



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Agenda

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, May 9, 2022

6:00 PM

Town Hall, 363 N. Main Street and
Via Video Conference

AMENDED

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

ZOOM WEBINAR INVITATION

This meeting is being presented in a hybrid format, both in person at Town Hall and via Zoom.

You are invited to a Zoom webinar.

When: May 9, 2022 06:00 PM Pacific Time (US and Canada)

Topic: City Council Meeting

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/86459715438>

*Or Telephone: +1 253 215 8782 or +1 346 248 7799 (*6 mute/unmute; *9 raise hand)*

Webinar ID: 864 5971 5438

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.

AGENDA REVIEW

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

- 1A. [22-185](#) Presentation of Proclamation Declaring May 9 - 16, 2022 as Rhododendron Week

Attachments: [05-Rhododendron Week](#)

- 1B. [22-220](#) Recognition of Jay Andreis and Nancy Rogers for their Service on the Fort Bragg Planning Commission

2. 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.

WRITTEN PUBLIC COMMENTS: Written public comments received after agenda publication are forwarded to the Councilmembers as soon as possible after receipt and are available for inspection at City Hall, 416 N. Franklin Street, Fort Bragg, during normal business hours. All comments will become a permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible, except 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, jlomos@fortbragg.com.

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. [22-214](#)** Adopt City Council Resolution Making the Legally Required Findings to Continue to Authorize the Conduct of Remote "Telephonic" Meetings During the State of Emergency

Attachments: [RESO Authorize Continuing Remote Meetings](#)

- 5B. [22-215](#)** Adopt City Council Resolution Confirming the Continued Existence of a Local Emergency in the City of Fort Bragg

Attachments: [RESO Declaring Continuing Local Emergency](#)

- 5C. [22-203](#)** Approve Minutes of Special Closed Session of April 20, 2022

Attachments: [CCM2022-04-20 Closed Session](#)

- 5D. [22-204](#)** Approve Minutes of Special Closed Session of April 21, 2022

Attachments: [CCM2022-04-21 Closed Session](#)

- 5E. [22-208](#)** Approve Minutes of April 25, 2022

Attachments: [CCM2022-04-25](#)

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. [22-205](#) Receive Report and Consider Adoption of City Council Resolution Approving Budget Amendment 2022-22 and Authorizing City Manager to Execute Authorization for Additional Services for the Design of the Raw Water Line Replacement Project, City Project 2019-02, Increasing the Scope of the Design Contract with Coleman Engineering to Include Construction Permitting in an Amount Not to Exceed \$81,824 (Account 651-6007-0310)

Attachments: [05092022 Raw Water Line Staff Report](#)

[Att 1 - Figure 1, Project Map](#)

[Att 2 - RESO Budget Amendment 2022-22](#)

[Att 3 - Ex A to Budget Amendment 2022-22](#)

[Att 4 - Authorization for Additional Services #2](#)

- 8B. [22-221](#) Nomination and Appointment of Planning Commissioners to Serve on the Fort Bragg Planning Commission

9. CLOSED SESSION

- 9A. [22-213](#) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, Pursuant to Paragraph (1) of Subdivision (d) of Government Code Section 54956.9; Name of Case: City of Fort Bragg vs. Mendocino Railway and Does 1-10, Case No.: 21CV00850, Superior Court of the State of California, County of Mendocino
- 9B. [22-217](#) PUBLIC EMPLOYEE APPOINTMENT, Pursuant to Government Code Section 54957(b): Title: City Manager
- 9C. [22-224](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION; Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9 of the Government Code: (one 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, MAY 23, 2022**

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 May 6, 2022.

 June Lemos, MMC
 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).



City of Fort Bragg

416 N Franklin Street
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Text File

File Number: 22-185

Agenda Date: 5/9/2022

Version: 1

Status: Mayor's Office

In Control: City Council

File Type: Proclamation

Agenda Number: 1A.

Presentation of Proclamation Declaring May 9 - 16, 2022 as Rhododendron Week



PROCLAMATION



RHODODENDRON WEEK

May 9 – May 16, 2022

WHEREAS, the Mendocino Coast area, because of its climate and soils, produces more varieties of rhododendrons – including its wild species – than any other area in California; and

WHEREAS, Fort Bragg is famous for its many beautiful rhododendron gardens including the Mendocino Coast Botanical Gardens and many rhododendron nurseries; and

WHEREAS, many rhododendrons have been locally hybridized with names such as ‘Noyo Mist’, ‘Len’s Pacific Foam’, ‘Fort Bragg Centennial,’ ‘Noyo Chief,’ ‘Noyo Dream,’ ‘Pomo Princess,’ ‘Elsie Fry,’ ‘Ruby Bowman,’ ‘Doctor Bowman,’ ‘Fort Bragg Glow,’ ‘Jim Drewry,’ ‘General Braxton Bragg,’ ‘Noyo Charm,’ ‘Mendocino Gold’ and ‘Mendocino Magic;’ and

WHEREAS, the mission of the Noyo Chapter of the American Rhododendron Society is to encourage and develop, in all possible ways, interest in the growing and culture of rhododendrons and azaleas; and

WHEREAS, the 43rd Annual John Druecker Memorial Rhododendron Show – one of the largest rhododendron shows on the west coast with over 700 entries entered annually – will be held on May 14th and 15th at our local Mendocino Coast Botanical Gardens.

NOW, THEREFORE, I, BERNIE NORVELL, Mayor of the City of Fort Bragg, do hereby proclaim the week of May 9 – May 16, 2022 as **RHODODENDRON WEEK**.

SIGNED this 9th day of May, 2022.

BERNIE NORVELL, Mayor

ATTEST:

June Lemos, MMC
City Clerk

No. 05-2022



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Text File

File Number: 22-220

Agenda Date: 5/9/2022

Version: 1

Status: Mayor's Office

In Control: City Council

File Type:
Recognition/Announcements

Agenda Number: 1B.

Recognition of Jay Andreis and Nancy Rogers for their Service on the Fort Bragg Planning Commission



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Text File

File Number: 22-214

Agenda Date: 5/9/2022

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: 5A.

