



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, September 12, 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

Mayor Norvell read a proclamation honoring Latino Heritage Month, September 15 - October 15, 2022.

- 1A.** [22-438](#) Receive Presentation from the Mendocino County Fire Safe Council on Measure P and Consider Supporting Measure P on the November Ballot

Emily Tecchio of Fire Safe Mendocino gave a presentation to City Council on Measure P and asked the Council for their endorsement. This measure on the November Ballot will preserve 1/4 cent of an existing sales tax to provide funding to keep volunteer fire departments operational over the next ten years. Fire Chief Darrell Orsi also told the Council how much passage of this measure would mean to fire departments in Mendocino County. Both urged the public to visit YesonPMendo.com.

- 1B.** [22-441](#) Receive Presentation by Mei Blundell on "Coding the Coast" Program

UC Davis graduate student Mei Blundell gave a presentation to Council on kelp restoration as an integrated socio-ecological system (Kelp RISES).

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

(1) Anna Newman, Noyo Harbormaster, introduced herself to Council and spoke about the new economy and initiatives. Michelle Roberts asked about plans for the former Mill Site. Mary Rose Kaczorowski spoke about the Blue Economy. Jay McMartin-Rosenquist and Jacob Patterson commented on the election. Alberto Aldaco spoke about sewage treatment plant odor.

(2) None.

(3) Jacob Patterson commented on Item 9A.

3. STAFF COMMENTS

Police Chief Cervenka gave an update on the response unit, homeward bound program, and crisis mental health team. Public Works Director Smith reported on the soccer field bid, purchase of new police vehicles, and Coastal Cleanup set for September 17 at Glass Beach. City Attorney Collins orally summarized the salary changes contained in the resolution and exhibits of Item 5H. He stated that the City Manager's salary as noted in Item 5I is \$178,000 annually. Mayor Norvell asked if any Councilmember was opposed to these salary summaries; no Councilmember expressed opposition.

4. MATTERS FROM COUNCILMEMBERS

Vice Mayor Morsell-Haye spoke about the Mill Site, saying that if the City wins the lawsuit against Mendocino Railway, they will have to follow all rules and regulations, just like any other developer. She said Council candidates should reach out to the City Manager to learn more about the City or get a tour of City facilities from staff. The Vice Mayor provided updates on two committee items: (1) Visit Fort Bragg Committee has formed an arts and culture subcommittee that will report to Council in the near future; and (2) The Citizens' Commission's recommendations from last January will come back to Council in the next couple of months. Councilmember Albin-Smith said she met with representatives from the library and they would like to make a presentation to City Council on Measure A, the County tax benefiting the library expansion project. She also provided an update on recent meetings of the Public Works Committee. Councilmember Peters reported on a letter from Reef Check asking for support of Reef Check's reforestation project in Northern California. He also reported on a recent League of California Cities conference he attended last week in Long Beach and noted that a Tire Amnesty event will take place on October 22 in the City Hall parking lot. Councilmember Peters read a letter recently received from the mayor of Sister City Otsuchi in response to our letter regarding the death of Shinzo Abe. Mayor Norvell requested that Councilmember Peters contact Reef Check to ask them to make a presentation to City Council. In followup to Chief Cervenka's comments, Mayor Norvell reported that the Chief, Captain and he met with County staff and they were impressed with the Fort Bragg Police Department programs. The County is working on a contract for additional funds to supplement these programs.

5. CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Councilmember Albin-Smith, seconded by Councilmember Rafanan, 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. [22-424](#)

Adopt City Council Resolution Approving Contract Amendment with Marie Jones Consulting for Professional Planning Services and Authorizing the City Manager to Execute Amendment (Total Contact Amount not to Exceed \$50,000)

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4583-2022

- 5B.** [22-425](#) Adopt City Council Resolution Approving and Ratifying an Application for the Funding and Execution of Grant Agreement and Any Amendments Thereto from the United States Department of Agriculture's Community Facility Grant Program for the Purchase of an Electrical Police Department Fleet Vehicle and a Security Camera System

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4584-2022

- 5C.** [22-432](#) Adopt City Council Resolution Approving Contract Amendment with Marie Jones Consulting for Planning and Environmental Work on the Proposed Transfer Station Project, Increasing the Not To Exceed Amount to \$19,200.00 (Account No. 119-0000-2702)

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4585-2022

- 5D.** [22-433](#) Adopt City Council Resolution Approving Budget Amendment No. 2022/2023-02 for Fiscal Year 2022/23

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4586-2022

- 5E.** [22-434](#) Adopt City Council Resolution Approving Contract with Fort Bragg Electric for the School Zone Radar Speed Sign Replacement Project and Authorizing City Manager to Execute Same (Amount Not To Exceed \$49,837.00, Account No. 110-4840-0319)

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4587-2022

- 5F.** [22-436](#) Approve Scope of Work for a Request for Proposals for the Preparation of a Development Impact Fee Study

This Scope of Work was approved on the Consent Calendar.

