



# City of Fort Bragg

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

## Meeting Agenda Special 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 6, 2021

4:00 PM

Via Video Conference

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### Special Closed Session

#### CALL TO ORDER

#### ROLL CALL

#### **1. PUBLIC COMMENTS ON CLOSED SESSION ITEMS**

*Public comments may be made on the matters described in this Special Meeting Notice (Government Code Section 54954.3).*

*You are invited to a Zoom webinar.*

*When: Dec 6, 2021 04:00 PM Pacific Time (US and Canada)*

*Topic: Special City Council Closed Session*

*Please click the link below to join the webinar:*

*<https://us06web.zoom.us/j/81228734659>*

*Or Telephone: US: +1 720 707 2699 or +1 253 215 8782 (\*6 mute/unmute; \*9 raise hand)*

*Webinar ID: 812 2873 4659*

#### **2. CLOSED SESSION**

- 2A. [21-628](#)** 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

**Attachments:** [Public Comment 2A](#)

- 2B. [21-618](#)** PUBLIC EMPLOYMENT: Pursuant to Government Code 54957(b). Title: City Manager

#### ADJOURNMENT

STATE OF CALIFORNIA     )  
   )ss.  
 COUNTY OF MENDOCINO    )

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg and that I caused this agenda to be posted in the City Hall notice case on December 3, 2021.

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

**NOTICE TO THE PUBLIC:**

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- *Materials related to an item on this Agenda submitted to the Council/District/Agency after distribution of the agenda packet are available for public inspection upon making reasonable arrangements with the City Clerk for viewing same during normal business hours.*
- *Such documents are also available on the City of Fort Bragg’s website at <https://city.fortbragg.com> subject to staff’s ability to post the documents before the meeting.*

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# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
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## Text File

File Number: 21-628

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**Agenda Date:** 12/6/2021

**Version:** 1

**Status:** Closed Session

**In Control:** Special City Council

**File Type:** Report

**Agenda Number:** 2A.

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

**From:** [Mary Rose Kaczorowski](#)  
**To:** [Lemos, June](#); [Miller, Tabatha](#)  
**Subject:** Public Comments submission for CLOSED SESSION Dec 6 2021 4PM City Council Mtg.  
**Date:** Friday, December 3, 2021 11:34:36 AM

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Dear Fort Bragg Mayor, City Council Members and Legal Counsel

Please find below my public comment for the record regarding the

City Council Mtg. CLOSED SESSION to be held on Dec 6, 2021, at 4:00PM

Agenda Item 2A:

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

As a resident of the City of Ft. Bragg who regularly recreates on The Noyo Headlands and Ka Kahleh Coastal Trail that traverses the former Georgia Pacific Mills Site I would like to share with you the following:

It is a peaceful walk from several entry points off Highway One to the actual coastal area. This wonderful wide-open expanse of open space is a refreshing escape and respite from the rest of our busy urban area and hectic tourist generated increase in traffic. All who live in town can walk there, bicycle there or take wheelchairs there. Migrating and resident wildlife and plant life can be observed there. It must be protected as open space. This area is fulfilling the goal of sequestering carbon and returning the wetlands to their original natural state. We have no such accessible park in Fort Bragg that offers all that.

I am concerned about the impact on our local resources and contribution to climate change impacts that the purchase and proposed extensive development of the former Georgia Pacific Mills Site will have. The Skunk Train/Mendocino Railway a subsidiary of Sierra Energy Inc. grand plans for development as outlined in the "Little Stinker" newsletter publication (that was sent out to area residents and distributed to tourists taking the Skunk Train rail bike and train excursions) runs roughshod over Fort Bragg's Coastal General Plan and aspirations of the local community to keep this site as open space for recreation and wildlife habitat restoration. These plans also will immensely change the character of this town.

As we all know urban sprawl impacts threaten both the natural and rural environments by raising greenhouse gas emissions that cause climate change. This development will also elevate air and noise pollution levels. This urban sprawl will produce many adverse impacts that have direct effects on the quality of life of our town and the wildlife that has reclaimed the area of the Mill Site.

I want to emphasize one of the CALIFORNIA COASTAL ACT Public Resources Codes that state:

"The scenic and visual qualities of coastal areas shall be considered and protected as

a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.”

Furthermore, on Oct. 7, 2020 Gov. Gavin Newsom signed an executive order that made California the first state in the nation to commit to a ‘30 by ‘30’ goal — a pledge to conserve 30 percent of the state’s land and waters by 2030. This development also is against Governor Newsom’s Executive order and goes against the goal to develop nature-based solutions to address climate change which will sequester carbon, create wildlife habitat, and benefit all Californians, especially those living in disadvantaged communities.

Our city of Ft. Bragg has a role to play in leading by example in living sustainably on a smaller footprint and protecting and restoring the existing open space that encompasses the Mill Site.

This scale and footprint of this proposed development has no place on the Mill Site and is nothing but a corporate investment land grab with no consideration for an urban sprawl footprint or the City of Ft. Bragg or The State of California’s attempts to mitigate and address climate change impacts as I have briefly touched upon.

Thank you,

Mary Rose Kaczorowski, Fort Bragg CA

**From:** [Edward Oberweiser](#)  
**To:** [Lemos, June](#)  
**Subject:** public comment for the 12/6/21 special meeting  
**Date:** Saturday, December 4, 2021 9:21:19 AM

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Dear Mayor and City Council,

I am writing in support of your actions against The Skunk Train/Mendocino Railway, a subsidiary of Sierra Energy Inc.'s corporate land grab.

