



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, April 12, 2021

6:00 PM

Via Video Conference

CALL TO ORDER

Mayor Norvell called the meeting to order at 6:00 PM, all Councilmembers appearing by video conference.

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.** [21-145](#) Presentation of Proclamation Proclaiming that the City of Fort Bragg Stands United Against Anti-Asian Racism and Xenophobia and Reaffirms Its Commitment to the Well-Being and Safety of Asian American Pacific Islander Communities

Mayor Norvell read a Proclamation against Anti-Asian racism and xenophobia. Jen Louie, on behalf of the AAPI community, made brief remarks about how racism affects a community.

- 1B.** [21-151](#) Introduction of John Wallace and Presentation for Surviving the Odds Project

City Council received a presentation from John Wallace and Melissa Greene regarding the Surviving the Odds Project (STOP), a nonprofit music program for at risk and transitional youth to give back to kids and share their lived experience through music.

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

(1) Jacob Patterson made public comment via Zoom. The City Clerk read comments into the record from the following persons: Jenny Shattuck, Jay McMartin, Linda Jupiter, the Fort Bragg Planning Commission, and SEIU Local 1021. (2) The Clerk read a comment on Item 5F from Jacob Patterson. (3) N/A.

3. STAFF COMMENTS

City Manager Miller reported that the lobbies at City Hall and the Police Department will open again on April 13. A cannabis workshop on revisions to the cultivation ordinance will be held on May 3 at 6PM. If a second workshop is needed, the date of May 20 at 6PM will be reserved. Three new Police Department employees were sworn in on April 12. Miller also spoke about the installation of a septage receiving station, water conservation efforts by local residents and hotels this summer, and the hybrid in-person/virtual meetings targeted to begin on May 10.

4. MATTERS FROM COUNCILMEMBERS

Vice Mayor Morsell-Haye spoke about prioritizing shovel-ready projects. Councilmember Albin-Smith said Mendocino Council of Governments has funding available that the City may be able to use. She requested that people visit the City's Facebook page to sign a petition supporting Mendocino Transit Authority electric buses. Albin-Smith also commented on the Hubs & Routes program, Guest House insulation, garbage cans for Glass Beach, and recycling bins for Coastal Trail parking lots. Councilmember Peters reported on a recent Sonoma Clean Power board meeting and spoke about water issues, the Board of Supervisors meeting, and efforts to add a job-based curriculum at Mendocino College Coast Center. The City Council directed staff to set up a presentation on the Hubs & Routes program.

5. CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, 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. [21-136](#)** Adopt City Council Resolution Approving an Amendment to the 2020 Community Development Block Grant Program Coronavirus Response (CDBG-CV) Round 1 Standard Agreement to Add Funds from the 2020 CDBG-CV Round 2 &3 Funding

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4372-2021

- 5B. [21-137](#)** Adopt City Council Resolution Approving an Application for Funding and the Execution of a Grant Agreement and any Amendments from the 2020 Community Development Block Grant Program Coronavirus Response Round 2 & 3

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4373-2021

- 5C. [21-140](#)** Adopt City Council Resolution Authorizing the City Manager to Execute the

Acceptance of an Offer of a 20-Foot-Wide Public Drainage Easement from Lyme Redwood Timberlands, LLC

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4374-2021

5D. [21-141](#)

Adopt City Council Resolution Amending the City of Fort Bragg Conflict of Interest Code

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4375-2021

5E. [21-142](#)

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 4376-2021

5F. [21-152](#)

Adopt Joint City Council/Municipal Improvement District Board/Redevelopment Successor Agency Board Resolution (1) Approving an Amendment to the Agreement Between the City of Fort Bragg and Jones & Mayer for the Provision of Legal Services and Authorizing the City Manager to Execute Same; and (2) Appointing Scott Porter to Serve as Assistant City Attorney, Assistant District General Counsel, and Assistant Agency General Counsel

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4377-2021 / RES ID 442-2021 / RES RS 30-2021

5G. [21-122](#)

Receive and File Minutes of the February 17, 2021 Public Safety Committee Meeting

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

5H. [21-123](#)

Receive and File Minutes of the February 17, 2021 Special Public Safety Committee Meeting

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

5I. [21-153](#)

Approve Minutes of March 22, 2021

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. [21-144](#)** Receive Report and Consider Adoption of Urgency Ordinance No. 964-2021 Placing a 45-Day Moratorium on the Approval of Applications and Permits for Formula Businesses in the Inland Zoning Area

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

Public Comments via Zoom were made by Nathan Maxwell Cann and Paul Clark.

Discussion: After discussing the matter, a four-fifths majority of Councilmembers were in support of a temporary moratorium on formula business development in the Inland Zone.

