



# 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*

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Monday, December 11, 2023

6:00 PM Town Hall, 363 N. Main Street and Via Video Conference

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### CALL TO ORDER

Mayor Norvell called the meeting to order at 6:00 PM

### ROLL CALL

**Present:** 5 - Mayor Bernie Norvell, Vice Mayor Jason Godeke, Councilmember Tess Albin-Smith, Councilmember Lindy Peters and Councilmember Marcia Rafanan

### 1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

None.

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

- (1) Ron White, Lauren Hammer, Acheya Wachtel, Jacob Patterson.
- (2) Jacob Patterson, Dave Spaur.
- (3) None.

### 3. STAFF COMMENTS

Finance Director Isaac Whippy announced new hours for the CV Starr facility beginning December 24, 2023, lengthening hours Monday through Saturday and closed on Sunday. Whippy stated the goal was to maintain accessibility while ensuring financial stability. City Manager Peggy Ducey introduced Baron Bettenhausen from the city attorney's firm office, Jones & Mayer. Ducey addressed the Franklin street repaving signs and assured the street would be paved one side at a time and in sections. Chief of Police Neil Cervenka addressed staffing matters. Bettenhausen followed up that no final action was taken during the special meeting.

### 4. MATTERS FROM COUNCILMEMBERS

Mayor Norvell, Vice-Mayor Godeke, Councilmembers Albin-Smith, Peters, and Rafanan, thanked City Manager Peggy Ducey for her positive contributions to the City of Fort Bragg. Albin-Smith addressed upcoming Visit Fort Bragg Committee events including Restaurant Week and she gave an update on the Piggly Wiggly construction issues.

## **5. CONSENT CALENDAR**

A motion was made by Vice Mayor Godeke, seconded by Councilmember Rafanan, to approve the Consent Calendar with the exception of 5F and 5L. The motion carried by the following vote:

**A motion was made by Vice Mayor Godeke, seconded by Councilmember Rafanan, to approve the Consent Calendar with the exception of 5F and 5L. The motion carried by the following vote:**

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

**5A. [23-420](#)** Adopt City Council Resolution Extending the Temporary Waiver of the Parking In-Lieu Fee for Changes of Use in the Central Business District and Finding the Action Exempt from CEQA

**This Consent Calendar was approved**

**5B. [23-430](#)** Adopt Resolution Extending the Water Capital Improvement Fee and the Wastewater Capital Improvement Fee Deferment for Restaurants, Cafes, and Coffee Shops in the Central Business District and Declaring the Deferment exempt from CEQA under 14 CCR15273(a)(4).

**This Consent Calendar was approved**

**5C. [23-435](#)** Adopt Certificate of Completion for Elm Street Lift Station Project and Direct District Clerk to File Notice of Completion

**This Consent Calendar was approved**

**5D. [23-436](#)** Accept Certificate of Completion for Domestic Boilers and Storage Tank Replacement Project and Direct City Clerk to File Notice of Completion

**This Certificate of Completion was accepted**

**5E. [23-466](#)** First Amendment to Ducey City Manager Employment Agreement

**This Consent Calendar was approved**

**5G. [23-444](#)** Approve Minutes of Special Closed Session of November 13, 2023

**This Minutes was approved**

**5H. [23-445](#)** Approve Minutes of Special Closed Session of November 27, 2023

**This Minutes was approved**

**5I. [23-446](#)** Approve Minutes of Special Closed Session of November 30, 2023

**This Minutes was approved**

5J. [23-428](#) Approve Minutes of November 27, 2023  
**This Minutes was approved**

5K. [23-433](#) Resolution of the Fort Bragg City Council Appointing Diana Sanchez as City Clerk and Confirming the Pay Rates/Ranges for all City of Fort Bragg Established Classifications  
**This Resolution was adopted**

ITEMS REMOVED FROM CONSENT CALENDAR

5F. [23-455](#) Consider Approval of City Manager Employment Agreement Between the City of Fort Bragg, a Municipal Corporation, and Isaac Whippy  
**This Staff Report was approved**  
**Aye:** 5 - Mayor Norvell, Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

5L. [23-461](#) Introduction and Swearing In of City Clerk Diana Sanchez  
**This Appointment was approved**  
**Aye:** 5 - Mayor Norvell, Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

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

None.