Putting approximately 300 new houses there and approximately 200 other structures there goes against everything humanity should be doing to lessen the possibly horrid effects of global climate change.

This land grab and possible development defies Fort Bragg's Coastal General Plan and our community's desire to set an example for addressing global climate change by designating some of the former mill site as open space

The California Coastal Act says: ".....New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting."

Sincerely

Ed Oberweiser  
Chair Ocean Protection Coalition (OPC)  
Member Citizens for Appropriate Coastal Land Use (CACLU)

**From:** [Daney Dawson](#)  
**To:** [Lemos, June](#); [Miller, Tabatha](#)  
**Cc:** [daneyd](#)  
**Subject:** Mill Site Plan/Railroad  
**Date:** Saturday, December 4, 2021 10:06:05 AM

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Fort Bragg City Council Members;

I cannot express in strong enough terms how much I oppose the corporate land grab/expansion project into the former mill site by Sierra Railroad. This is a blatant violation of ethics if not law, and the railroad's motives are not to benefit Fort Bragg, but to take over the town for their own benefit, contrary to what their propaganda would tell us.

I will support you in any way I can to prevent this egregious violation of the principles of local control and citizen involvement in planning issues that affect us all, as this will, going forward, detrimentally effect all life on the north coast.

You are already familiar with the issues being raised: water, traffic, noise, pollution, loss of view shed, public services, loss of local control, the death of existing small businesses. Bypassing the Coastal Commission and local planning regulations under the guise of being a "utility" are ludicrous and legally dubious, and will be disastrous for our small town.

Thank you

Daney Dawson  
Caspar, Ca.

**From:** [Star Decker](#)  
**To:** [Lemos, June](#)  
**Subject:** Re: Public Comment to City Council Dec. 6th  
**Date:** Saturday, December 4, 2021 11:53:26 AM

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## Dear Fort Bragg Mayor, City Council Members and Legal Counsel

Please find below my public comment for the record regarding the

City Council Mtg. CLOSED SESSION to be held on Dec 6, 2021, at 4:00PM

Agenda Item 2A:

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

I am a coastal resident born in the county and living in Caspar for 20 years. I consider Fort Bragg my town. This is where I shop, dine, visit local friends and walk my dog. I believe the coastal residents are divided on the above issue because many think this kind of development will make things better in our community for JOBS and increased TOURISM. To me this is not deep thinking and just means these folks are falling for the lures created by a company, Sierra Railway, that is NOT in it for the community but for the profit. Perhaps residents have not paid attention to what is going on at the Skunk infrastructure in the last few years. The REAL skunk train's rusty pieces lay inside a building and roundhouse that is falling apart. They've talked about fixing the tunnel for 8 years. The train tracks are in bad shape in many places and not really safe. There is a longer list of negligence on their part too wordy for print here. With their current plan to build what looks to be about a NEW TOWN, it is obvious they don't care about the historical value of Fort Bragg and its local business people that are just starting to recover from last year.

Below is a list of my concerns;

### 1. WHERE DO YOU PLAN TO ACQUIRE THE WATER FOR MORE HOUSING/HOTELS/RESTAURANTS?

Mendocino has been running out of water during the summer months for a few years now and last year Fort Bragg had their signs out pleading with folks to conserve. Water was being hauled from outside sources and the prices went way up. This is the first year that I have heard local folks saying their wells went dry and they had to order water and ration. The drought is not over and it could last....for how long? And why would we need more restaurants and hotels on the coast?

### 2. TOURISM/TRAFFIC ISSUES?

How many of these big league planners live on the coast and have to deal with the current

traffic situation? Most weekends throughout the summer months, and especially any holiday, are slammed in Fort Bragg and Mendocino. So WHAT if you planned parking lots to accommodate the masses that would be expected to increase because of this huge new town they are proposing. How would we fit them onto Highway 1 and our streets?

3. CHEMICAL REMEDIATION PLANS FOR THE OLD MILL SITE? It hasn't gone away.....

4. QUALITY OF LIFE FOR THE LOCAL RESIDENTS? Especially on the Northwest side of Fort Bragg where there is a plan for railways going to Glass Beach and possible infrastructures blocking the ocean views for these folks.

5. HISTORICAL VALUE? How many tourists come to Fort Bragg expecting to ride #45 which is the original steam train and the one posted on all of their marketing materials? What they get is a funky diesel train with no character and some mediocre cars and now some overly priced rail bikes. Tourists never see the deeper problems that exist of NEGLECT and SHAM.

Finally, this is just a personal opinion that I and my husband are feeling strongly about; Our coastal community simply cannot grow any more without serious consequences to the environment. The

human footprint is already taking its toll with so many folks tromping around on our precious coastline, trails, forests and towns. We are in grief that we can no longer go to our favorite coffee shops or other local haunts and see people that we know because we don't want to stand in long lines with strangers. Grocery stores are a madhouse and we are noticing more and more products that they just can't keep in stock. Traffic? Nuts! We just stay home to stay safe and sane. I think in the years to come those of us who live here will be wishing we had paid more attention to working on becoming a sustainable community that can hold its own when times get tougher and water and resources become very scant.