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

No: 1 - Mayor Norvell

Enactment No: ORD 964-2021

- 8B. [21-146](#)** Receive Report and Consider Adoption of Urgency Ordinance No. 965-2021 Placing a 45-Day Moratorium on the Approval of Applications and Permits for Formula Businesses in the Coastal Area

Mayor Norvell recused himself from hearing this item, citing a conflict of interest because his property is across the street from the proposed Grocery Outlet project. He appointed Vice Mayor Morsell-Haye as Acting Mayor and left the video conference at 7:47 PM.

City Manager Miller presented the staff report on this item.

Public Comments via Zoom in support of the moratorium were received from Andrew Jordan, Jacob Patterson, Annemarie Weibel and Jamie Peters. Public comments via Zoom in opposition to a moratorium were received from Marianne McGee, Judy Valadao and "Terri."

Discussion: Discussion was held on the need for a moratorium in the Coastal Zone, the need for better jobs, the comments from members of the public who are in support of a Grocery Outlet to obtain low-cost food.

A motion was made by Councilmember Albin-Smith, seconded by Councilmember Peters, that this Urgency Ordinance be adopted. The motion failed for lack of a four-fifths vote:

Aye: 3 - Vice Mayor Morsell-Haye, Councilmember Albin-Smith and Councilmember Peters

No: 1 - Councilmember Rafanan

Recuse: 1 - Mayor Norvell

- 8C. [21-135](#)** Receive Report and Provide Direction to Staff on Addressing Issues with the Feeding of Wildlife in City Parks

Acting Mayor Morsell-Haye recessed the meeting at 8:22 PM; the meeting

reconvened at 8:33 PM. Mayor Norvell rejoined the meeting at 8:33 PM.

Associate Planner Gurewitz presented the staff report on this agenda item.

Public Comments via Zoom were made by Tim Brady.

Discussion: Councilmembers agreed that there should be a ban on the feeding of wildlife and directed staff to prepare an ordinance in conjunction with an educational program and new signage.

This Staff Report was referred to staff.

- 8D. [21-039](#)** Receive Report and Discuss Process of Local Coastal Program (LCP) Amendment to Update the City's 2008 Certified LCP to Reflect Current State Laws, Refine Language and Reconcile Inconsistencies

Housing and Economic Development Coordinator McCormick summarized the staff report for this agenda item.

Public Comment: None.

Discussion: This was a report to Council; no action was taken.

This Staff Report was not acted on.

- 8E. [21-139](#)** Receive Report and Consider Adoption of City Council Resolution Approving Professional Services Agreement with GHD Inc. to Provide Construction Management Services for the Maple Street Storm Drain and Alley Rehabilitation Project, City Project No. PWP-00116, and Authorizing City Manager to Execute Contract (Amount Not To Exceed \$178,217.00; Account No. 420-4870-0731)

Mayor Norvell reported that he had a business conflict of interest for Items 8E and 8F, as his business is located near one of the alleys under construction by the project. He appointed Vice Mayor Morsell-Haye as Acting Mayor and left the video conference at 8:58 PM.

Assistant Director - Engineering Division O'Neal presented the staff report.

Public Comments via Zoom were made by Jacob Patterson.

Discussion: After a brief discussion, the Council was in agreement that this project would improve City streets and safety.

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 4378-2021

- 8F. [21-138](#)** Receive Report and Consider Adoption of City Council Resolution Accepting the Bid of Akeff Construction Services, Inc. as the Lowest Responsive Bid, Awarding the Maple Street Storm Drain and Alley Rehabilitation Project, City Project No. PWP-00116 to Akeff Construction

Services, Inc. and Authorizing City Manager to Execute Contract (Amount Not To Exceed \$1,226,354.00; Account No. 420-4870-0731)

Assistant Director - Engineering Division O'Neal presented the staff report.

Public Comment: None.

Discussion: After a brief discussion, the Council was in agreement that this project would improve City streets and safety. It was agreed that the optional portion of the project, Alternate 1, would be included in the project.

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

Recuse: 1 - Mayor Norvell

Enactment No: RES 4379-2021

8G. [21-143](#) Receive Report and Consider Adoption of City Council Resolution Approving Budget Amendment No. 2021-09 Adjusting Selected Expenditure and Revenue Budgets

Mayor Norvell rejoined the meeting at 9:17 PM.

City Manager Miller gave the report on this item. John Wallace and Melissa Greene helped answer questions from Councilmembers on the budget for the STOP program.

Public Comments via Zoom were received from Andrew Jordan and Jacob Patterson.

Discussion: Budget Amendment 2021-09 was briefly discussed, with Councilmembers noting that the adjustments will help the school athletic fields and the Noyo Center. Council directed that any funds set aside for fireworks can be carried over to a future budget if Covid-19 restrictions prevent the City from holding a Fourth of July fireworks display.

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 4380-2021

9. CLOSED SESSION

ADJOURNMENT

Mayor Norvell adjourned the meeting at 9:55 PM.

BERNIE NORVELL, MAYOR

June Lemos, CMC, City Clerk

IMAGED (_____)