Adopt City Council Resolution Making the Legally Required Findings to Continue to Authorize the Conduct of Remote "Telephonic" Meetings During the State of Emergency

RESOLUTION NO. ____-2022

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL
MAKING THE LEGALLY REQUIRED FINDINGS TO CONTINUE TO
AUTHORIZE THE CONDUCT OF REMOTE “TELEPHONIC”
MEETINGS DURING THE STATE OF EMERGENCY**

WHEREAS, on March 4, 2020, pursuant to California Gov. Code Section 8625, the Governor declared a state of emergency; and

WHEREAS, on September 17, 2021, Governor Newsom signed AB 361, which bill went into immediate effect as urgency legislation; and

WHEREAS, AB 361 added subsection (e) to Gov. Code Section 54953 to authorize legislative bodies to conduct remote meetings provided the legislative body makes specified findings; and

WHEREAS, as of May 4, 2022, the COVID-19 pandemic has killed more than 90,541 Californians; and

WHEREAS, social distancing measures decrease the chance of spread of COVID-19; and

WHEREAS, this legislative body previously adopted a resolution to authorize this legislative body to conduct remote “telephonic” meetings; and

WHEREAS, Government Code 54953(e)(3) authorizes this legislative body to continue to conduct remote “telephonic” meetings provided that it has timely made the findings specified therein;

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Fort Bragg as follows:

1. This legislative body declares that it has reconsidered the circumstances of the state of emergency declared by the Governor and at least one of the following is true: (a) the state of emergency continues to directly impact the ability of the members of this legislative body to meet safely in person; and/or (2) state or local officials continue to impose or recommend measures to promote social distancing.

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 9th day of May, 2022, by the following vote:

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

BERNIE NORVELL
Mayor

ATTEST:

June Lemos, MMC
City Clerk



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Text File

File Number: 22-215

Agenda Date: 5/9/2022

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: 5B.

Adopt City Council Resolution Confirming the Continued Existence of a Local Emergency in the City of Fort Bragg

At a special meeting on March 24, 2020, the Fort Bragg City Council ratified the City Manager's Proclamation declaring a local emergency due to COVID-19 in its Resolution No. 4242-2020. Since that date, the Council has adopted 48 resolutions reconfirming the existence of a local emergency. The City is required to reconfirm the existence of a local emergency every 21 days pursuant to Fort Bragg Municipal Code Section 2.24.040.

RESOLUTION NO. ____-2022

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL
CONFIRMING THE CONTINUED EXISTENCE OF A LOCAL
EMERGENCY IN THE CITY OF FORT BRAGG**

WHEREAS, California Government Code section 8630 empowers the Fort Bragg City Council to proclaim the existence of a local emergency when the City is threatened or likely to be threatened by the conditions of extreme peril to the safety of persons and property that are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City; and

WHEREAS, California Government Code section 8558(c) states that a “local emergency” means the duly proclaimed existence of conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city; and

WHEREAS, COVID-19, a novel coronavirus causing infectious disease, was first detected in China in December 2019 and has spread across the world and to the United States. Symptoms of COVID-19 include fever, cough, and shortness of breath; outcomes have ranged from mild to severe illness, and, in some cases, death. The Center for Disease Control and Prevention (CDC) has indicated the virus is a tremendous public health threat; and

WHEREAS, on March 13, 2020, the President of the United States issued a proclamation declaring the COVID-19 outbreak in the United States as a national emergency, beginning March 1, 2020; and

WHEREAS, the Governor of the State of California and the Public Health Officer of the County of Mendocino have both issued Shelter-in-Place orders to combat the spread of COVID-19; and

WHEREAS, on March 17, 2020 the City Manager, as the City’s Director of Emergency Services, issued Proclamation No. CM-2020-01 declaring a local emergency as authorized by Government Code section 8630 and Fort Bragg Municipal Code section 2.24.040(B); and

WHEREAS, at a special meeting on March 24, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4242-2020, ratifying the City Manager’s Proclamation declaring the existence of a local emergency; and

WHEREAS, at a special meeting on April 6, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4245-2020 by which it continued the local emergency; and

WHEREAS, at a special meeting on April 20, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4247-2020 by which it continued the local emergency; and

WHEREAS, at a regular meeting on May 11, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4250-2020 by which it continued the local emergency; and

WHEREAS, at a regular meeting on May 26, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4253-2020 by which it continued the local emergency; and

WHEREAS, at a regular meeting on June 8, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4266-2020 by which it continued the local emergency; and

WHEREAS, at a regular meeting on June 22, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4270-2020 by which it continued the local emergency; and

WHEREAS, at a regular meeting on July 13, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4284-2020 by which it continued the local emergency; and

WHEREAS, at a regular meeting on July 27, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4289-2020 by which it continued the local emergency; and

WHEREAS, at a regular meeting on August 10, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4294-2020 by which it continued the local emergency; and

WHEREAS, at a special meeting on August 31, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4300-2020 by which it continued the local emergency; and

WHEREAS, at a special meeting on September 21, 2020, the City Council of the City of Fort Bragg adopted Resolution 4304-2020 by which it continued the local emergency; and

WHEREAS, at a regular meeting on October 13, 2020, the City Council of the City of Fort Bragg adopted Resolution 4317-2020 by which it continued the local emergency; and

WHEREAS, at a regular meeting on October 26, 2020, the City Council of the City of Fort Bragg adopted Resolution 4319-2020 by which it continued the local emergency; and

WHEREAS, at a regular meeting on November 9, 2020, the City Council of the City of Fort Bragg adopted Resolution 4323-2020 by which it continued the local emergency; and

WHEREAS, at a regular meeting on November 23, 2020, the City Council of the City of Fort Bragg adopted Resolution 4329-2020 by which it continued the local emergency; and

WHEREAS, at a regular meeting on December 14, 2020, the City Council of the City of Fort Bragg adopted Resolution 4333-2020 by which it continued the local emergency; and

WHEREAS, at a special meeting on December 22, 2020, the City Council of the City of Fort Bragg adopted Resolution 4340-2020 by which it continued the local emergency; and

WHEREAS, at a regular meeting on January 11, 2021, the City Council of the City of Fort Bragg adopted Resolution 4343-2021 by which it continued the local emergency; and

WHEREAS, at a regular meeting on January 25, 2021, the City Council of the City of Fort Bragg adopted Resolution 4347-2021 by which it continued the local emergency; and

WHEREAS, at a regular meeting on February 8, 2021, the City Council of the City of Fort Bragg adopted Resolution 4351-2021 by which it continued the local emergency; and

WHEREAS, at a regular meeting on February 22, 2021, the City Council of the City of Fort Bragg adopted Resolution 4358-2021 by which it continued the local emergency; and

WHEREAS, at a regular meeting on March 8, 2021, the City Council of the City of Fort Bragg adopted Resolution 4363-2021 by which it continued the local emergency; and

WHEREAS, at a regular meeting on March 22, 2021, the City Council of the City of Fort Bragg adopted Resolution 4366-2021 by which it continued the local emergency; and

WHEREAS, at a regular meeting on April 12, 2021, the City Council of the City of Fort Bragg adopted Resolution 4376-2021 by which it continued the local emergency; and

WHEREAS, at a regular meeting on April 26, 2021, the City Council of the City of Fort Bragg adopted Resolution 4381-2021 by which it continued the local emergency; and