In the end we support the old Mill Site becoming a beautiful coastal parkland with more trails, picnic areas and a place where nature can regenerate and wildlife return in plenty. We like the idea of a Marine Center which is very appropriate. Tourists from the Skunk can continue to support our local lovely businesses and eat at many great restaurants thus strengthening our local economy and possibly attracting more businesses to fill the empty spaces. As a small community we could set an example for all small towns and cities looking toward sustainable growth moving toward a healthier future. It's got to stop being about getting rich and getting out as so many of these SHREWD corporations are doing these days doing their business as usual.

Thank You for considering my thoughts on this issue.

Kindly, Star Decker

From: [gparsons](#)  
To: [Lemos, June](#)  
Subject: Public Comments submission for CLOSED SESSION Dec 6 2021 4PM City Council Mtg.  
Date: Saturday, December 4, 2021 12:59:44 PM

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Dear Fort Bragg Mayor, City Council Members and Legal Counsel

Please find below my public comment for the record regarding the  
City Council Mtg. CLOSED SESSION to be held on Dec 6, 2021, at 4:00PM  
Agenda Item 2A:  
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

I am yours respectfully,

Gene Parsons  
Caspar, California

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As a longtime resident of the Coastal community, (52 years), I find it difficult to comprehend the audacity of the Sierra Railroad Company's promotional news letter entitled "Little Stinker". The 'powers that be' of the Sierra Company continue, at apparent great expense, attempting to convince the public and residents of Fort Bragg and adjacent Coastal communities that the Sierra Railroad Company is the very excellent steward of the once wonderful California Western Heritage Railroad. This is simply not the case.

If one examines the current state of the 'Skunk' Railroad one will realize that the tunnel connecting the Coast with the inland rail connection to Willits has been blocked and impassable for nearly 8 years! We keep hearing it is only a matter of months until the tunnel will be rebuilt and put back into service. But this just is not happening and it appears it will not be happening any time in the near future if the Sierra Company has anything to do with it.

The iconic engine house that was once the pride of Fort Bragg has been allowed to fall to pieces. The glass is almost all broken out and the roof is caving in. Not to mention the fact that the roadbed of the rail line itself is in dangerously neglected condition and really should be condemned. The rolling stock, (passenger cars), are in seriously dilapidated condition with rust taking over to the point that some of the rolling stock probably are now beyond restoration and will soon be a total loss.

And then there is beloved and historic steam locomotive number 45. There's a lovely picture depicting number 45 in its glory on the cover of the latest "Little Stinker" which to me is a misleading scam. If you were daring enough to sneak in to what's left of the engine house and actually take a look at Engine number 45, you would find a once wonderful, historic locomotive that is no longer a serviceable piece of equipment. Our number 45 has been taken completely to pieces and shamefully left to rust and ruin.

Sierra does seem to have ample funding and ambitions for some projects though. Apparently they have purchased a large section of the Georgia Pacific mill property and are finagling by their claim of "eminent domain" to force GP to turn over the rest of what once was the old Georgia Pacific Mill site. And on this bit of Coastal land adjacent to a beautiful old residential section of Fort Bragg they intend to build a large new housing development, a large hotel, a "world class restaurant" and many other imposing 'wonders'.

I guess in their infinite wisdom the Sierra planners didn't notice that Fort Bragg ran out of water this summer and had to revert to hauling water from inland sources. They probably also didn't notice that climate change and the protracted drought we are experiencing will mean water is a crucial issue for the foreseeable future. Oh, and not to mention the traffic in town and on Highway One. If this ill conceived development actually becomes a reality, you probably won't be able to WALK thru Fort Bragg let alone drive.

Is it just me or does it seem that Sierra Railroad Company really doesn't give a "hoot" about our 'Skunk' railroad? What they really are doing is claiming the railroad is a viable system of transportation so that they can leverage the takeover of the Georgia Pacific property with the claim of "eminent domain" and proceed with a very large and damaging development?

The California Western "Skunk" Railroad is no longer a viable means of transportation and has now been reduced to a 2 and ½ mile rail bike amusement ride. I believe the Sierra Co. has no intention of restoring actual rail service to the Coast. They are squeezing the last little bit of income from what remains of a once proud line while claiming all the while it is, or will be a functioning rail system. They do this hoping to be allowed to proceed with their short sighted, money grubbing plans to destroy Fort Bragg as we know it so they can pad their pockets and walk away leaving us with a town that no longer resembles the Fort Bragg we love and a heritage railroad that is so far gone it will not be possible to ever be returned to service.

I think the Sierra Railroad Company's news letter should be renamed. Rather than the "Little Stinker" it's time to call it the "BIG Stinker".

I am yours truly,

Gene Parsons

**From:** [Sakina Bush](#)  
**To:** [Lemos, June](#); [Miller, Tabatha](#)  
**Subject:** Sierra Railway  
**Date:** Monday, December 6, 2021 9:10:42 AM

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Just want to tell you that you have our families whole hearted support in resisting the takeover of the Mill site by these corporate out own towners.

Sakina Bush

**From:** [Susana Hennessey Lavery](#)  
**To:** [Lemos, June](#); [Miller, Tabatha](#)  
**Cc:** [Susana Hennessey Lavery](#)  
**Subject:** Sierra Railroad, please opposed corporate take over  
**Date:** Monday, December 6, 2021 9:09:37 AM

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Dear Fort Bragg City Council Members,

As Fort Bragg residents we strongly urge you to oppose the proposed corporate take over of the mill site for a mega development that bypasses not only local control, but that of the state, including environmental oversight. We continue to support a locally controlled planning process for that site that is good for residents and environmental sustainability.