- 5G.** [22-442](#) Adopt City Council Resolution Authorizing the Submittal of Local Coastal Program Grant Application for Funding from the California Coastal Commission

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4588-2022

- 5I.** [22-458](#) Adopt Joint City Council/Municipal Improvement District Resolution Authorizing Execution of an Employment Agreement for City/District Manager with Peggy

Ducey

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4589-2022 / ID 471-2022

- 5J. [22-467](#) 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 4590-2022

- 5K. [22-468](#) 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 4591-2022

- 5L. [22-415](#) Receive and File Minutes of July 14, 2022 Public Works and Facilities Committee Meeting

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

- 5M. [22-420](#) Approve Minutes of August 8, 2022

These Minutes were approved on the Consent Calendar.

- 5N. [22-466](#) Approve Minutes of Special Closed Session of August 26, 2022

These Minutes were approved on the Consent Calendar.

- 5H. [22-447](#) Adopt City Council Resolution Updating Master Salary Schedules and Confirming All City of Fort Bragg Established Classifications

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

Abstain: 1 - Councilmember Peters

Enactment No: RES 4592-2022

6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

None.

7. PUBLIC HEARING

- 7A. [22-462](#) Receive Report, Conduct Public Hearing and Consider Adoption of: (1) City

Council Resolution Adopting Updated Fees for Various Planning and Development Services; (2) City Council and Municipal Improvement District Resolution Adopting Updated Fees for Miscellaneous City/District Services

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

Finance Director Whippy presented the staff report on this agenda item, explained the basis for establishing these fees, and noted that the fee schedule is not meant to be a revenue producer but just to cover the staff costs associated with providing these various services. Assistant Director Engineering O'Neal spoke about the calculation of costs associated with planning, development and public works fees. Director Whippy noted that these fees make up about 2% of the City revenue. If approved, there will be a 60-day waiting period before these new fees go into effect.

Public Comment: Jacob Patterson stated he does not have any legal objections to the proposed fee schedules and thinks the work is thorough, though he said the City Council might want to consider why the City is increasing some of the planning fees. He stated that the City is charging more for work because it is taking longer due to untrained staff and noted that the work of outside labor such as consultant Marie Jones is not being covered.

Mayor Norvell closed the public hearing at 7:21 PM.

The Mayor thanked staff for the work that went into the fee schedule revisions.

A motion was made by Councilmember Peters, seconded by Vice Mayor Morsell-Haye, that this Resolution updating various Planning and Development Services Fees be adopted [RES 4593-2022]. 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 4593-2022 / RES 4594-2022 / RES ID 472-2022

A motion was made by Vice Mayor Morsell-Haye, seconded by Councilmember Albin-Smith, that this Resolution for Miscellaneous City Services Fees be adopted [RES 4594-2022 / RES ID 472-2022]. 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 4593-2022 / RES 4594-2022 / RES ID 472-2022

8. CONDUCT OF BUSINESS

8A. [22-422](#) Receive Report and Consider Approval of Request for Proposals to Conduct Environmental Review of Mill Pond Remediation Project

Assistant City Manager McCormick presented the staff report on this agenda item.

Public Comment was received from Marcie Snyder, Jacob Patterson, John Gallo, George Reinhardt, Mary Rose Kaczorowski, Jill Peterson, Jary Stavely and Jenny Shattuck.

Discussion/Direction: After discussion, the majority of Council supported proceeding with issuance of the Request for Proposals as drafted.

A motion was made by Mayor Norvell, seconded by Councilmember Peters, that the Request for Proposals be approved. The motion carried by the following vote:

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

No: 1 - Councilmember Rafanan

- 8B.** [22-449](#) Receive Report and Consider Adoption of City Council Resolution Declaring a Stage 2 Water Warning and Implementing Stage 2 Mandatory Water Conservation Measures

Mayor Norvell recessed the meeting at 8:16 PM; the meeting reconvened at 8:26 PM.

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

Public Comment was received from Jacob Patterson, Mary Rose Kaczorowski and Jenny Shattuck.

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 4595-2022

- 8C.** [22-421](#) Receive Report and Provide Recommendations on Proposed Changes to Title 1 of the Fort Bragg Municipal Code

Code Enforcement Officer Stump summarized the staff report for this agenda item.

Public Comment: None.

Discussion/Direction: After a brief discussion, the Council directed staff to include in the ordinance that only impacted or responsible parties are allowed to appeal administrative decisions or citations. Staff was directed to bring the ordinance back to Council on September 26, 2022 for introduction.

This Staff Report was referred to staff. Staff was directed to bring the ordinance forward for introduction on September 26, 2022.

9. CLOSED SESSION

Mayor Norvell recessed the meeting at 8:58 PM; the meeting reconvened to Closed Session at 9:02 PM.

- 9A.** [22-465](#) CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code 54956.8); Property: 30900 W. State Highway 20; 19671 Summers Lane, Fort Bragg, CA 95437; Agency Negotiator: John Smith; Negotiating Parties: Mendocino Coast Recreation and Parks District; Under negotiation: Price and Terms

- 9B.** [22-413](#) CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION: Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Gov Code Section 54956.9: One (1) Case

Mayor Norvell reconvened the meeting to Open Session at 9:36 PM and reported that no reportable action was taken on the Closed Session items.

ADJOURNMENT

Mayor Norvell adjourned the meeting at 9:36 PM.

BERNIE NORVELL, MAYOR

June Lemos, MMC, City Clerk

IMAGED (_____)