WHEREAS, at a regular meeting on May 10, 2021, the City Council of the City of Fort Bragg adopted Resolution 4385-2021 by which it continued the local emergency; and

WHEREAS, at a regular meeting on May 24, 2021, the City Council of the City of Fort Bragg adopted Resolution 4391-2021 by which it continued the local emergency; and

WHEREAS, at a regular meeting on June 14, 2021, the City Council of the City of Fort Bragg adopted Resolution 4396-2021 by which it continued the local emergency; and

WHEREAS, at a regular meeting on June 28, 2021, the City Council of the City of Fort Bragg adopted Resolution 4405-2021 by which it continued the local emergency; and

WHEREAS, at a regular meeting on July 12, 2021, the City Council of the City of Fort Bragg adopted Resolution 4418-2021 by which it continued the local emergency; and

WHEREAS, at a regular meeting on July 26, 2021, the City Council of the City of Fort Bragg adopted Resolution 4422-2021 by which it continued the local emergency; and

WHEREAS, at a regular meeting on August 9, 2021, the City Council of the City of Fort Bragg adopted Resolution 4427-2021 by which it continued the local emergency; and

WHEREAS, at a special meeting on August 30, 2021, the City Council of the City of Fort Bragg adopted Resolution 4434-2021 by which it continued the local emergency; and

WHEREAS, at a special meeting on September 20, 2021, the City Council of the City of Fort Bragg adopted Resolution 4447-2021 by which it continued the local emergency; and

WHEREAS, at a regular meeting on October 12, 2021, the City Council of the City of Fort Bragg adopted Resolution 4451-2021 by which it continued the local emergency; and

WHEREAS, at a regular meeting on October 25, 2021, the City Council of the City of Fort Bragg adopted Resolution 4460-2021 by which it continued the local emergency; and

WHEREAS, at a regular meeting on November 8, 2021, the City Council of the City of Fort Bragg adopted Resolution 4463-2021 by which it continued the local emergency; and

WHEREAS, at a regular meeting on November 22, 2021, the City Council of the City of Fort Bragg adopted Resolution 4473-2021 by which it continued the local emergency; and

WHEREAS, at a regular meeting on December 13, 2021, the City Council of the City of Fort Bragg adopted Resolution 4480-2021 by which it continued the local emergency; and

WHEREAS, at a special meeting on December 27, 2021, the City Council of the City of Fort Bragg adopted Resolution 4491-2021 by which it continued the local emergency; and

WHEREAS, at a regular meeting on January 10, 2022, the City Council of the City of Fort Bragg adopted Resolution 4497-2022 by which it continued the local emergency; and

WHEREAS, at a regular meeting on January 24, 2022, the City Council of the City of Fort Bragg adopted Resolution 4504-2022 by which it continued the local emergency; and

WHEREAS, at a regular meeting on February 14, 2022, the City Council of the City of Fort Bragg adopted Resolution 4509-2022 by which it continued the local emergency; and

WHEREAS, at a regular meeting on February 28, 2022, the City Council of the City of Fort Bragg adopted Resolution 4513-2022 by which it continued the local emergency; and

WHEREAS, at a regular meeting on March 14, 2022, the City Council of the City of Fort Bragg adopted Resolution 4518-2022 by which it continued the local emergency; and

WHEREAS, at a regular meeting on March 28, 2022, the City Council of the City of Fort Bragg adopted Resolution 4525-2022 by which it continued the local emergency; and

WHEREAS, at a regular meeting on April 11, 2022, the City Council of the City of Fort Bragg adopted Resolution 4529-2022 by which it continued the local emergency; and

WHEREAS, at a regular meeting on April 25, 2022, the City Council of the City of Fort Bragg adopted Resolution 4535-2022 by which it continued the local emergency;

NOW, THEREFORE, BE IT RESOLVED AND PROCLAIMED by the City Council of the City of Fort Bragg that for reasons set forth herein, said local emergency shall be deemed to continue to exist until the City Council of the City of Fort Bragg, State of California, proclaims its termination; and

BE IT FURTHER RESOLVED that the City Council of the City of Fort Bragg will review the need for continuing the local emergency at least once every 21 days until the City Council terminates the local emergency; and

BE IT FURTHER RESOLVED that this resolution confirming the continued existence of a local emergency shall be forwarded to the Director of the Governor's Office of Emergency Services and the Governor of the State of California, as well as the Mendocino County Office of Emergency Services.

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 9th day of May, 2022 by the following vote:

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

BERNIE NORVELL
Mayor

ATTEST:

June Lemos, MMC
City Clerk



City of Fort Bragg

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Text File

File Number: 22-203

Agenda Date: 5/9/2022

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Minutes

Agenda Number: 5C.

Approve Minutes of Special Closed Session of April 20, 2022



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Meeting Minutes 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*

Wednesday, April 20, 2022

1:30 PM

Harbor Lite Lodge, 120 N. Harbor Dr.

Special Closed Session

CALL TO ORDER

Acting Mayor Morsell-Haye called the meeting to order at 1:41 PM, Mayor Norvell appearing via video conference.

ROLL CALL

- Present:** 4 - Mayor Bernie Norvell, Vice Mayor Jessica Morsell-Haye, Councilmember Tess Albin-Smith and Councilmember Lindy Peters
- Absent:** 1 - Councilmember Marcia Rafanan

1. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Public Comment was received from Jacob Patterson.

2. CLOSED SESSION

Acting Mayor Morsell-Haye recessed the meeting at 1:44 PM; the meeting reconvened to Closed Session at 1:44 PM. Councilmember Rafanan joined the meeting at 1:51 PM.

2A. [22-196](#)

PUBLIC EMPLOYEE APPOINTMENT, Pursuant to Government Code Section 54957(b): Title: City Manager

Acting Mayor Morsell-Haye reconvened the meeting to Open Session at 6:45 PM and reported that no reportable action was taken on the Closed Session item.

ADJOURNMENT

Acting Mayor Morsell-Haye adjourned the meeting at 6:45 PM.

BERNIE NORVELL, MAYOR

June Lemos, MMC, City Clerk

IMAGED (_____)



City of Fort Bragg

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Text File

File Number: 22-204

Agenda Date: 5/9/2022

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Minutes

Agenda Number: 5D.

Approve Minutes of Special Closed Session of April 21, 2022



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Meeting Minutes Special City Council

*THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY
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NO. 1 AND THE FORT BRAGG REDEVELOPMENT
SUCCESSOR AGENCY*

Thursday, April 21, 2022

8:30 AM

Harbor Lite Lodge, 120 N. Harbor Dr.