Thank you for your support.

Bobby and Susana Hennessey Lavery

**From:** [Sojourna Lee](#)  
**To:** [Lemos, June](#)  
**Subject:** Mill site development  
**Date:** Monday, December 6, 2021 9:05:38 AM

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Please note that, as a farmer and administrator of a non-profit Community Land Trust just north of Pudding Creek, I strongly believe that we should all have a say in development of our coastal community.

The odd bedfellows of GP and the Skunk may cost us dearly in voice for a healthy beneficial use of land in our midst.

Please know that you have the support of many to stand firm against being run over by corporate development that does not serve our community needs or the environment that needs our wise stewardship

Thank you,  
Sojourna Lee  
Secretary, Meadow Farm CLT  
(707) 813-9234  
--

Sojourna Lee RN  
Meadow Farm Community Land Trust  
Nonviolent Communication Facilitator  
Advance Directives and Death Doula  
Well-Being Coach & Consultant  
[\(707\) 813-9234](#) Ft Bragg, California

"We are all just walking each other Home"  
Ram Dass

**From:** [Ron Hock](#)  
**To:** [Lemos, June](#); [Miller, Tabatha](#)  
**Subject:** I oppose the skunk  
**Date:** Monday, December 6, 2021 9:32:46 AM

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I write in opposition to the brutal taking of the mill-site property by the railroad. They failed to get their way by normal negotiations so trotted out a specious antique law to take what they want. They have not, and will not, abide by the zoning, rules, and regulations set forth by the city and we, the people. They must be stopped or forced to comply.

Don't back down! This is an egregious power and land grab that must not be rewarded. Saturday's demonstration on Main Street is just the beginning. We will not be a company town ever again.

Give 'em hell.

--

Ron Hock  
[https://link.edgepilot.com/s/ba2513ac/3dYbLgDv9kitwY\\_8QjJHuA?u=http://www.hocktools.com/](https://link.edgepilot.com/s/ba2513ac/3dYbLgDv9kitwY_8QjJHuA?u=http://www.hocktools.com/)  
16650 Mitchell Creek Drive  
Fort Bragg, California 95437 USA  
011+1+ 707-964-2782

**From:** [Jan Boyd](#)  
**To:** [Lemos, June](#)  
**Subject:** Skunked  
**Date:** Monday, December 6, 2021 9:44:08 AM

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Please do not allow the railroad take-over of the mill site.  
Janice Boyd

**From:** [Margaret Paul](#)  
**To:** [Lemos, June](#)  
**Subject:** Skunk land grab  
**Date:** Monday, December 6, 2021 10:53:25 AM

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Hi June,

One thing we can do right now is boycott the Skunk Train. Could City Council officially censure the corporation behind all of this and support a boycott of their Skunk Train? It seems that anything affecting their bottom line gets their attention.

Margaret Paul

<https://link.edgepilot.com/s/03f36071/SjiuDOF8u0e3gzCK8qwjCw?u=http://www.antiquesterlingcreations.com/>

**From:** [Donna Medley](#)  
**To:** [Lemos, June](#)  
**Subject:** The Not So Little Stinker  
**Date:** Monday, December 6, 2021 10:47:51 AM

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Please do whatever is possible to hold the "railroad" accountable for toxic clean-up, environmental stewardship, appropriate housing and livable wage jobs.

--Donna Medley

**From:** [Marcus M. McCallen III](#)  
**To:** [Lemos, June](#); [Miller, Tabatha](#)  
**Subject:** SKUNK TRAIN ACQUISITION  
**Date:** Monday, December 6, 2021 9:48:51 AM

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I am against the land grab that the Skunk train has acquired in Ft. Bragg and consider it NOT in the best interests of the long time citizens of the town. I urge you to try and stop it. I especially am concerned with the proper cleanup of poisons on the land there.

Sincerely,  
- Marcus McCallen

**From:** [Wendy](#)  
**To:** [Miller, Tabatha](#); [Lemos, June](#)  
**Subject:** Support for Mendocino Railways  
**Date:** Monday, December 6, 2021 10:31:01 AM

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I understand that I'm probably an outlier in the public outcry over the railroad's purchase of much of the mill site land.

While unsurprised, I'm somewhat bemused about what is so threatening about a company with demonstrably capable leadership being in a position to develop the land in ways that promise huge benefits for the city.

The single objection which I find credible is the significant decrease in public oversight. With all due respect, this may also be a necessary step to make development feasible given the endless protests and red tape that even the best of proposals typically encounter. Change is hard.

The railroad's plan includes a variety of housing types, a Pomo museum, a destination hotel and restaurant, open space, view corridors, and a massive and needed cleanup of residue from the former mill. The City already has land designated for marine mammal and coastal studies. If more is needed, I see no reason to doubt that Mendocino Railways would be amenable to additional space being allocated for educational and research purposes.

My support for this project is not based on complete information. Nor is the opposition of others. Put most simply, I have observed the public process from the start. I have also known CEO Robert Pinoli for a few decades and have watched him navigate seemingly insurmountable obstacles to keep the Skunk operating and contributing to the City. It does so as a historic treasure, recreational attraction for visitors and locals, and as a revenue producer and employer. I place a high degree of trust in his ability to influence and shepherd this project as it moves forward.

