



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, September 13, 2021

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

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

(1) Jay McMartin Rosenquist spoke about the City's receivership on a Whipple Street property. (2) None. (3) None.

3. STAFF COMMENTS

City Manager Miller noted that tomorrow is Election Day and polling places are located at Veterans Hall and CV Starr Community Center. Ballots can also be dropped off at City Hall until 8PM on Tuesday, September 14. Miller gave an update on transient occupancy tax, stating that August was another record month, up \$509,000 over last year, which is 28% over the best year the City has ever had. She reported on the following events: Trunk or Treat program will be held at CV Starr Center on October 31; the Blue Symposium workshop set for October 8-9 has been rescheduled to May 19-21, 2022; the first Central Business District workshop was held on September 11; Coastal Cleanup Day is September 18. City Manager Miller requested that a special City Council meeting be held regarding the City's debt obligation and broadband study. Council consensus was to hold this special meeting at 6PM on September 20. The City will be giving away free water conservation kits on Wednesday at Farmers Market.

4. MATTERS FROM COUNCILMEMBERS

Councilmember Albin-Smith urged the public to vote on Tuesday. Councilmember Peters

provided an update on Sonoma Clean Power and funding for more electric vehicle (EV) charging stations in Fort Bragg. He noted that he will be attending the League of California Cities annual conference next week. Vice Mayor Morsell-Haye said she supported using transient occupancy taxes to purchase more EV charging stations. The Vice Mayor gave a brief update on the Citizen's Commission regarding a possible name change for the City of Fort Bragg, noting that the Commission has received approximately 1,650 responses to their recent questionnaire.

5. CONSENT CALENDAR

Councilmember Peters requested that Item 5B be removed from the Consent Calendar so he could recuse himself from voting on that item.

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 Item 5B. The motion carried by the following vote:

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

- 5A. [21-435](#)** Adopt by Title Only and Waive the Second Reading of Ordinance 970-2021 Amending Article 2 (Zoning Districts and Allowable Land Uses), Article 4 (Standards for Specific Land Uses) and Article 10 (Definitions) of Title 18 (Inland Land Use and Development Code) of the Fort Bragg Municipal Code Relating to Regulation of Formula Business

This Ordinance was adopted on the Consent Calendar.

Enactment No: ORD 970-2021

- 5C. [21-478](#)** Adopt City Council Resolution Authorizing Submission of Co-Application with Danco Communities for Permanent Local Housing Allocation Program Non-Entitlement Local Government Competitive Funds in the Amount of \$2,400,000 to Support the Development of a 69-Unit Affordable Housing Project Located at 441 South Street

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4441-2021

- 5D. [21-484](#)** Adopt Joint City Council/Improvement District Board/Redevelopment Successor Agency Resolution Approving a Second Amendment to the Agreement Between the City of Fort Bragg and Jones & Mayer for the Provision of Legal Services and Authorizing the City Manager to Execute the Same

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4442-2021 / ID 456-2021 / RS 32-2021

- 5E. [21-466](#)** Receive and File Minutes of the April 22, 2021 Special Public Works and

Facilities Committee Meeting

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

- 5F. [21-465](#) Receive and File Minutes of the June 10, 2021 Public Works and Facilities Committee Meeting

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

- 5G. [21-470](#) Approve Minutes of Special Meeting of August 30, 2021

These Minutes were approved on the Consent Calendar.

- 5H. [21-473](#) Approve Minutes of Special Meeting of September 1, 2021

These Minutes were approved on the Consent Calendar.

ITEMS REMOVED FROM CONSENT CALENDAR

- 5B. [21-472](#) 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

Councilmember Peters disclosed a conflict of interest due to his spouse's employment with the City of Fort Bragg and recused himself from voting on this agenda item.

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

Recuse: 1 - Councilmember Peters

Enactment No: RES 4443-2021

6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

Councilmember Rafanan disclosed that she spoke to two people from Waste Management. Mayor Norvell disclosed that he had a discussion with a Waste Management employee. Vice Mayor Morsell-Haye disclosed that she took a tour of the Waste Management facility a few months ago.

7. PUBLIC HEARING

- 7A. [21-477](#) Receive Report, Conduct Public Hearing, and Consider Adoption of City Council Resolution Declaring a Stage 4 Water Crisis and Implementing Stage 4 Mandatory Water Conservation Measures

Mayor Norvell opened the public hearing at 6:31 PM.

