



# City of Fort Bragg

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

## 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, October 24, 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**

##### **1A. [22-527](#)**

Introduction of New Employees: Justin Archimede, Maintenance Worker II; Tyler Baker, Police Officer; Jocelyn Centeno, Intern; Neil Cervenka, Police Chief; Peggy Ducey, City Manager; Dale Fortner, Engineering Technician; David Franco, Police Officer; D'Ann Garcia, Social Services Liaison; Alfredo Huerta, Assistant City Engineer; Paul Labreck, Treatment Plant Operator; Hannah Nanez, Social Services Liaison; Janette Ornelas, Social Services Liaison; Nicholas Perry, Maintenance Worker I; Diana Sanchez, Administrative Assistant; Carson Word, Community Services Officer

New employees were introduced to Council by Public Works Director Smith, Sergeant Shaw, City Clerk Lemos, Mayor Norvell and City Manager Ducey.

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

- (1) Jay McMartin-Rosenquist, Judy Valadao, Mary Rose Kaczorowski.
- (2) None.
- (3) Annemarie Weibel comment on Item 9C; Jay McMartin-Rosenquist commented on Item 9A.

#### **3. STAFF COMMENTS**

City Clerk Lemos introduced the new searchable Public Records Archive. City Manager Ducey reported that Assistant City Manager McCormick is taking over direction of the Planning and Community Development Department. She announced that Magic Market will take place on Saturday, October 29 at 11:00 AM and the Trunk or Treat event will be held on Halloween from

5:30 to 7:30 PM.

#### **4. MATTERS FROM COUNCILMEMBERS**

Councilmember Peters spoke on Trunk or Treat and the tire amnesty event. Councilmember Albin-Smith commented on the Magic Market and an ocean science and technology park she visited in Hawaii recently. Vice Mayor Morsell-Haye noted that the six recommendations from the Citizens Commission will come forward to Council on November 14. Mayor Norvell reported that the City and County are working on the Emergency Weather Shelter program for this winter.

#### **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. [22-497](#)** Adopt City Council Resolution Approving Update to Community Development Block Grant (CDBG) Utility Assistance Program Guidelines

**This Resolution was adopted on the Consent Calendar.**

Enactment No: RES 4611-2022

**5B. [22-504](#)** Approve Scope of Work for a Request for Proposals for the Preparation of a Water Systems Distribution Master Plan

**This Scope of Work was approved on the Consent Calendar.**

**5C. [22-539](#)** 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 4612-2022

**5D. [22-540](#)** 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 4613-2022

**5E. [22-543](#)** Adopt City Council Resolution Approving Salary Rate Compensation Schedule Reclassifying the Systems Analyst - Lead to Mid-Management and Adopting Budget Amendment 2022/23-04 Amending the FY 2022/23 Budget.

**This Resolution was adopted on the Consent Calendar.**

Enactment No: RES 4614-2022

- 5F. [22-547](#) 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 Facilities Grant Program for the Purchase of Two Fleet Vehicles and a Dump Truck

**This Resolution was adopted on the Consent Calendar.**

Enactment No: RES 4615-2022

- 5G. [22-534](#) Receive and File Minutes of the August 23, 2022 Community Development Committee Meeting

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

- 5H. [22-538](#) Approve Minutes of October 11, 2022

**These Minutes were approved on the Consent Calendar.**

## **6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS**

Vice Mayor Morsell-Haye disclosed that she had conversations with the owner of Cold Creek Compost.

## **7. PUBLIC HEARING**

## **8. CONDUCT OF BUSINESS**

- 8A. [22-545](#) Interview Applicants for Noyo Harbor Commission Appointment

City Councilmembers interviewed all five applicants, asking them questions such as whether they attended Noyo Harbor District meetings, their involvement in the community, and what topics they thought the Commission should focus on.

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

Discussion: All Councilmembers acknowledged the quality of the applicants. The ad hoc committee recommended appointment of Grant Downie.

**A motion was made by Councilmember Peters, seconded by Mayor Norvell, to appoint Grant Downie for Noyo Harbor Commissioner. The motion carried by the following vote:**

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

- 8C. [22-537](#) Receive Report and Consider Adoption of City Council Resolution Approving Amendment No. 2 to the Agreement Between the City of Fort Bragg and Cold Creek Compost, Inc. for Composting Services

**Mayor Norvell announced that he would move Item 8C before 8B.**

Public Works Director Smith presented the staff report on this agenda item. Staff recommended approval of the increase to keep the local composting services. Martin Mileck of Cold Creek Compost also spoke to the Council, stating that the City has enjoyed the lowest tipping fees in the state.

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 4616-2022

**8B. [22-542](#)** Receive Report and Provide Direction to Staff Regarding Options for Pickleball and Tennis Players at Bainbridge Park

Public Works Director Smith summarized the staff report for this agenda item.

Public Comment was received from Debra Bieber, Debra Wagner, Andrea Parker, Julia Carson, Gregory Menken, Scott Herbert, Malia Elsner, John Shafer, Teresa Estep, Julie Lanser, Beth Schreiber, Christina Tyre, Eric Banks, Bob Silva, Kathy Silva, Mary Rose Kaczorowski, Jeff Jensen, Joel Johnson.

**Mayor Norvell recessed the meeting at 8:26 PM; the meeting reconvened at 8:38 PM.**

Discussion/Direction: After much discussion, the Council directed that in the long term, the courts at Bainbridge Park would be left as is, with the west court being for tennis only and the east court sharing tennis and pickleball; Public Works staff were directed to add another gate to the area and look into a barrier or netting between courts. The City will move forward with the middle school project. In the short term, the Mayor appointed an ad hoc committee consisting of Councilmembers Albin-Smith and Peters to meet with both tennis and pickleball players to develop some rules that the City does not have to police. The City will provide a sign with the rules/etiquette that the ad hoc committee comes up with. The committee will be in effect for a period of six weeks.

**This matter was referred to staff and the ad hoc committee.**

**8D. [22-535](#)** Receive Report and Consider Adoption of City Council Resolution Programming the Next Street Rehabilitation Project Locations and Committing Match Funding for Local Partnership Program Formulaic Fund Application

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

Public Comments: None.

**A motion was made by Councilmember Peters, seconded by Mayor Norvell, 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 4617-2022

**8E. [22-533](#)** Receive Report and Consider Adoption of City Council Resolution Approving Budget Amendment No. 2022/23-03 and Authorizing the City Manager to Execute a Contract with AXON Enterprises, Inc. for Body-Worn Camera Video Equipment and Storage Services (Amount Not to Exceed \$87,031.29, Account No. 167-4215-0381)

Chief Cervenka presented the staff report on this agenda item.

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 4618-2022

**9. CLOSED SESSION**

**Mayor Norvell recessed the meeting at 9:45 PM; the meeting reconvened to Closed Session at 9:51 PM.**

**9A. [22-549](#)** 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 Park District; Under negotiation: Price and Terms

**9B. [22-548](#)** 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

**9C. [22-546](#)** 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 10:55 PM and reported that approval was given to initiate litigation, one case. The defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry.**

**ADJOURNMENT**

**Mayor Norvell adjourned the meeting at 10:55 PM.**

\_\_\_\_\_  
BERNIE NORVELL, MAYOR

\_\_\_\_\_  
June Lemos, MMC, City Clerk

IMAGED (\_\_\_\_\_)