Special Closed Session

CALL TO ORDER

Acting Mayor Morsell-Haye called the meeting to order at 8:31 AM, Mayor Norvell appearing via video conference.

ROLL CALL

- Present:** 4 - Mayor Bernie Norvell, Vice Mayor Jessica Morsell-Haye, Councilmember Tess Albin-Smith and Councilmember Lindy Peters
- Absent:** 1 - Councilmember Marcia Rafanan

1. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

None.

2. CLOSED SESSION

Acting Mayor Morsell-Haye recessed the meeting at 8:32 AM; the meeting reconvened to Closed Session at 8:32 AM. Councilmember Rafanan joined the meeting at 8:41 PM.

2A. [22-197](#)

PUBLIC EMPLOYEE APPOINTMENT, Pursuant to Government Code Section 54957(b): Title: City Manager

Councilmember Rafanan left the meeting at 10:10 AM. Acting Mayor Morsell-Haye reconvened the meet to Open Session at 11:16 AM and reported that Interim City Manager Spaur was assigned to work with City Attorney Collins to formulate an offer letter to one of the candidates for City Manager.

ADJOURNMENT

Acting Mayor Morsell-Haye adjourned the meeting at 11:16 AM.

BERNIE NORVELL, MAYOR

June Lemos, MMC, City Clerk

IMAGED (_____)



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Text File

File Number: 22-208

Agenda Date: 5/9/2022

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Minutes

Agenda Number: 5E.

Approve Minutes of April 25, 2022



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Meeting Minutes City Council

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

Monday, April 25, 2022

6:00 PM

Town Hall, 363 N. Main St. and
Via Video Conference

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

Mayor Norvell moved Item 8B after 8D on the agenda.

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

Mayor Norvell reported that at the Closed Session on April 21, 2022, the City Council instructed the Interim City Manager and the City's legal counsel to negotiate with the top choice for City Manager.

1A. [22-200](#) Presentation of Proclamation Recognizing the 53rd Annual Professional Municipal Clerks Week, May 1 - May 7, 2022

Mayor Norvell read a Proclamation recognizing May 1-7, 2022 as Municipal Clerks Week and presented the proclamation to City Clerk Lemos.

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

Public Comment was received from:

- (1) Jacob Patterson.
- (2) None.
- (3) N/A.

3. STAFF COMMENTS

City Manager Spaur reported on three prospective loans for small businesses in the Central Business District and announced the Blue Economy Symposium scheduled for May 19-22. Assistant Director Engineering O'Neal reported that the City is in the top 200 finalists for the \$25K State Farm neighborhood assistance grant, and asked people to vote from April 27 through

May 6; voting details will be announced in a press release. O'Neal stated that the Community Development Committee will receive an update on the Bainbridge Park and playground upgrades at tomorrow's meeting.

4. MATTERS FROM COUNCILMEMBERS

Councilmember Peters thanked the Council and staff for the interview process for the new City Manager candidates that occurred last week. Several Councilmembers thanked City Clerk Lemos for her work as City Clerk and in honor of Municipal Clerks Week.

5. CONSENT CALENDAR

Approval of the Consent Calendar

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

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

- 5A. [22-188](#)** Adopt by Title Only and Waive the Second Reading of Ordinance 980-2022 Amending Section 18.42.110 (Mobile/Manufactured Homes and Mobile Home Parks) and Adding Section 18.42.175 (Tiny Homes) to Chapter 18.42 (Standards for Specific Land Uses) of Title 18 (Inland Land Use and Development Code) of the Fort Bragg Municipal Code

This Ordinance was adopted on the Consent Calendar.

Enactment No: ORD 980-2022

- 5B. [22-189](#)** Adopt City Council Resolution Appointing Director to Represent and Vote on Behalf of the City of Fort Bragg on the California Intergovernmental Risk Authority Board of Directors

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4532-2022

- 5C. [22-190](#)** Adopt City Council Resolution Appointing Director to Represent and Vote on Behalf of the City of Fort Bragg on the Redwood Empire Municipal Insurance Fund Board of Directors

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4533-2022

- 5D. [22-192](#)** Adopt City Council Resolution Making the Legally Required Findings to Continue to Authorize the Conduct of Remote "Telephonic" Meetings During the State of Emergency

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4534-2022

- 5E. [22-193](#)** 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 4535-2022
- 5F. [22-194](#)** Adopt City Council Resolution Adopting a List of Projects for Fiscal Year 2022-23 Funded by SB 1: The Road Repair and Accountability Act of 2017
This Resolution was adopted on the Consent Calendar.
Enactment No: RES 4536-2022
- 5G. [22-198](#)** Receive and File Written Report Pursuant to Government Code Section 65858(d) on Behalf of the City Council Describing the Measures Taken to Date to Alleviate the Condition Which Led to the Adoption of Urgency Ordinance 972-2021
This Report was received and filed on the Consent Calendar.
- 5H. [22-186](#)** Receive and File Minutes of the Public Works and Facilities Committee Meeting of February 10, 2022
These Committee Minutes were received and filed on the Consent Calendar.
- 5I. [22-195](#)** Approve Minutes of April 11, 2022
These Minutes were approved on the Consent Calendar.

6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

None.

7. PUBLIC HEARING

8. CONDUCT OF BUSINESS

- 8A. [22-124](#)** Receive and File Local Road Safety Plan Report from TJKM and Provide Recommendations for Select Highway Safety Improvement Program Grant Application

Ruta Jariwala and Divya Gandhi of TJKM presented the report on this agenda item. Assistant Director Engineering O'Neal explained that the report will come back to City Council with a resolution accepting the report on a future Consent Calendar agenda.

Public Comment was received from Leslie Kashiwada and Jacob Patterson.

Discussion: After a brief discussion, Council consensus was to accept the report and to formally approve it by resolution on an upcoming Consent Calendar.

This Report was unanimously accepted by voice vote.

- 8C. [22-183](#)** Receive Report and Consider Adoption of City Council Resolution Approving the Revised 2022 Citywide Design Guidelines Update for Commercial,

Industrial, and Multi-Family Buildings

Assistant Planner Locke presented the staff report for this item.

Public Comment: Jacob Patterson

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 4537-2022

8D. [22-180](#) Receive Report and Consider Adoption of Urgency Ordinance No. 981-2022 Placing a 45-Day Moratorium on the Approval of Applications and Permits for Cannabis Dispensaries in the Inland Zoning Area

Interim City Manager Spaur gave the staff report on this agenda item.

Public Comment: Jacob Patterson.

Discussion: After a brief discussion, all Councilmembers agreed that the new urgency ordinance should be passed while new cannabis regulations are being finalized by Council.

