



# 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*

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Monday, November 22, 2021

6:00 PM

Via Video Conference

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### 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

Mayor Norvell removed Item 5K from the Consent Calendar to be heard under Conduct of Business, prior to Item 8A. He also removed Item 5D from the agenda entirely, because it is no longer relevant. City Manager Miller explained that Item 5D asked for Council approval of a grant application for cleanup related to Operable Unit E, an area that includes ponds 5 through 8 on the former Mill Site. Due to events happening on the Mill Site, this item will not be brought before the Council.

### 1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

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

- (1) Mike Hart spoke about misleading items regarding the Skunk Train.
- (2) Annemarie Weibel requested that Item 5L be removed from the Consent Calendar. Jo Bradley and Mark Haydon wanted to comment on Item 5K which was removed from the Consent Calendar.
- (3) None.

### 3. STAFF COMMENTS

City Manager Miller reported on upcoming downtown events including the Holiday Lights Parade and the Downtown Wonderland. She noted that Associate Planner Heather Gurewitz passed her certified planner certificate program. Miller reported that the City's sales tax is up 12% for the first quarter over the prior year. Police Chief Naulty gave an update on the accident at Oak and Harold Streets, stating that drivers need to slow down when driving, especially near schools. The Chief reported that three new employees are starting the police academy. He asked that Public Works make it a priority to repaint the sidewalks, crosswalks, and school zones where the paint

is badly faded. Chief Naulty reported on the availability of gift boxes for children and Thanksgiving dinners for those who do not have access to food this holiday.

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

Vice Mayor Morsell-Haye reported that the Citizen's Commission regarding a potential city name change requested that their report to Council be moved to late January, as they want to make sure their presentation is as clear and informative as possible. Mayor Norvell asked for Council approval to move \$5,000 from the City Council fund to the Homeward Bound program to keep the program going. All Councilmembers approved of this transfer and authorized the City Manager to move money between accounts.

#### **5. CONSENT CALENDAR**

Mayor Norvell eliminated Item 5D from the agenda and removed Item 5K from the Consent Calendar for further discussion.

#### **Approval of the Consent Calendar**

**A motion was made by Councilmember Peters, seconded by Councilmember Rafanan, to approve the Consent Calendar with the exception of Items 5D and 5K. The motion carried by the following vote:**

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

**5A. [21-585](#)** Adopt City Council Resolution Authorizing City Manager to Execute Budget Amendment No. 2022-11 to Appropriate Funds to Incorporate Alley Pavement Conditions Evaluation into the Annual Pavement Management Program Update Transferring Funds From Fund 250 to the Streets Maintenance Department Professional Services (Account 110-4520-0319) for a Total Contract Amount Not to Exceed \$11,200.00

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

Enactment No: RES 4470-2021

**5B. [21-588](#)** Adopt City Council Resolution Continuing the Temporary Waiver of the City of Fort Bragg General Plan Maintenance Fee

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

Enactment No: RES 4471-2021

**5C. [21-589](#)** Approve Scope of Work for Request for Proposals for Professional Services to Conduct Analysis Regarding the City's General Plan Maintenance Fee

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

**5E. [21-593](#)** 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 4472-2021

- 5F. [21-594](#) 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 4473-2021

- 5G. [21-602](#) Adopt City Council Resolution Approving the Four Applications for Funding and Execution of Agreements and Any Amendments Thereto from the United States Department of Agriculture's Community Facility Grants Program

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

Enactment No: RES 4474-2021

- 5H. [21-603](#) Adopt City Council Resolution Approving an Agreement with Regional Government Services (RGS) to Conduct a Classification and Compensation Study and Authorizing the City Manager to Execute Contract (Total Amount Not to Exceed \$34,900; Account No. 110-4130-0319) and Approving Budget Amendment No. 2022-13

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

Enactment No: RES 4475-2021

- 5I. [21-606](#) Adopt Joint City Council/Municipal Improvement District Resolution Approving Budget Amendment 2022-12 to the Fiscal Year 2021-2022 Budget

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

Enactment No: RES 4476-2021

- 5J. [21-590](#) Approve Minutes of November 8, 2021

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

- 5L. [21-610](#) Adopt City Council Resolution Approving Professional Services Agreement for the Preparation of a Preliminary Engineering Report (35%) to Establish Municipal Broadband Utility Serving Fort Bragg and Authorizing City Manager To Execute Contract (Amount Not to Exceed \$38,000; Account No. 110-4130-0319)

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

Enactment No: RES 4477-2021

### **ITEMS REMOVED FROM CONSENT CALENDAR**

- 5K. [21-612](#) Approve City Council Letter in Opposition to Mendocino Railway U.S. Department of Transportation Railroad Rehabilitation & Improvement Financing Loan

City Manager Miller related that the City Council wrote this in response to the Mendocino Railway (Skunk Train) application for a loan. Following Council approval, the letter will be circulated for electronic signatures of the Councilmembers and sent to the US Department of Transportation. Public Comment was received from Jacob Patterson, Charlie Schneider, Chris Hart, Joseph (no last name given), Colin Fiske, Jo Bradley, Scott Greacen, George Reinhardt, Tony Natareno, Paul Clark, Robert Jason Pinoli, and Shelley Coben.

Discussion: After discussion, the City Council unanimously approved sending the letter as submitted.

**A motion was made by Mayor Norvell, seconded by Councilmember Peters, that this Council Letter 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

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

None.

## **7. PUBLIC HEARING**

## **8. CONDUCT OF BUSINESS**

**8A. [21-595](#)** Receive Report and Consider Adoption of City Council Resolution Approving a 10-year Solid Waste Franchise Agreement with Redwood Waste Solutions, Inc. (dba C&S Waste Solutions) and Authorizing the City Manager to Execute and Implement the Agreement

City Manager Miller presented the staff report on this agenda item. Bruce McCracken and Kristen Byrne from Redwood Waste were present to answer questions from Councilmembers.

Public Comment was received from Jacob Patterson and Annemarie Weibel.

Discussion: After discussing various aspects of the solid waste service, including doing a CEQA analysis of the site, Council unanimously supported approving the franchise agreement.

**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 4478-2021

## **9. CLOSED SESSION**

**Mayor Norvell recessed the meeting at 8:12 PM; the meeting reconvened to Closed Session at 8:22 PM.**

**9A. [21-607](#)** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to Paragraph (2) of Subdivision (d) of California Government Code Section 54956.9: One (1) Potential Case: Claim from Jacob Patterson, Intentional or Negligent Interference with Prospective Economic Relations; Intentional Interference with Contractual Relations; Inducing Breach of Contract; Defamation; False Light, Invasion of

Privacy; Intentional or Negligent Infliction of Emotional Distress; Disability Discrimination; Retaliation; Failure to Prevent Harassment, Discrimination, or Retaliation; and Violation of Civil Rights, including Failure to Train Subordinate City Staff

**9B.** [21-604](#) PUBLIC EMPLOYMENT: Pursuant to Government Code 54957(b). Title: City Manager

**9C.** [21-611](#) CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION; Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9 of the Government Code: (one case)

**Mayor Norvell reconvened the meeting to Open Session at 10:07 PM and reported that no reportable action was taken on the Closed Session items.**

**ADJOURNMENT**

**Mayor Norvell adjourned the meeting at 10:07 PM.**

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BERNIE NORVELL, MAYOR

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June Lemos, MMC, City Clerk

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