, seconded by Councilmember Rafanan, that this Scope of Work be approved. The motion carried by the following vote:**

**Aye:** 4 - Mayor Norvell, Vice Mayor Morsell-Haye, Councilmember Albin-Smith and Councilmember Rafanan

**Recuse:** 1 - Councilmember Peters

**5F.** [21-420](#) Approve Letter to Property Owners and Businesses located in the Central Business District

Mayor Norvell read aloud the letter to property owners and businesses located in the Central Business District.

Public Comment was received from Shelley Coben and Jay McMartin.

**A motion was made by Mayor Norvell, seconded by Councilmember Peters, that this Council Letter be approved. The motion carried by the following vote:**

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

**5G.** [21-422](#) Adopt City Council Resolution Approving Budget Amendment 2022-04 Amending the Fiscal Year 2021-22 Budget

**Councilmember Peters recused himself from voting on this item due to a conflict of interest.**

Public Comment: None.

**A motion was made by Vice Mayor Morsell-Haye, seconded by Councilmember Rafanan, that this Resolution be adopted. The motion carried by the following vote:**

**Aye:** 4 - Mayor Norvell, Vice Mayor Morsell-Haye, Councilmember Albin-Smith and Councilmember Rafanan

**Recuse:** 1 - Councilmember Peters

Enactment No: RES 4429-2021

## **6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS**

None.

## **7. PUBLIC HEARING**

**7A.** [21-423](#) Open and Continue Public Hearing to Consider Upholding or Denying the Appeal of the Planning Commission's Decision to Deny Minor Use Permit Application 1-21 for a Cannabis Dispensary at 144 N. Franklin Street

**Vice Mayor Morsell-Haye recused herself from this item, stating that she is a business owner within 500 feet of the subject property, and left the Council chamber at 7:01 PM.**

**Mayor Norvell opened the public hearing at 7:01 PM and continued the public hearing to September 1, 2021 at 6:00 PM or as soon thereafter as the matter can be heard.**

**Vice Mayor Morsell-Haye returned to the meeting at 7:02 PM.**

- 7B. [21-402](#)** Receive Report, Conduct Public Hearing, and Consider Adoption of City Council Resolution Declaring a Stage 3 Water Emergency and Implementing Stage 3 Mandatory Water Conservation Measures

**Mayor Norvell opened the public hearing at 7:02 PM.**

City Manager Miller presented the staff report on this agenda item.

Public Comment was received from Shelley Coben and Jay McMartin Rosenquist.

**Mayor Norvell closed the public hearing at 7:28 PM.**

After a brief discussion, Council consensus was to move forward with a Stage 3 Water emergency.

**A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, that this Resolution be adopted. The motion carried by the following vote:**

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

Enactment No: RES 4430-2021

- 7C. [21-354](#)** Receive Report, Conduct Public Hearing, and Provide Direction Regarding Request to Connect Out-of-City Property Located at 19981 Minnesota Avenue to City Water System

**Mayor Norvell opened the public hearing at 7:33 PM.**

Assistant Director of Engineering O'Neal summarized the staff report on this agenda item and responded to questions from Council.

Public Comment was received from Jacob Patterson.

**Mayor Norvell closed the public hearing at 7:45 PM.**

Discussion: Following deliberations on this matter, Council agreed to direct staff to accept the request for water connection at 19981 Minnesota Avenue and to reach out to neighboring property owners not currently served by City water in Zone 5 to see if they are also interested in connecting to the City's water system.

**A motion was made by Councilmember Peters, seconded by Vice Mayor Morsell-Haye, that the request to connect City water to 19981 Minnesota Avenue be approved. The motion carried by the following vote:**

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

- 7D. [21-405](#)** Receive Report, Conduct Public Hearing, Receive Planning Commission Recommendation, and Consider Introducing by Title Only and Waiving the First Reading of Ordinance No. 970-2021 Amending Article 2 (Zoning Districts and Allowable Land Uses), Article 4 (Standards for Specific Land Uses) and Article 10 (Definitions) of Title 18 (Inland Land Use and Development Code) of the Fort Bragg Municipal Code Relating to Regulation of Formula Business

**Mayor Norvell recessed the meeting at 7:55 PM; the meeting reconvened at 8:09 PM.**

**Mayor Norvell opened the public hearing at 8:10 PM.**

City Manager Miller presented the staff report on this agenda item.