A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, that this Urgency Ordinance 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: ORD 981-2022

8B. [22-173](#) Receive Report and Consider Adoption of City Council Resolution Approving Professional Services Agreement with De Novo Planning Group to Prepare an Environmental Impact Report for a Proposed Grocery Outlet at 825, 845, and 851 S. Franklin St. and Authorizing City Manager to Execute Contract (Amount Not to Exceed \$56,013; Account No. 119-0000-2668)

Mayor Norvell recused himself from voting on this matter, as he lives across the street from the project. He appointed Vice Mayor Morsell-Haye as Acting Mayor and left the meeting at 7:15 PM.

Associate Planner Gurewitz presented the staff report on this agenda item. Steve McMurtry, from consultant De Novo Planning Group, spoke about the company, their background and this project.

Public Comment was received from Robert Edgerton, Leslie Kashiwada, Jim Moose and Jacob Patterson.

Discussion: Council held discussion regarding the nature of the studies to be done in association with the Environmental Impact Report (EIR) and it was clarified that the consultant De Novo would not "reuse" existing reports from the previous Mitigated Negative Declaration, but rather review them, conduct their own studies and arrive at their own conclusions for the EIR.

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

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

Recuse: 1 - Mayor Norvell

Enactment No: RES 4538-2022

9. CLOSED SESSION

ADJOURNMENT

Acting Mayor Morsell-Haye adjourned the meeting at 8:01 PM.

BERNIE NORVELL, MAYOR

June Lemos, MMC, City Clerk

IMAGED (_____)



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 22-205

Agenda Date: 5/9/2022

Version: 1

Status: Business

In Control: City Council

File Type: Resolution

Agenda Number: 8A.

Receive Report and Consider Adoption of City Council Resolution Approving Budget Amendment 2022-22 and Authorizing City Manager to Execute Authorization for Additional Services for the Design of the Raw Water Line Replacement Project, City Project 2019-02, Increasing the Scope of the Design Contract with Coleman Engineering to Include Construction Permitting in an Amount Not to Exceed \$81,824 (Account 651-6007-0310)



AGENCY: City Council
MEETING DATE: May 9, 2022
DEPARTMENT: Public Works
PRESENTED BY: Diane O'Connor/John Smith
EMAIL ADDRESS: doconnor@fortbragg.com

AGENDA ITEM SUMMARY

TITLE:

Receive Report and Consider Adoption of City Council Resolution Approving Budget Amendment 2022-22 and Authorizing City Manager to Execute Authorization for Additional Services for the Design of the Raw Water Line Replacement Project, City Project 2019-02, Increasing the Scope of the Design Contract with Coleman Engineering to include Construction Permitting in an Amount Not to Exceed \$81,824 (Account 651-6007-0310)

ISSUE:

On January 24, 2019, the City of Fort Bragg entered into a contract in the amount of \$680,000 with Coleman Engineering to complete construction design and bid documents for the Raw Water Line Replacement Project, City Project 2019-02. The contract amount included the proposal cost of \$594,096, plus an additional \$85,904 (~14%) in contingency. The original scope of work covered design for all portions of the City's Raw Water Line, from Waterfall Gulch, Newman Gulch, and Summers Lane Reservoir, that had not been replaced prior to 1986. It was assumed that those portions that were replaced from 1986-1991 would be reliable for many years to come. It also avoided the need to work within the environmentally sensitive Noyo River flood plain and Hare Creek/Covington Gulch streambeds. In spring of 2020 it became apparent that the Hare Creek crossing had to be included, and the lining of the Noyo River crossing was added at the same time to ensure its longevity.

On November 9, 2020, Council approved an increase in the Scope of Work to include the Hare Creek and Noyo River crossings in the project, but the increase in cost of \$64,920 was absorbed in the existing contract amount with a remaining contingency of \$20,984 (~3%). Coleman Engineering has done an outstanding job of managing the budget and has already provided the preliminary 100% design plans, and the CEQA document has been circulated.

The addition of the crossings to the project has triggered the need for the acquisition of several additional permits. These include US Army Corp of Engineers Clean Water Act Section 404 Permit, a Clean Water Act Section 401 Water Quality Certification, and a California Department of Fish and Game Code Section 1600 Lake and Streambed Alteration Agreement. The sub-consultant, Dewberry Engineers, Inc. will prepare and process the above permits and Coleman will provide administrative and quality control support. The additional services authorization also includes costs to assist the City with the Coastal Development Permit application and processing.

ANALYSIS:

In order to provide the additional support, the consultant has requested additional funding in the amount of \$81,824, for a total amount of \$740,840, which is an increase of about 24% from the original proposal, and about 11% from the previous total. The new contract amount

AGENDA ITEM NO. 8A

including the remaining contingency would be \$761,824. The amount requested is reasonable for the tasks to be performed, and the City will benefit from the expertise of the consultant. The Department of Water Resources grant funds in the amount of \$8,797,500 need to be expended by March 31, 2024, so obtaining the required permits in a timely fashion is critical to the bidding and construction schedules.

RECOMMENDED ACTION:

Staff recommends authorizing the City Manager to execute the Authorization for Additional Services with Coleman Engineering.

ALTERNATIVE ACTION(S):

Council can choose to have staff apply for the permits, and not add the additional services to the Scope of Work.

FISCAL IMPACT:

The additional cost of \$81,824 will be drawn from the Water Enterprise Fund, which is adequately funded. If approved, there will still be a remaining contingency balance of \$20,984 which is about 3% of the new total.

GREENHOUSE GAS EMISSIONS IMPACT:

Adding the construction permitting to the design contract will have no impact on greenhouse gas emissions.

CONSISTENCY:

This addition to the Scope of Work is consistent with the goals of ensuring the reliability of the raw water system and will enable construction to begin as soon as possible.

IMPLEMENTATION/TIMEFRAMES:

It is in the best interest of the City to start the permitting process as soon as possible to provide the maximum amount of time to construct the project before the grant funding expires.