**7. PUBLIC HEARING**

**7A. [23-418](#)**

(1) Introduce, by title only, and Waive Further Reading of Ordinance 895-2023 Amending Division 18 to the Fort Bragg Municipal Code to Amend Chapter 18.21.030(B)(C) "Residential District Allowable Land Uses and Permit Requirements" & 18.21.050 "Residential District Site Planning and Building Standards", to Repeal and Replace 18.42.170 "Second Units - Accessory Dwelling Unit and Junior Accessory Dwelling Unit" and to Amend Chapter 18.71.050 "Design Review" And Chapter 18.100 "Definitions" to Establish Regulations and Standards for Accessory Dwelling Units Pursuant to State Law.

(2) Consider the Fort Bragg Planning Commission's Recommendation that the City Council Submit a Local Coastal Plan Amendment Application (LCP 1-23) to the Coastal Commission Amending Division 17 of the Fort Bragg Municipal Code to be Consistent with State Laws relating to Accessory Dwelling Units by Amending Division 17 to the Fort Bragg Municipal Code to Amend Chapter 17.21.030(B)(C) "Residential District Allowable Land Uses and Permit Requirements" & 17.21.050 "Residential District Site Planning and Building Standards", to Repeal and Replace 17.42.170 "Second Units" and to Amend Chapter 17.71.050 "Design Review" and Chapter 17.100 "Definitions" to Establish Regulations and Standards for Accessory Dwelling Units Pursuant to State Law.

**Mayor Norvell opened the public hearing at 6:59 PM.**

Marie Jones summarized the introduction on this agenda item and responded to questions from Council.

Public Comment: Acheya Wachtel, Jacob Patterson, Jenny Shattuck.

**Mayor Norvell closed the public hearing at 7:03 PM.**

Discussion: Following deliberations on this matter, Council agreed to direct staff to accept the request to introduce, by title only, and waive further reading of Ordinance 895-2023 amending Division 18 to the Fort Bragg Municipal Code to amend chapter 18-21-030(B)(C).

**This Staff Report was approved as amended**

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

(2) Consider the Fort Bragg Planning Commission's Recommendation that the City Council Submit a Local Coastal Plan Amendment Application (LCP 1-23) to the Coastal Commission Amending Division 17 of the Fort Bragg Municipal Code to be Consistent with State Laws relating to Accessory Dwelling Units by Amending Division 17 to the Fort Bragg Municipal Code to Amend Chapter 17.21.030(B)(C) "Residential District Allowable Land Uses and Permit Requirements" & 17.21.050 "Residential District Site Planning and Building Standards", to Repeal and Replace 17.42.170 "Second Units" and to Amend Chapter 17.71.050 "Design Review" and Chapter 17.100 "Definitions" to Establish Regulations and Standards for Accessory Dwelling Units Pursuant to State Law.

**Mayor Norvell opened the public hearing at 6:59 PM.**

Marie Jones summarized the introduction on this agenda item and responded to questions from Council.

Public Comment: Acheya Wachtel, Jacob Patterson, Jenny Shattuck.

**Mayor Norvell closed the public hearing at 7:03 PM.**

Discussion: Following deliberations on this matter, Council agreed to direct staff to accept the request to submit a Local Coastal Plan Amendment Application (LCP 1-23) to the Coastal Commission Amending Division 17 of the Fort Bragg Municipal Code to be Consistent with State Laws relating to Accessory Dwelling Units by Amending Division 17 to the Fort Bragg Municipal Code.

**A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, that the be approved. The motion carried by the following vote:**

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

- 7B. [23-419](#)** Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance 897-2023 Amending Division 18 to the Fort Bragg Municipal Code to Adopt Amendments to the Inland Land Use and Development Codes (Division 18 of the Fort Bragg Municipal Code) to Comply with Recent Changes in State of California Housing Law Related to Urban Lot Splits and Two Unit Development; and Adopt a Resolution of the City Council to Submit a Local Coastal Plan Amendment Application to the Coastal Commission Amending the Coastal Land Use and Development Code (Division 17 of the Fort Bragg Municipal Code) to Comply with Recent Changes in State of California Housing Law Related to Urban Lot Splits and Two Unit Development

**Mayor Norvell opened the public hearing at 7:45 PM.**

Marie Jones summarized the introduction on this agenda item and responded to questions from Council.