Public Comment was received from Annemarie Weibel and Jacob Patterson.

**Mayor Norvell closed the public hearing at 8:29 PM.**

**A motion was made by Vice Mayor Morsell-Haye, seconded by Councilmember Albin-Smith, that this Ordinance be introduced by title only, waiving the first reading of the text. The motion carried by the following vote:**

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

**8. CONDUCT OF BUSINESS**

- 8A. [21-391](#)** Receive Report and Consider Adoption of City Council Resolution Approving Budget Amendment 2022-02 and Authorizing City Manager to Execute Utility Relocation Agreement with California Department of Transportation for the Pudding Creek Water Main Relocation Project (Project WTR-00014, Amount Not to Exceed \$1,015,450.00, Account No. 651-6008-0731)

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

Public Comment: None.

**A motion was made by Councilmember Peters, seconded by Councilmember Rafanan, that this Resolution be adopted. The motion carried by the following vote:**

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

Enactment No: RES 4431-2021

- 8B. [21-406](#)** Receive Report and Consider Adoption of Municipal Improvement District Resolution Authorizing City Manager to Execute Contract Amendment with Synagro-WWT, Inc. for the Transportation of Biosolids to Land Application Sites or Landfill, Increasing the Amount of the Contract by \$228,500.00 (Total Contract Amount Not to Exceed \$298,500.00, Account No. 710-4712-0319)

Public Works Director Smith summarized the staff report on this agenda item.

Public Comment was received from Jacob Patterson.

**A motion was made by Councilmember Albin-Smith, seconded by Councilmember Rafanan, that this ID Resolution be adopted. The motion carried by the following vote:**

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

Enactment No: RES ID 453-2021

- 8C. [21-399](#)** Receive Report and Consider Adoption of City Council Resolution Approving Budget Amendment No. 2022-03 Amending Fiscal Year

2021-22 Budget for Water Emergency Equipment Purchase

Public Works Director Smith presented the staff report on this agenda item.

Public Comment: None.

**A motion was made by Councilmember Peters, seconded by Vice Mayor Morsell-Haye, that this Resolution be adopted. The motion carried by the following vote:**

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

Enactment No: RES 4432-2021

**9. CLOSED SESSION**

**Mayor Norvell recessed the meeting at 8:43 PM. The meeting reconvened to Closed Session at 8:45 PM.**

**9A. [21-408](#)** 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.

**9B. [21-409](#)** CONFERENCE WITH REAL PROPERTY NEGOTIATORS FOR POSSIBLE ACQUISITION OF REAL PROPERTY, Pursuant to Government Code Section 54956.8: Real Property: APN 008-430-21, APN 008-430-22, APN 018-040-61, APN 018-430-22, APN 018-040-61, APN 018-120-50, APN 008-171-07, APN 008-161-08, APN 008-151-26, APN 008-161-27 and the Southern portion of former APN 008-020-15, Fort Bragg, CA 95437; City Negotiator: Tabatha Miller, City Manager; Negotiating Party: Dave Massengill, Environmental Affairs, Georgia Pacific Corporation; Under Negotiation: Terms of Acquisition, Price

**Mayor Norvell reconvened the meeting to Open Session at 9:25 PM and reported that no reportable action was taken on the Closed Session items.**

**ADJOURNMENT**

**Mayor Norvell adjourned the meeting at 9:25 PM.**

\_\_\_\_\_  
BERNIE NORVELL, MAYOR

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June Lemos, CMC, City Clerk

IMAGED (\_\_\_\_\_)