ATTACHMENTS:

1. Figure 1 – Project Map
2. Resolution
3. Budget Amendment 2022-22
4. Coleman Engineering Authorization for Additional Services #2

NOTIFICATION:

Coleman Engineering

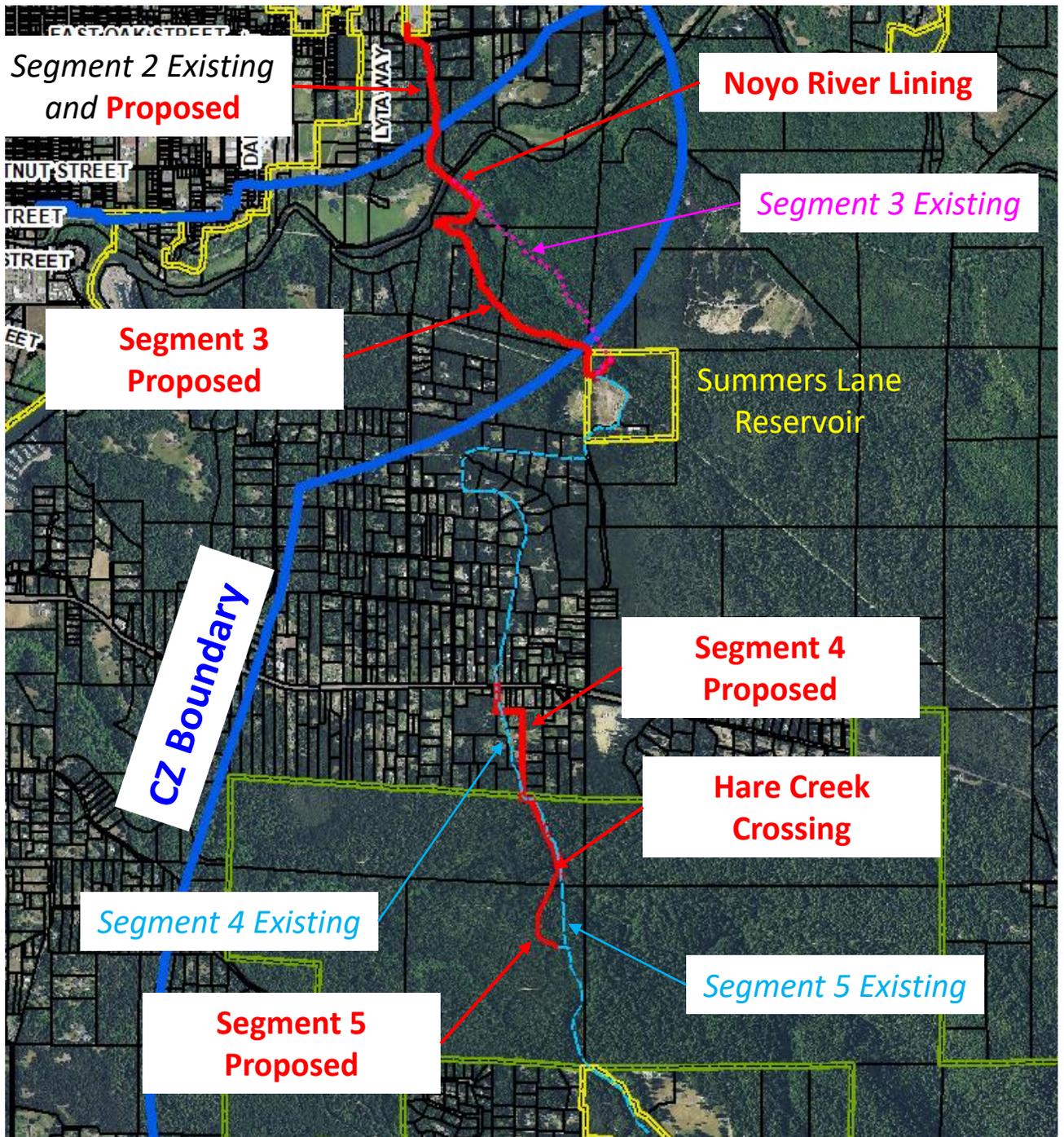


Figure 1 – Project Map

RESOLUTION NO. ____-2022

RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING BUDGET AMENDMENT NO. 2022-21 AMENDING THE FISCAL YEAR 2021/22 BUDGET AND AUTHORIZING CITY MANAGER TO EXECUTE THE AUTHORIZATION FOR ADDITIONAL SERVICES WITH COLEMAN ENGINEERING (AMOUNT OF INCREASE NOT TO EXCEED \$81,824, ACCOUNT NO. 651-6007-0310)

WHEREAS, on January 24, 2019, the City of Fort Bragg entered into a contract in the amount of \$680,000 with Coleman Engineering to complete construction design and bid documents for the Raw Water Line Replacement Project (Project), which contract was renewed on June 1, 2020; and

WHEREAS, the Contract amount included the original design budget of \$594,096 plus a contingency amount of \$85,904, for a total amount of \$680,000; and

WHEREAS, in May of 2020 it was recognized that a section of the Hare Creek crossing that was replaced in 1991 has been undercut, is at risk of failure, and needs to be replaced; and

WHEREAS, on November 9, 2020, City Council approved the Authorization for Additional Services in the amount of \$64,920 to add Hare Creek crossing and Noyo River crossing to the Project, which was absorbed into the original contract amount; and

WHEREAS, the addition of the crossings requires additional construction permits; and

WHEREAS, Coleman Engineering provided Authorization of Additional Services #2 in the amount of \$81,824 to add the construction permitting to the Scope of Work; and

WHEREAS, adequate funding is available in the Water Enterprise Fund to cover the additional costs;

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

1. The adjustments to the FY 2021-22 Budget as shown in Exhibit A are necessary to cover the costs of the additional services for the Project.
2. There are sufficient funds to fund the allocation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby amend the previously adopted FY 2021-22 Budget to incorporate the changes enumerated in Exhibit A, approve the Authorization for Additional Services for the Raw Water Line Replacement Design Project, and authorize the City Manager to execute same (Amount Not to Exceed \$81,824, Account No. 651-6007-0310).

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 9th day of May, 2022, by the following vote:

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

BERNIE NORVELL
Mayor

ATTEST:

June Lemos, MMC
City Clerk

Authorization for Additional Services

This Agreement is to provide additional professional engineering services for the project identified as follows:

Project Name: Raw Water Line Replacement Project
Client Project Number: 2019-02
Consultant Project Number: FTBG18-001
Additional Services #: 2
Date of Original Agreement: January 24, 2019

The Client and the Consultant are identified as follows:

CLIENT: <u>City of Fort Bragg</u>	CONSULTANT: <u>Coleman Engineering, Inc.</u>
Name: <u>Diane O'Connor</u>	Name: <u>Simon Gray</u>
Title: <u>Project Manager</u> <u>City of Fort Bragg, Public Works</u>	Title: <u>Principal</u>
Address: <u>Department, 416 N Franklin</u>	Address: <u>1223 Pleasant Grove Blvd., Suite 100</u>
City, ST, Zip: <u>Fort Bragg, CA 95437</u>	City, ST, Zip: <u>Roseville, CA 95678</u>
Phone: <u>707-961-2823 x 134</u>	Phone: <u>916-791-1188</u>
Fax: <u>-</u>	Fax: <u>-</u>
e-mail: <u>doconnor@fortbragg.com</u>	e-mail: <u>simon@coleman-eng.com</u>

The following Scope of Additional Services, Schedule, Budget, and Budget Summary are added to the existing agreement referenced above, are effective as of the date signed on the last page and are subject to all of the terms of the original agreement.

