



City of Fort Bragg

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Meeting Minutes City Council

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

Monday, November 28, 2022

6:00 PM

Town Hall, 363 N. Main Street
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

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

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

(1) None. (2) None. (3) None.

3. STAFF COMMENTS

City Manager Ducey said the Winter Wonderland on December 3rd will include the tree lighting ceremony, photos with Santa, and lighted truck parade. Public Works Director Smith reported that the Garden Club crew has been working at the Guest House to beautify the landscaping and grounds.

4. MATTERS FROM COUNCILMEMBERS

Councilmember Rafanan reported that she took a tour of the Wastewater Treatment Plant, stating that there was no odor and that it is a clean and neat process. Councilmember Peters, congratulating the Public Works staff, noted that the parts for the biosolids dryer came from China and all the instructions were in Chinese with no translation. Councilmember Albin-Smith said that the CalCOG committee she sits on is providing infrastructure money and grants in 2023.

5. CONSENT CALENDAR

Councilmember Albin-Smith requested that Items 5B and 5C 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 Morsell-Haye, to approve the Consent Calendar with the exception of Items 5B and 5C. The motion carried by the following vote:

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

- 5A. [22-578](#)** Adopt City Council Resolution Approving the Transfer of Assistant City Manager and Grants Coordinator Classifications from Administrative Services to Community Development Department; Approving Establishment of Part-Time Government Accountant classification; Approving Social Services Liaison-Crisis Worker Classification to be a Benefited Position; Approving Budget Amendment 2022/23-10

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4629-2022

- 5D. [22-586](#)** 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 4630-2022

- 5E. [22-587](#)** 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 4631-2022

- 5F. [22-589](#)** Adopt City Council Resolution Approving Amendment No. 3 to the Agreement Between the City of Fort Bragg and Cold Creek Compost, Inc. for Composting Services

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4632-2022

- 5G. [22-581](#)** Approve Minutes of November 14, 2022

These Minutes were approved on the Consent Calendar.

ITEMS REMOVED FROM CONSENT CALENDAR

- 5B. [22-580](#)** Readopt Master Traffic Resolution

Councilmember Albin-Smith asked about the language concerning repealing the previous Master Traffic Resolution. City Clerk Lemos provided an explanation.

Public Comment: None.

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

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

Enactment No: RES 1271-2022/B

5C. [22-584](#) Adopt City Council Resolution Extending the Temporary Waiver of the Parking In-Lieu Fee for Changes of Use in the Central Business District and Finding the Action Exempt from CEQA

Councilmember Albin-Smith asked why the parking in-lieu fees have continued to be waived every year since 2011. Councilmember Peters gave a history of the waiver, explaining that paying these fees provided problems to new business owners who were required to provide parking for their downtown businesses. Assistant City Manager McCormick noted that Community Development will bring a Scope of Work to City Council for approval to conduct a Central Business District parking evaluation that will address the parking space requirement and in-lieu fees.

Public Comment: None.

A motion was made by Councilmember Albin-Smith, 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 4633-2022

6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

Vice Mayor Morsell-Haye reported that she spoke to some children about the playground.

7. PUBLIC HEARING

8. CONDUCT OF BUSINESS

8A. [22-582](#) Receive Presentation on Final Playground Design and Provide Direction to Staff to Proceed with Project Procurement

Assistant Director - Engineering O'Neal gave the staff report on this agenda item, stating that she is seeking direction from Council on equipment selection, color, and cost.

Public Comments were received from Annemarie Weibel and Jacob Patterson.

Direction: After discussing the matter, all Councilmembers approved of the color selection, a majority were supportive of refurbishing equipment when possible, and were satisfied with the equipment as listed. The Council requested the space be reviewed for additional swings. Council unanimously agreed that this project is a priority and staff should attempt to find the funds to move it forward expeditiously.

This Staff Report was referred to staff for further action.

8B. [22-583](#) Receive Report and Consider Approving the City Council Policy Governing the

Use of Electronic Devices During City Council and Other Public Meetings

Administrative Analyst Munoz presented the staff report on this agenda item.

Public Comment was received from Annemarie Weibel and Jay McMartin-Rosenquist.

Discussion: All Councilmembers were in support of this policy.

A motion was made by Councilmember Peters, seconded by Councilmember Rafanan, that this policy 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

8C. [22-596](#) Receive Report and Consider Approving the City of Fort Bragg Fee Waiver Policy for Appeals of Planning Commission Decisions

City Manager Ducey summarized the staff report on this agenda item.

Public Comment was received from Jacob Patterson, Annemarie Weibel, Jay McMartin-Rosenquist and Mary Rose Kaczorowski.

Discussion: The majority of the City Council were in agreement with this policy.

A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, that the policy 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

8D. [22-597](#) Receive Report and Consider Adoption of City Council Resolution Authorizing City Manager to Execute Related Documents for the Purchase of 582+/- Acres Currently Owned by Mendocino Coast Recreation and Park District and Approving Budget Amendment No. 2022/23-09, Amount Not to Exceed \$2,420,579

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

Public Comment was received from Annemarie Weibel and Shelley Green.

Discussion: After discussing the matter, the Council was in agreement that this project will be good for the community and will help deliver water for longer periods during droughts. Council unanimously agreed to proceed with the property purchase.

A motion was made by Vice Mayor Morsell-Haye, 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 4634-2022

9. CLOSED SESSION

Mayor Norvell recessed the meeting at 8:00 PM; the meeting reconvened to Closed Session at 8:10 PM.

9A. [22-595](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: Initiation of Litigation Pursuant to Paragraph (4) of Subdivision (d) of Gov. Code Section 54956.9: Three (3) Cases

Mayor Norvell reconvened the meeting to Open Session at 9:02 PM and reported that direction was given to initiate or intervene in an action and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

ADJOURNMENT

Mayor Norvell adjourned the meeting at 9:02 PM.

BERNIE NORVELL, MAYOR

June Lemos, MMC, City Clerk

IMAGED (_____)