City Manager Miller presented the staff report to Council.

Public Comment was received from Jay McMartin Rosenquist.

Mayor Norvell closed the public hearing at 6:51 PM.

Discussion: After brief deliberations, the Council consensus was that it was important to pass this resolution to conserve water for the community.

A motion was made by Vice Mayor Morsell-Haye, 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 4444-2021

8. CONDUCT OF BUSINESS

- 8A. [21-424](#)** Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance 971-2021 Adding Chapter 7.18 (Feeding of Wildlife) to Title 7 (Animals) of the City of Fort Bragg Municipal Code to Prevent the Feeding of Wildlife in the City of Fort Bragg

Associate Planner Gurewitz presented the staff report on this agenda item.

Public Comment was received from David Jensen.

Discussion: Council agreed that education and signage are key in getting public cooperation with the ordinance banning the feeding of wildlife in Fort Bragg.

A motion was made by Councilmember Peters, seconded by Mayor Norvell, that this Ordinance be introduced by title only, waiving the first reading of the text. The motion carried by the following vote:

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

- 8B. [21-403](#)** Receive Report and Consider Adoption of City Council Resolution Approving the Application for Rural Recreation and Tourism Funds to Rehabilitate the Gym at 416 N. Franklin St. and Develop a Multi-Purpose Recreation Room

Associate Planner Gurewitz presented the staff report on this agenda item.

Mayor Norvell recessed the meeting at 7:35 PM; the meeting reconvened at 7:42 PM.

Public Comment: Jay McMartin Rosenquist spoke in favor of using the old gym for young people, sports and events.

Discussion: Councilmembers noted that staff had done a good job bringing this to the community and looking at different options for use of the space. They agreed to approve the application for funding.

A motion was made by Councilmember Rafanan, 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 4445-2021

- 8C.** [21-483](#) Receive Report and Consider Adoption of City Council Resolution Authorizing the City Manager to Enter Into Negotiations with C&S Waste Solutions of California, Inc. for Residential and Commercial Garbage, Recyclable Material and Organic Waste Collection

City Manager Miller gave the staff report for this agenda item.

Public Comment was received from: Brad Sea, Steve Shamblin, Diana Ramirez, Michelle Goodman, Jay McMartin Rosenquist, and Jerry Ward.

Discussion: Councilmembers asked questions of C&S Waste Solutions representative Bruce McCracken regarding the hiring of Waste Management (WM) employees. Council discussed the transition process and that residential rates will be lower with C&S than they currently are with WM. The majority of Councilmembers supported entering into negotiations with C&S for a new solid waste franchise agreement. Councilmember Rafanan expressed reservations about the new contract, citing concerns about WM employees.

A motion was made by Councilmember Peters, seconded by Mayor Norvell, 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 Peters

No: 1 - Councilmember Rafanan

Enactment No: RES 4446-2021

9. CLOSED SESSION

Mayor Norvell recessed the meeting at 8:57 PM. The meeting reconvened to Closed Session at 9:02 PM.

- 9A.** [21-479](#) CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: One (1) Case.
- 9B.** [21-480](#) CONFERENCE WITH REAL PROPERTY NEGOTIATORS FOR POSSIBLE ACQUISITION OF REAL PROPERTY, Pursuant to Government Code Section 54956.8: Real Property: APN 008-430-21, APN 008-430-22, APN 018-040-61, APN 018-430-22, APN 018-040-61, APN 018-120-50, APN 008-171-07, APN 008-161-08, APN 008-151-26, APN 008-161-27 and the Southern portion of former APN 008-020-15, Fort Bragg, CA 95437; City Negotiator: Tabatha Miller, City Manager; Negotiating Party: Dave Massengill, Environmental Affairs, Georgia Pacific Corporation; Under Negotiation: Terms of Acquisition, Price
- 9C.** [21-482](#) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9; FB Local Business Matters and Leslie Kashiwada v. City of Fort Bragg, Superior Court of California, County of Mendocino, Case No. 21CV00652

Mayor Norvell reconvened the meeting to Open Session at 9:57 PM and reported that no reportable action was taken on the Closed Session items.

ADJOURNMENT

Mayor Norvell adjourned the meeting at 9:57 PM.

BERNIE NORVELL, MAYOR

June Lemos, CMC, City Clerk

IMAGED (_____)