ENVIRONMENTAL PERMITTING SERVICES

Background

The ongoing Raw Water Line Replacement Project includes for replacement of the City's raw water supply pipeline that conveys raw water by gravity from the Waterfall Gulch and Newman Gulch intakes to the City's water treatment plant (WTP) at the east end of Cedar Street. The pipeline crosses both the Noyo River and Hare Creek. The project includes the following segments:

- Segment 2 – from the WTP to the north side of the Noyo River crossing.
- Segment 3 – from the south side of the Noyo River crossing to the Summers Lane Reservoir.

- Segment 4 – from the north side of Highway 20 (and also replacing the current Highway 20 crossing) to the north side of the Hare Creek crossing.
- Segment 5 – from the south side of the Hare Creek crossing along Waterfall Gulch to a connection with the new pipeline section which ends at Forest Road 450.

Segment 1 of the project, which comprises the section of pipeline from the north side of State Highway 20 to the Summers Lane Reservoir, was completed in 2013 and is not part of this project. Replacement / rehabilitation of the Noyo River Crossing and the Hare Creek Crossing was not included in the original project but was added under Agreement for Additional Services #1.

Environmental studies for CEQA compliance have been performed and the Initial Study / Mitigated Negative Declaration (ISMND) document is currently out for public and stakeholder review. The next phase of the Raw Water Line Replacement Project requires the acquisition of environmental permits: this work was not included in the original scope of services nor in Additional Services # 1 and is needed for this project to proceed to the construction phase. Coleman Engineering and environmental sub consultant Dewberry will provide technical assistance in preparing the permit applications on behalf of the City and coordinate with the regulatory agencies for these permits. This scope of work leverages the current work on the City's ISMND for this project, which will be used to prepare various technical reports needed for the permit applications.

This permitting phase includes assisting the City with the following permit applications:

- United States Army Corps of Engineers Clean Water Act Section 404 Permit - Nationwide Permit. This permit requires preparation of the following technical studies:
 - CWA Section 404 Aquatic Resources Delineation.
 - ESA Section 7 Biological Assessment.
- Clean Water Act Section 401 Water Quality Certification.
- California Department of Fish and Game, Fish and Game Code Section 1600 Lake and Streambed Alteration Agreement.
- California Coastal Commission Coastal Development Permit.

Scope of Services

TASK 1 – PROJECT MANAGEMENT AND MEETINGS

Task 1.1 - Project Administration. Coleman Engineering will administer this phase of the project and maintain project schedule and budget. The Project Manager will be available to discuss with the City the project progress, planned services in the next billing period, updated

schedule, and budget status monthly to coincide with the regular invoice.

Task 1.2 – Project Meetings. Coleman Engineering and Dewberry will meet with the City through project meetings and conference calls. Coleman Engineering will prepare an agenda and brief meeting summaries for each of the meetings. 5 progress / review meetings (2 in-person, 3 by Zoom / Teams) have been included in the budget.

Task 1.3 – Quality Management. Quality control will be monitored throughout the entirety of the project. Coleman Engineering will peer-review deliverables internally prior to delivery to the City in accordance with its quality assurance / quality control program and the procedures described in the project-specific Quality Management Plan.

Task 1: Deliverables

- Monthly invoices and progress report discussions.
- Meeting agendas and notes.

TASK 2 - NATIONWIDE PERMIT VERIFICATION (CLEAN WATER ACT, SECTION 404).

The proposed project may result in discharge of material into Hare Creek, Covington Gulch, and other waters of the U.S and will require CWA authorization from the USACE S.F District office. It is anticipated that any discharge resulting from this project can be authorized using one or more Nationwide Permits based on the small number of wetlands being impacted by the project. Dewberry will prepare a Preconstruction Notification (PCN) to submit to the USACE requesting verification that the project can be authorized using the appropriate NWP(s). Dewberry will also submit a Preliminary Jurisdictional Delineation (see Task 2.2) and request concurrence by the USACE.

The definition of waters of the U.S. was in flux during preparation of this scope of work. Relatively recent 2020 legislation that would likely have precluded ephemeral drainages as waters of the U.S. had been vacated and new legislation was proposed that would likely include ephemeral drainages as waters of the U.S. In the interim, the guidance at the USACE Sacramento District is to revert to the 2015 definition of waters of the U.S., which is inclusive of ephemeral drainages.

Task 2.1 - Aquatic Resources Delineation. The aquatic resources delineation will be conducted in accordance with the Corps of Engineers Wetlands Delineation Manual (January 1987), the Corps Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0) (September 2008), and the RWQCB State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (April 2019). Aquatic features subject to CDFW jurisdiction will also be identified.

The results of the delineation field work will be documented in a report prepared in accordance with the Corps Minimum Standards for Acceptance of Aquatic Resources

Delineation Reports, dated January 2016 and the and the Corps Regulatory Guidance Letter 16-01 (October 2016) regarding Preliminary Jurisdictional Delineations. The report will include a description of the setting, a discussion of the methods and results, the completed wetland data forms, location and vicinity maps, and a preliminary delineation map showing the limits of all regulated aquatic resources on the site.

Dewberry has budgeted 8 hours within its overall scope and fee for responding to comments generated during client and agency review of the delineation report.

Task 2.2 - Biological Assessment (BA). Dewberry will prepare a draft and final BA using existing information in the City's ISMND to support Section 7 consultation with the United States Fish and Wildlife Service. The BA will be prepared according to the *ESA Information Guidelines for the Regulatory Program*, dated March 2018, to determine the potential for the pipeline project to impact federally listed proposed, or candidate species under the Federal Endangered Species Act (FESA). The BA will describe the action area and the species and critical habitat (if any) considered. The BA will include an effects analysis and determination as to the potential for the project to affect the subject species and critical habitat, if any.

Dewberry has budgeted 15 hours within its overall scope and fee for responding to comments generated during client and City review of the BA and 20 hours to assist USACE and the City throughout the Section 7 consultation process (e.g., providing additional information, analysis, etc.).

Task 2: Deliverables

- Preconstruction Notification.
- Preliminary Jurisdictional Delineation.
- Aquatic Resources Delineation Report.
- Draft and Final BA.
- Responses to Comments.

TASK 3 - WATER QUALITY CERTIFICATION (CLEAN WATER ACT, SECTION 401)

A Water Quality Certification will be required from the RWQCB for the proposed project, if it will affect wetlands or other waters of the State, to certify that the project is consistent with the State's basin plan water quality goals and objectives. Dewberry will prepare an application package for submittal to the RWQCB. A processing fee must be included with the submittal (to be provided by City, amount to be determined later).