It's time for the Mill Site to be transformed into an asset instead of a sad reminder of times past. In what my children referred to as "monkey talk," it's time to stop the chatter and start swinging through trees.

Wendy A. Roberts  
[wendy@mcn.org](mailto:wendy@mcn.org)

**From:** [Michelle Frederick](#)  
**To:** [Lemos, June](#); [Miller, Tabatha](#)  
**Subject:** Mill site  
**Date:** Monday, December 6, 2021 10:27:08 AM

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Hello,

I just wanted to write and say that, as a resident of Fort Bragg, I oppose the development of the mill site by the Skunk Train and am deeply concerned not only the impact this will have on our town and coastal line. It is also concerning that due to their classification as a Railroad Company they will not have to properly clean the site and will be exposing people to toxins .... Of course without telling them.

I hope the city can fight this!

Michelle Frederick

**From:** [Karen Knoebbler](#)  
**To:** [Lemos, June](#)  
**Subject:** Land Grab  
**Date:** Monday, December 6, 2021 10:19:30 AM

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Please do anything and everything possible to stop Skunk Train and supporting entities from grabbing the heart of Fort Bragg and having their way with us! This is a crisis!

Thanks. Karen Knoebbler

Thanks  
Sent from my iPhone

**From:** [Jan Boyd](#)  
**To:** [Lemos, June](#)  
**Subject:** Skunked  
**Date:** Monday, December 6, 2021 9:44:08 AM

---

Please do not allow the railroad take-over of the mill site.  
Janice Boyd

**From:** [Davis Gee](#)  
**To:** [Lemos, June](#)  
**Subject:** mill site  
**Date:** Monday, December 6, 2021 11:47:57 AM

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June,  
Please try to stop The Skunk Train from taking over the old mill site.  
- David and Missi Gillett

**From:** [Christy Wagner](#)  
**To:** [Lemos, June](#)  
**Subject:** Dec 6th Closed Session Meeting of Fort Bragg City Council  
**Date:** Monday, December 6, 2021 1:19:21 PM

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Hi June,  
I'd like to go on the record regarding tonight's agenda item #2A.

I adamantly support our Fort Bragg City Council's legal challenge to the Skunk Train's claim of being a "public utility." I believe that Sierra Railroad Co, the Skunk Train's parent company located outside our area, has brazenly misidentified their status in an attempt not only to grab our beautiful Fort Bragg headlands via their small tourist excursion train, but also to now develop our headlands without regard for State and Local regulation, zoning, and oversight. This is not acceptable!

I applaud our City and City Council for their courage and backbone in standing up to this private company's deep-pocketed attempt to disregard the public interest in Fort Bragg.

I also have a concern about the City's Legal Counsel whose prior missteps include failing to file the City's court challenge re: public domain until after the mill site was ceded. I can't help but wonder about their intentions and whether they are the best or most appropriate or motivated Legal Counsel to represent the City of Fort Bragg in this case?

Thank you for your consideration,

Christy Wagner  
428 B North Harrison St  
Fort Bragg, CA 95437  
707-961-9633

**From:** [Bill Cornelius](#)  
**To:** [Lemos, June](#); [Miller, Tabatha](#)  
**Subject:** Mill site  
**Date:** Monday, December 6, 2021 12:19:09 PM

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Hi Council member:

I live in Albion, we just lost our store to India who is defensive and doesn't hire locally. It has changed our community identity somewhat for the worse (IMHO). I don't shop there any more. Any development w/o public feedback and oversight is going to cause problems for the community.

By the way, I saw 2 coyotes on the FB headlands west of starbucks. they're good for ground squirrel control but will make problems in town if they have pups. could I recommend having them trapped and spayed/fixed before they cause a problem. maybe tagged too.

Thanks

Bill Cornelius (not Crecelius) :)

**From:** [mendofm@mcn.org](mailto:mendofm@mcn.org)  
**To:** [Lemos, June](#)  
**Subject:** mill site  
**Date:** Monday, December 6, 2021 12:15:09 PM

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I am writing to express my opposition to the corporate take over of the mill site. I think this development will have a negative impact on Fort Bragg. The mill site needs to be dealt with in an environmentally responsible manner.

Thank you for protecting the Fort Bragg and surrounding communities.

Sincerely,

Long standing residents of Mendocino County

Winnie Pitrone

Andrew Mackey

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [citycouncil](#)  
**Subject:** Online Form Submittal: Contact Us (Dropdown)  
**Date:** Monday, December 6, 2021 12:13:59 PM

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## Contact Us (Dropdown)

First Name	Mark
Last Name	Taylor
Address1	512 South Main Street
Address2	<i>Field not completed.</i>
City	Fort Bragg
State	CA
Zip	95437
Phone Number	7079646406
Email Address	mtaylor@mcn.org

(Section Break)

Whom would you like to contact?	City Council
Question / Comment	<p>Concerning the closed session on Dec 6, 2021, given the Mendocino Railroad's claim of exemption from any local, county or state control, a question to consider is will they also claim exemption from property and TOT taxes on the various developments, hotels and vacation rentals they intend to build? It's possible that their claims don't cover that, but it certainly would be good to know that as the court case and developments proceed.</p> <p>Thank you and good luck.</p> <p>Mark Taylor</p>

Email not displaying correctly? [View it in your browser.](#)

**From:** [Miller, Tabatha](#)  
**To:** [Lemos, June](#)  
**Subject:** FW: skunks across the alley!!  
**Date:** Monday, December 6, 2021 2:08:19 PM

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-----Original Message-----

From: emkae josh <hermandjhor@gmail.com>  
Sent: Monday, December 06, 2021 2:07 PM  
To: Miller, Tabatha <tmiller@fortbragg.com>  
Subject: skunks across the alley!!

