



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, March 14, 2022

6:00 PM

Via Video Conference

CALL TO ORDER

Mayor Norvell called the meeting to order at 6:00 PM, all Councilmembers appearing via 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. [22-106](#) Presentation of Proclamation Recognizing March 2022 as "Women's History Month"

Vice Mayor Morsell-Haye read the Proclamation recognizing March 2022 as Women's History Month.

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

(1) Public Comments on non-agenda items were received from Jay McMartin-Rosenquist and Jacob Patterson.

(2) Public Comments on Consent Calendar items were received from Jade Tippet, Jacob Patterson, Mike Hart, Annemarie Weibel, Steve Antler, George Reinhardt, Jay McMartin-Rosenquist and Andrew Jordan.

(3) Public Comments on Closed Session items were received from George Reinhardt and Jade Tippet.

3. STAFF COMMENTS

None.

4. MATTERS FROM COUNCILMEMBERS

Councilmember Peters reported that ferns in the Bee City garden at the Guest House would be transplanted on March 15 at 2PM. Councilmember Albin-Smith announced that Restaurant

Week is March 14-20. Vice Mayor Morsell-Haye noted that the schools have removed the mask mandate and School Superintendent Becky Walker asks that people treat each other with respect regarding masks, as everyone makes a personal decision on their comfort level regarding mask wearing. Morsell-Haye also reported that she and Councilmember Albin-Smith will be attending a policymakers conference in Yosemite at the end of this week.

5. CONSENT CALENDAR

Councilmember Peters requested that Item 5E be removed from Consent Calendar so he could abstain, as his wife is an employee of the City. Councilmember Albin-Smith requested that Items 5D and 5F be removed from Consent for further discussion. Councilmember Rafanan requested that Item 5B be taken off Consent for discussion.

Approval of the Consent Calendar

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

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

5A. [22-102](#) Adopt by Title Only and Waive the Second Reading of Ordinance No. 977-2022 Adding Chapter 2.02 (Electronic Filing of Campaign Disclosure Statements and Statements of Economic Interest) to Title 2 (Administration and Personnel) of the Fort Bragg Municipal Code to Mandate Electronic and Paperless Filing of Fair Political Practices Commission Campaign Disclosure Statements and Statements of Economic Interest

This Ordinance was adopted on the Consent Calendar.

Enactment No: ORD 977-2022

5C. [22-104](#) 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 4518-2022

5G. [22-123](#) Adopt Joint City Council/Municipal Improvement District Resolution Amending the FY 2021/2022 Budget for Mid-Year Budget Adjustments

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4519-2022 / RES ID 463-2022

5H. [22-119](#) Approve City Council Letter to California Coastal Commission

This Council Letter was approved on the Consent Calendar.

5I. [22-111](#) Receive and File Minutes of the Public Works and Facilities Committee Meeting of December 9, 2021

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

- 5J. [22-100](#) Receive and File Minutes of the Community Development Committee Meeting of January 25, 2022

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

- 5K. [22-101](#) Approve Minutes of February 28, 2022

These Minutes were approved on the Consent Calendar.

- 5L. [22-126](#) Approve Minutes of Joint City Council/Mendocino Coast Recreation and Park District Special Meeting of March 9, 2022

These Minutes were approved on the Consent Calendar.

ITEMS REMOVED FROM CONSENT CALENDAR

- 5E. [22-118](#) Adopt City Council Resolution Establishing a City of Fort Bragg Master Salary Rate Compensation Plan Confirming the Pay Rates/Ranges for All City of Fort Bragg Established Classifications

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

Abstain: 1 - Councilmember Peters

Enactment No: RES 4520-2022

- 5B. [22-103](#) Adopt City Council Resolution Making the Legally Required Findings to Continue to Authorize the Conduct of Remote "Telephonic" Meetings During the State of Emergency

Councilmember Rafanan asked that more discussion be given to this agenda item. Mayor Norvell noted that this matter is to be discussed under Item 8A.

Public Comment was received from Annemarie Weibel.

A motion was made by Councilmember Albin-Smith, seconded by Councilmember Peters, 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 4521-2022

- 5D. [22-114](#) Adopt City Council Resolution Approving Professional Services Agreement with Helix Environmental Planning, Inc. for the Environmental Review and CEQA Document Preparation for Use Permit Application UP 3-21 for 1280 N. Main Street Waste Transfer Station and Authorizing the City Manager to Execute Contract (Amount not to Exceed \$41,500, Account No.

119-0000-2702)

Councilmember Albin-Smith related concerns about Helix Environmental, who she believed prepared the Grocery Outlet mitigated negative declaration (MND), stating that they did not do a good job. She asked if other companies had bid on the project. She said that a full EIR should be required. Assistant Director Engineering O'Neal confirmed that the company who prepared the MND for Grocery Outlet was LACO, not Helix. In light of this information, Councilmember Albin-Smith withdrew her objection.

Public Comment was received from Jacob Patterson and Annemarie Weibel.

A motion was made by Vice Mayor Morsell-Haye, seconded by Councilmember Peters, 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 4522-2022

5F. [22-120](#) Approve Scope of Work for Request for Proposals for Environmental Impact Report for Proposed Grocery Outlet Project at 825, 845 and 851 S. Franklin Street

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 6:56 PM.

Councilmember Albin-Smith said she pulled this item because it is entitled Scope of Work when it should be Scope of Services. She requested that this be adopted as a Scope of Services.

Public Comment was received from Jacob Patterson and Annemarie Weibel.

Discussion: Councilmember Peters noted that all the items under Scope of Services are actually work/tasks.

A motion was made by Councilmember Albin-Smith, seconded by Councilmember Rafanan, that this Scope of Services be approved. 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

6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

Mayor Norvell returned to the meeting at 7:10 PM.

There were no disclosed ex-parte communications.

7. PUBLIC HEARING

8. CONDUCT OF BUSINESS

8A. [22-107](#) Conduct City Council Discussion and Provide Direction to Staff Regarding the Manner of Holding Public Meetings for City Council, Planning Commission and Council Committees

City Manager Spaur summarized the staff report and said the Council can provide direction to

staff on whether to hold meetings in person, virtually, or a hybrid of the two.

Public Comment was received from Jacob Patterson, Annemarie Weibel, Andrew Jordan and Jay McMartin-Rosenquist.

Discussion/Direction: After discussing the matter, Council directed staff to use a hybrid in-person/virtual format for City Council and Planning Commission meetings beginning in April, with a two-month transition period through the end of May, when meetings will return to in-person only. All standing committees will continue to be held virtually only via Zoom. Closed captioning will continue to be provided for all meetings.

Direction to staff regarding the conduct of public meetings was provided as outlined above.

9. CLOSED SESSION

Mayor Norvell recessed the meeting at 7:48 PM; the meeting reconvened to Closed Session at 7:55 PM.

9A. [22-121](#)

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

Mayor Norvell reconvened the meeting to Open Session at 8:35 PM and reported that no reportable action had been taken on the Closed Session item.

ADJOURNMENT

Mayor Norvell adjourned the meeting at 8:35 PM.

BERNIE NORVELL, MAYOR

June Lemos, MMC, City Clerk

IMAGED (_____)