Task 3.1 - Pre-application Meeting & Application Package. Dewberry will submit a pre-application meeting request to the RWQCB at least 30 days in advance of the submittal of the 401 Water Quality Certification application package. If the RWQCB requests a meeting, Dewberry will schedule a 1-hour video conference with the RWQCB, City and the design team. Dewberry will also prepare a succinct project summary for discussion during the meeting,

including a description of the project, the project impacts, proposed compensatory mitigation, and proposed alternatives to be addressed in the alternatives analysis. (see Task 3.2 below).

Task 3.2 - Alternatives Analysis (AA). Dewberry will prepare an AA consistent with the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures)* requirements for “Tier 2 Projects,” which specify an analysis of on-site alternatives that would potentially reduce impacts to waters of the State.

Dewberry will coordinate with the design team to identify one or two conceptual alternative designs that will be evaluated in the AA (e.g., retrofit option, alternative alignment, etc.). The AA will describe cost and feasibility information (i.e., logistical, or technical constraints) for each of the alternatives to demonstrate that they are impracticable when compared with the proposed project. Based on input and direction provided by Dewberry, the design team will provide support for the AA, including preparation of the conceptual alternative layouts and brief written descriptions, line-item cost estimates for infrastructure and fees, and feasibility input for the alternatives.

Dewberry will submit the Draft AA to the City and the design team electronically for review. They have included 8 hours to respond to internal comments generated during review of the Draft AA. Dewberry’s budget for the AA also includes 8 hours to respond to questions and/or revise the Draft AA based on comments from the RWQCB.

Task 3: Deliverables

- Water Quality Certification application package.
- Draft and Final AA.
- Responses to Comments.

TASK 4 - STREAMBED ALTERATION AGREEMENT (FISH AND GAME CODE, SECTION 1602)

Task 4.1 Streambed Alteration Agreement. Potential alteration of Hare Creek and Covington Gulch and construction within the floodplain of the Noyo River triggers the need for this agreement with CDFW. Dewberry will prepare an application package for submittal to CDFW. A processing fee must be included with the submittal (to be provided by the City, amount to be determined). Dewberry will provide the completed notification package to the City for submittal to CDFW electronically through the Environmental Permit Information Management System (EPIMS).

Task 4: Deliverable

- Streambed Alteration Agreement application package, and certified notification package.

TASK 5 - CALIFORNIA COASTAL COMMISSION COASTAL DEVELOPMENT PERMIT

Task 5.1 California Coastal Commission Coastal Development Permit. Dewberry will assist the City with the preparation of the Mendocino County or a consolidated CCC Coastal Development Permit application. Information from the City’s ISMND and various engineering reports and other technical studies will provide the information for the application. They will prepare for and attend up to 4 meetings via teleconference with the City and the agencies during this process. The City is responsible for any permit application fees.

Task 5: Deliverables

- Technical assistance to the City for a Coastal Development Permit (CDP).
- Meeting agendas and notes.

Schedule

Coleman Engineering will provide the services outlined in this Scope consistent with the requirements of the project and in conjunction with the project schedule.

Additional Services Budget

Services detailed above will be provided using the following budgets. Coleman Engineering reserves the right to transfer budgets between tasks without changing the Total Additional Services Budget. Services will be provided on a time and materials basis not to exceed a total amount summarized below. The attached spreadsheet provides a detailed breakdown of the additional fee by task.

Task 1 – Project Management and Meetings	\$9,767
Task 2 – Nationwide Permit Verification	\$20,736
Task 3 – Water Quality Certification	\$20,736
Task 4 – Streambed Alteration Agreement	\$20,039
Task 5 – CCC Coastal Development Permit	\$10,546
Total Budget for Additional Services #2 =	\$81,824

Project Budget Summary

Original Budget =	\$594,096
Sum of Previous Changes to Budget =	\$64,920
Budget of this Scope of Additional Services =	\$81,824
New Project Budget =	\$740,840

The above is mutually agreed to this ____ day of _____, 2022.

City of Fort Bragg

Coleman Engineering, Inc.



By: _____
Name: _____
Title: _____

By: _____
Name: Simon N. Gray, P.E.
Title: Principal
CA PE #: C 60311



City of Fort Bragg

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Text File

File Number: 22-221

Agenda Date: 5/9/2022

Version: 1

Status: Business

In Control: City Council

File Type: Appointment

Agenda Number: 8B.

Nomination and Appointment of Planning Commissioners to Serve on the Fort Bragg Planning Commission

Section 2.20.020 of the Fort Bragg Municipal Code states:

- A. There shall be five (5) members of the Planning Commission appointed by the City Council. Each member of the City Council may submit the name of a resident of the City as a nominee for a seat on the Planning Commission. The City Council as a whole shall vote to appoint the nominee, the appointment requiring the affirmative vote of at least three (3) City Councilmembers.
- B. Planning Commission members shall be seated for a potential term coinciding with that of the nominating City Councilmember, provided, however, that the commissioners serve at the will of the City Council. The City Council may remove any Planning Commissioner at any time through the affirmative vote of at least four (4) of the City Councilmembers.

The terms of Commissioners Jay Andreis, appointed by Councilmember William V. Lee (reappointed by the entire Council following Councilmember Lee's resignation), and Nancy Rogers, appointed by Mayor Bernie Norvell, will expire in December of 2022. Upon the resignation of Mr. Andreis and Ms. Rogers, these two seats on the Planning Commission need to be filled. Councilmember Rafanan may nominate an appointee for Mr. Andreis's seat and Mayor Norvell may nominate an appointee for Ms. Rogers's seat. The entire Council must vote to appoint the nominees.



City of Fort Bragg

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Text File

File Number: 22-213

Agenda Date: 5/9/2022

Version: 1

Status: Closed Session

In Control: City Council

File Type: Report

Agenda Number: 9A.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, Pursuant to Paragraph (1) of Subdivision (d) of Government Code Section 54956.9; Name of Case: City of Fort Bragg vs. Mendocino Railway and Does 1-10, Case No.: 21CV00850, Superior Court of the State of California, County of Mendocino



City of Fort Bragg

416 N Franklin Street
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Text File

File Number: 22-217

Agenda Date: 5/9/2022

Version: 1

Status: Closed Session

In Control: Special City Council

File Type: Report

Agenda Number: 9B.

PUBLIC EMPLOYEE APPOINTMENT, Pursuant to Government Code Section 54957(b): Title:
City Manager



City of Fort Bragg

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Text File

File Number: 22-224

Agenda Date: 5/9/2022

Version: 1

Status: Closed Session

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CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION; Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9 of the Government Code: (one case)