Dear Ms Miller~~~

i am opposed to the take-over of the millsite property by the skunks, who seem to thumb their noses and lift their tails to show their attitude towards the people of ft bragg

my backyard faces the property and i dread the thought of all the disruption, all the toxic dust and other disturbance caused by their plans to develop/ destroy what should be fields of wild flowers, and a water dealination plant (which would also be a financial draw for visitors, and provide jobs for residents)

Please stop them.

Thank you,

M K Johnson, 537 west st

**From:** [kashiwa@mcn.org](mailto:kashiwa@mcn.org)  
**To:** [Lemos, June](#)  
**Cc:** [Miller, Tabatha](#)  
**Subject:** statement for public comment period for today"s Special City Council Meeting Re: Agenda Item 2A  
**Date:** Monday, December 6, 2021 2:27:12 PM  
**Attachments:** **The Big Stinker**

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Greetings,

Please forward the attached statement to the City Council Members, prepared and submitted in my name, along with George Reinhardt and Susan Kelley. I am unable to attend today's meeting to introduce this statement, which is too long to read in its entirety in the 3 minutes allotted individuals during the public comment period. However, I would appreciate it if you could mention that I highly recommend they read the full statement before their deliberations in closed session. Our statement supports the efforts of the City Council in taking The Skunk Train to court and provides some useful background and context.

Thank you,  
-Leslie

To: Members of the Fort Bragg City Council  
From: Leslie Kashiwada, George Reinhardt, and Susan Kelley  
Date: 5 December, 2021  
Re: Agenda Item 2A, The Skunk Train

We want to commend the City for filing a lawsuit challenging the designation of the Skunk Train as a “Public Utility.” We’ve heard that the land transfer is a done deal and that there is no turning back. If so, then this new property owner must be held to the highest standards for toxin removal and for development of the land, including open spaces. However, it behooves the City to ascertain if the land transfer is final and binding.

As concerned residents of the community and members of the Fort Bragg Headlands Consortium (FBHC), we first want to hearken back to a meeting that occurred over two years ago at Town Hall. This community session, held on September 12, 2019 was the opportunity for the new landowners on the old mill site to present their vision for development. There was a presentation by the Skunk Train for the land they had purchased north of Alder and a presentation by the owners of Harvest Market for the 15 acres they had purchased across from approximately Walnut Street north to Maple Street.

The FBHC is an ad hoc group of citizens with expertise to provide scientifically sound advice to help the decision-making process for the mill site. The FBHC was given time during that same community meeting to present a vision for the mill site that focused on the open space areas instead of the areas slated for development. We advised the City Council to plan the open space as carefully and thoughtfully as the zoning for the areas to be developed.

The vision the FBHC laid out formed the basis for a Green Economy in a Blue Zone. The core of the presentation focused on the following essential elements:

- Clean up remaining toxins
- Daylight Alder Creek and Maple Creek
- Remove beach berm and allow ocean to naturally mix with fresh water in the low-lying area
- Sustain and restore the forested area
- Restore the area north of millpond 8 to coastal prairie because it is surrounded by Environmentally Sensitive Habitat (ESHA)
- Link natural habitats with a wildlife corridor

These elements would provide for increased carbon sequestration, a healthy environment, storm water control, mitigation for sea level rise, recreation and coastal access, increased native plant habitat for tribes to continue life ways, and scenic beauty for local and tourist enjoyment.

This wasn't just a wish list for environmental activists. This kind of restoration has proven to be successful for reinvigorating the economy where extractive practices, like logging, no longer make sense.

The Skunk Train's recent PR piece (The Little Stinker, Volume 1, Issue 1, Fall 2021) lays out a vision with lots of promises, but their actions over the last 2 years speak volumes about their intentions.

- The tunnel up Pudding Creek collapsed in 2014 and still has not been repaired despite having received a previous loan. They lay the blame on others.
- The map of proposed development is similar to that presented over 2 years ago. It does include many elements requested by City Staff, along with their own plans for renovating the area around the depot.
- The area south of Alder was not presented in The Little Stinker. Recent letters to the City and the Media mention a station near Chestnut Street with tracks built out to an "industrial zone" north of millpond 8. (The area mentioned above, which is surrounded by ESHA)
- The Skunk Train has repeatedly refused to obtain permits of any kind, claiming exemption due to their status as a "Public Utility."
- They imply that they will run passengers and freight between Fort Bragg and Willits once the tunnel is repaired. What will they haul? They've mentioned garbage out and water in. With claims of exemption from permitting and oversight there's no way of knowing if this will be for the good, or a disaster in the offing.
- The Skunk Train has fenced the tracks along Pudding Creek up to the collapsed tunnel, including across the trail at the cemetery north of the station. This was done without notice and with no permits, denying public access where it has historically existed. A community member was told that was done to keep the homeless off the tracks and that they recently decided to open the gates during the day to provide access to locals.