Public Comment: Acheya Wachtel, Jacob Patterson, Jenny Shattuck.

**Mayor Norvell closed the public hearing at 7:47 PM.**

Discussion: Police Chief Cervenka discussed some of the issues for first responders in alleyways and other places where multiple residents are parking next to added and/or split dwellings. Following deliberations on this matter, Council agreed to direct staff to accept the Ordinance as amended and approve the Resolution.

**Mayor Norvell recessed the meeting at 8:06 PM. The meeting was reconvened at 8:19 PM.**

**A motion was made by Vice Mayor Godeke, seconded by Councilmember Rafanan, that the Staff Report be approved. The motion carried by the following vote:**

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

## **8. CONDUCT OF BUSINESS**

- 8A. [23-421](#)** Receive Report and Consider Adoption of City Council Resolution Approving Redwood Waste Solutions Residential, Commercial and Multifamily, and Rolloff Rate Increases

Assistant City Engineer Alfredo Huerta presented the staff report on this agenda item.

Public Comment: Jay (last name not disclosed).

Discussion: Councilmember Peters confirmed the increase would be approximately 62 cents per customer.

**A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, that the Staff Report be approved. The motion carried by the following vote:**

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

- 8B.** [23-427](#) Receive Report and Adopt Resolution Approving a Budget Amendment 2023/24-09 and a resolution for the City Manager to Execute a Contract with the County of Mendocino for the City to Operate the Extreme Weather Shelter for FY23/24 and FY24/25

Police Chief Neil Cervenka presented the report on the issue of providing an all weather shelter for which there is no legal requirement, but he noted was a matter of compassion towards the homeless in the area and also has reduced homeless involved police calls by approximately 76%. Cervenka stated the grant request approved for the next two (2) years.

Public Comment: Acheya Wachtel, Jenny Shattuck, Jacob Patterson.

Discussion: Mayor Norvell thanked Chief Cervenka for running this program. Councilmembers discussed costs and the billing reimbursement process by which the City receives the money.

**A motion was made by Councilmember Albin-Smith, seconded by Vice Mayor Godeke, that the Resolution be adopted. The motion carried by the following vote:**

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

- 8C.** [23-437](#) Resolution of the Fort Bragg City Council Reciting the Fact of the Special All-Mail Ballot Municipal Election Held on November 7, 2023, Declaring the Result and Such Other Matters as Provided by Law

City Manager Peggy Ducey presented the resolution discussing the action to accept the results of the certification the special All-Mail Ballot wherein 1250 votes were received.

Public Comment: None.

Discussion: None.

**A motion was made by Councilmember Peters, seconded by Vice Mayor Godeke, that the Resolution be adopted. The motion carried by the following vote:**

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

- 8D. [23-448](#) Receive Report and Consider Adoption of City Council Resolution Approving Budget Amendment No. 2023/24-10 of \$53,466 and Authorizing the City Manager to Execute a Contract with Axon Enterprises, Inc. for Body-Worn Camera Video Equipment, TASER 10 Conducted Energy Weapons, Software and Unlimited Storage Services (Amount Not to Exceed \$267,329.73 Account No. 167-4215-0381)

Police Chief Neil Cervenka summarized the report on contracting with Axon Enterprises, Inc., for the implementation of upgraded body worn cameras, tasers, software, GPS tracking, and unlimited storage capacity.

Public Comment: Jacob Patterson.

Discussion: Follow up discussion focused on possible other data increase methods which have long-term limitations and become more expensive over time. The increased distance and accuracy of the upgraded taser was discussed as being far more effective and less risk to the officers.

**A motion was made by Councilmember Peters, seconded by Councilmember Rafanan, that the Staff Report be approved. The motion carried by the following vote:**

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

- 8E. [23-447](#) Financial Update: Receive and File Quarter One FY 2023/24 Financial Report

Finance Director Isaac Whippy presented the financial report for Quarter One FY 2023/24 Financial Report.

Public Comment: None.

Discussion: The Council discussed a 60% increase in PGE costs across the board at all City facilities and the impacts of relying on TOTs as revenue.

**ADJOURNMENT**

**Mayor Norvell adjourned the meeting at 9:24 PM**

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

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DIANA SANCHEZ, City Clerk

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