Leslie Kashiwada met with Robert Pinoli, Chris Hart, a "wildlife expert", and City staff member during the summer of 2019, after they took a walking tour of the land acquired north of Alder Street. Leslie wasn't invited to join the tour, but was invited to the meeting as a representative of the FBHC. During the meeting there was discussion of what was observed. Leslie explained the FBHC vision for habitat restoration (creeks, estuary, forest, coastal plain) and the need for a sufficiently wide wildlife corridor to permit migration of a variety of animals (and plants). Yet, when they presented their proposal at the community meeting in September 2019, there was no wildlife corridor. Apparently their wildlife expert said the property ended in a 'concentration camp' of fences that couldn't be navigated, so there was no point in providing a corridor. This wildlife expert ignored the fact that wildlife has been increasing on the property and moving throughout the site despite the fencing.

If they had been negotiating with GP for the full site all along (they claim since 2004) they have shown no interest in restoring and linking natural habitats. Notice that the proposed plans north of Alder Street shows a 100' buffer east of the City-owned trail. The extended rail line runs right through that buffer and there is no indication of allowances for cliff erosion over time. There is also no indication what will be planted in the buffer zone or the open space areas. In addition, the rendering does not include the Alder Creek "meander" which will be necessary for daylighting Alder Creek. They seem to embrace the concept that all open space is equal, which couldn't be further from the truth.

We don't know, but can only surmise by their actions, that they intend to keep the fences up and the toxins in place. They claim they don't need to work with DTSC, which required additional testing before approving GP's draft feasibility study for the mitigation of the toxic waste left behind. GP's preferred course of action was to leave the toxins in place in perpetuity, something the community has repeatedly rejected. Additional testing was done, but a final mitigation plan has not been submitted. We assume "leave in place forever" is still the preferred solution. But, there is no "in perpetuity" because the beach berm will soon be reclaimed by the ocean. The low-lying area contains toxins that were not removed because doing so would have undermined the northern earthen retaining wall for millpond 8 (which has the most toxins). Once the beach berm is gone, the earthen retaining wall will shortly follow. All those toxins will be dispersed into the environment, contaminating the soil, the air, and the water, and all the plants and animals that come into contact with those elements (that includes humans). Those toxins will flow into the marine environment, contaminating the seawater and will be taken up by marine organisms. Toxins, like these, concentrate up the food web, and could affect local recreational and commercial fisheries.

If the Skunk Train doesn't have to work with the State because they are a "Public Utility," are they exempt from all oversight and permitting? Do they have to work with Federal agencies? If not, they can do as they wish with the remaining toxic areas. If they do have to work with Federal agencies, like the EPA, and the US Department of Fish and Wildlife, that restarts the process for toxin abatement. So, rather than moving us forward, it sets us back. The Skunk Train has not worked in good faith with the City or the state, including, but not limited to DTSC and the California Coastal Commission. Instead, they have recently been declaring that legitimate requests for permitting and complaints about non-compliance are retaliation for Skunk getting the land (before that, they just claimed that they were exempt).

The lack of transparency and bad-faith dealing of the Skunk Train is of grave concern to us and to other members of the community. There are many reasons for there has been no visible progress in developing this land, and the lack of cooperation from the previous landowner (Georgia Pacific) has played a huge part in that delay. If the Skunk

Train can run roughshod over the permitting and planning process, including toxin abatement, the character of our small town will indeed change, but not for the better.

In conclusion, we support the City in filing a lawsuit challenging the designation of the Skunk Train as a "Public Utility." We also encourage the City to pursue any and all courses of action to nullify this land transfer and/or to bring The Skunk Train into compliance with local and state regulations.

**From:** [Mike Thomas](#)  
**To:** [Lemos, June](#); [Miller, Tabatha](#)  
**Subject:** "Ecological Steward's" un-authorized trail  
**Date:** Monday, December 6, 2021 2:53:24 PM

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Greetings,

Mayor Norvell has been to our property and seen the significant damage and hazardous conditions created by the Skunk Train's construction of a trail. Because of their "immunity" from local permitting requirements or oversight, about 800 feet of trail was built on private property without the notification to or permission of the effected property owners.

Mr. Pinoli admitted they built the trail and offered to either buy or lease the land or, restore the land. Their justification for building the trail on our land was pure nonsense. None of the property owners have any intention of selling to Mr. Pinoli. We have been dealing with him or his attorneys for over a year in an effort to have the railroad restore our land. Their attorney claims the railroad has no culpability and sees to reason they should indemnify us from all liability or provide us with a viable restoration plan. We are near the end of our effort to gain voluntary cooperation from them and do not plan on taking any legal action.

We strongly support the City's effort to challenge Mendocino Railway's status as a Class III Common Carrier and will provide the City with all documents showing our experience in trying to hold them accountable.

Respectfully,

Mike and Anne Thomas

**From:** [shelley@elucit.com](mailto:shelley@elucit.com)  
**To:** [Lemos, June](#)  
**Subject:** Sierra Railroad takeover  
**Date:** Monday, December 6, 2021 3:22:23 PM

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Dear Council Members,

I am shocked and outraged about the proposed corporate take over of the mill site for a mega development. This unfortunate development bypasses not only local control, but that of the state, including environmental oversight. If this development goes forward, it is likely that remediation for the dioxin and other chemicals on the site will not be remedied. Further environmental degradation, as well as quality of life, will be our future.

Please let me know what the Council intends to do about this matter.

Sincerely,

Shelley DeAngelis

**From:** [Miller, Tabatha](#)  
**To:** [Lemos, June](#)  
**Subject:** FW: Online Form Submittal: Contact Us (Dropdown)  
**Date:** Monday, December 6, 2021 4:32:27 PM

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**From:** noreply@civicplus.com <noreply@civicplus.com>  
**Sent:** Monday, December 06, 2021 4:31 PM  
**To:** Miller, Tabatha <tmiller@fortbragg.com>  
**Subject:** Online Form Submittal: Contact Us (Dropdown)

## Contact Us (Dropdown)

First Name	Rosanne and Vernon
Last Name	McHenry
Address1	32980 Gibney Lane
Address2	<i>Field not completed.</i>
City	Fort Bragg
State	CA
Zip	95437
Phone Number	916-201-1763
Email Address	<a href="mailto:rosanne54@sbcglobal.net">rosanne54@sbcglobal.net</a>

(Section Break)

Whom would you like to contact?	City Manager
Question / Comment	Proposed Mill Site Development Plans - I just received a map about the proposed mill site development, and was horrified. This must be stopped. This development will destroy the scenic quality of the town, drastically increase congestion and traffic traffic and environmentally degrade the entire community. This will only benefit the corporation who owns the land, and work to the total detriment of the community. The City should even remotely consider this extremely harmful proposal. As a local resident and business owner (Blue Pacific Getaway Vacation Rental) I strongly object to this concept. Residents of the area expected the former mill site to be developed into parkland, as an extension of the Coastal Trail. This high density housing, 'Light

Industrial Use", hotel, huge parking area, shopping center concept will destroy the historic, picturesque, small town charm that is currently Fort Bragg. Please stop this from happening and do not allow huge corporate interest to come here and destroy our history, our scenic coastal village, our town.

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**From:** [Kira Meade](#)  
**To:** [Lemos, June](#)  
**Subject:** Skunk Train...  
**Date:** Monday, December 6, 2021 6:49:42 PM  
**Attachments:** [PastedGraphic-1-2 copy.tiff](#)

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Please add me to the list, this train is not a utility or transportation for the area. It would be vary unfair of them to have the exemptions of the coastal commission and other permit/development oversight that anyone else would have to go through.

I like that they have the 80+ acres, I am not happy about how they have acquired the remainder property.

Thank you,  
Kira Meade

Kira Meade, Broker Associate Lic#01220296  
Mendo Sotheby's International Realty  
[https://link.edgepilot.com/s/1a083512/QoTDi7xr00qhDVvzZ8rdQw?  
u=http://www.movetomendocino.com/](https://link.edgepilot.com/s/1a083512/QoTDi7xr00qhDVvzZ8rdQw?u=http://www.movetomendocino.com/)  
kira@mendosir.com  
707-357-2194  
Your Real Estate Professional on the Mendocino Coast



To: Members of the Fort Bragg City Council  
From: Annemarie Weibel  
Date: 6 December, 2021

2A. 21-628 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

I commend the City for filing a lawsuit challenging the designation of the Skunk Train as a “Public Utility.” if this is a done deal this new owner must be held to the highest standards for toxin removal and for development of the land, including open spaces.

As a concerned community member I have been interested and involved, submitted comments to guide the City to plan for the mill site since 2015 and have attended many community meetings, planning meetings, meetings with Noyo Headlands Unified Design Group, the Fort Bragg Headlands Consortium, meetings with the Dep. of Toxic Substances Control, filled out surveys and attended workshops.

The City of Fort Bragg has started in 2004 with a Mill Site Reuse Study including listening to input from locals.

<https://city.fortbragg.com/DocumentCenter/View/1489/02-29-2012---Mill-Site-Specific-Plan-PowerPoint-Presentation?bidId=>

I support the comments by Leslie Kashiwada, George Reinhardt, and Susan Kelley in regards to this action item.

I attended the presentation on September 12, 2019 by the Fort Bragg Headlands Consortium and support their vision.

Please plan the open space as carefully and thoughtfully as the zoning for the areas to be developed. The vision the FBHC laid out formed the basis for a Green Economy in a Blue Zone. The core of

the presentation focused on the following essential elements: • Clean up remaining toxins • Daylight Alder Creek and Maple Creek • Remove beach berm and allow ocean to naturally mix with fresh water in the low-lying area • Sustain and restore the forested area • Restore the area north of millpond 8 to coastal prairie because it is surrounded by Environmentally Sensitive Habitat (ESHA) • Link natural habitats with a wildlife corridor. These elements would provide for increased carbon sequestration, a healthy environment, storm water control, mitigation for sea level rise, recreation and coastal access, increased native plant habitat for tribes to continue life ways, and scenic beauty for local and tourist enjoyment. This wasn't just a wish list for environmental activists. This kind of restoration has proven to be successful for reinvigorating the economy where extractive practices, like logging, no longer make sense.

I support the City in filing a lawsuit challenging the designation of the Skunk Train as a "Public Utility." I also encourage the City to pursue any and all courses of action to nullify this land transfer and/or to bring The Skunk Train into compliance with local and state regulations.

Sincerely, Annemarie Weibel  
12-6-2021



# City of Fort Bragg

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

## Text File

File Number: 21-618

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**Agenda Date:** 12/6/2021

**Version:** 1

**Status:** Closed Session

**In Control:** Special City Council

**File Type:** Report

**Agenda Number:** 2B.

**PUBLIC EMPLOYMENT:** Pursuant to Government Code 54957(b). Title: City Manager