



# 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, January 9, 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.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

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

### AGENDA REVIEW

#### 1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

Mayor Norvell read a proclamation recognizing Law Enforcement Appreciation Day, January 9, 2023. He presented it to the Chief of Police, Neil Cervenka, and also acknowledged Mendocino County District Attorney, David Eyster.

The Mayor announced the following appointments to the standing City Council Committees:

- Community Development Committee - Mayor Norvell, Vice Mayor Godeke
- Finance and Administration Committee - Councilmember Albin-Smith, Councilmember Rafanan
- Public Safety Committee - Councilmember Peters, Mayor Norvell
- Public Works and Facilities Committee - Councilmember Peters, Councilmember Albin-Smith

Mayor Norvell made the following appointments to inter-agency and joint powers boards:

- Economic Development Financing Corporation (EDFC) - Councilmember Albin-Smith
- Fort Bragg Fire Protection Authority - Mayor Norvell, Councilmember Peters
- League of California Cities, Redwood Empire Division - Mayor Norvell (Primary), Councilmember Peters (Alternate)
- Mendocino Council of Governments (MCOG) - Mayor Norvell
- Mendocino Solid Waste Management Authority (MSWA) - Vice Mayor Godeke
- Mendocino Transit Authority (MTA) - Councilmember Albin-Smith
- Sonoma Clean Power - Councilmember Peters
- Climate Mayors - Vice Mayor Godeke

The Mayor appointed the following persons to ad hoc committees:

- Homeless Action Committee - Mayor Norvell, Vice Mayor Godeke

- Mill Site Committee - Mayor Norvell, Councilmember Peters, Planning Commissioner Deitz
- Visit Fort Bragg Committee - Councilmember Albin-Smith, Councilmember Rafanan (plus up to 7 members of the community chosen by the committee)
- Revenue/Tax Sharing Committee (joint ad hoc with County) - Councilmember Peters
- CV Starr Center Reserves for Maintenance Committee - Councilmember Albin-Smith (with MCRPD board member Barbara Burkey)
- Local Cultural Committee - Vice Mayor Godeke, Councilmember Rafanan

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

### (1) Public Comment on Non-Agenda Items:

- Mendocino County District Attorney David Eyster presented Chief Cervenka and the Fort Bragg Police Department with a new TruNarc narcotics analyzer, a \$30,000 piece of equipment that can identify narcotics in the field without having to open containers.
- Dennis Miller commented on the procedure for selecting mayor and vice mayor at the meeting of December 12, 2022.
- Jacob Patterson said that the City Council follows a modified version of Rosenberg's Rules of Order, not Roberts Rules of Order.
- Carrie Durkee recommended that the City offer childcare services to members of City Council.
- Michael Lang asked for support for local middle school students who were invited to attend a mock trial in San Luis Obispo next month.
- Jenny Shattuck thanked first responders for their assistance in recent emergency situations.
- Marcy Snyder congratulated and welcomed new and old Councilmembers for being willing to represent the community and said the Grassroots Institute looks forward to making progressive suggestions to the Council in the future.

### (2) Public Comment on Consent Calendar Items:

None.

### (3) Public Comment on Closed Session Items:

N/A.

## **3. STAFF COMMENTS**

City Manager Ducey thanked all City employees who were working out in the rain during the recent storms. Chief Cervenka gave a forecast for more storms, including water spouts and tornados with tornado-force winds. He noted that the all-volunteer Fire Department responded to nonstop calls last weekend. Public Works Director Smith reported that Fort Bragg has received about 20 inches of rain to date, which is a good start for recharging the groundwater. Maintenance crews and operators with the assistance of Fort Bragg Electric have been dealing with issues caused by recent storms. He warned that slides have occurred on Noyo Beach near the dredge sands area, and people need to keep clear of that area and the eastern bluff face at the beach because it is not stable. He reminded residents not to throw hot ash in the green waste bins as it causes fires. Assistant Director - Engineering O'Neal said she will give an update on an upcoming streets projects at a meeting for local business owners and merchants on Saturday. Assistant City Manager McCormick reported that a quarterly meeting will be held Saturday, January 14, from 9 to 11 AM at Town Hall. The Community Land Trust requested congressional earmark funds; Housing Mendocino County was selected to be a recipient of \$820K for a pilot project.

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

Vice Mayor Godeke said he was grateful for the opportunity to shadow a member of the CRU team while she registered people to the Winter Shelter and at the Hospitality Center. Councilmember Albin-Smith thanked City Manager Ducey for the emergency meeting about the City's preparation for the upcoming storms. She reported that there will be a Finance and Administration Committee meeting at 4PM on Wednesday. Councilmember Peters spoke about the Police Department's flock camera system. Councilmember Rafanan reported on her ride-along with Officer Zavala, stating that the community should be proud of the local police for their courage, empathy, and dedication to the City. She also spoke about a recent visit to the desalination plant. Mayor Norvell stated that the Fort Bragg Police Department is extremely compassionate and expressed his thanks to Chief Cervenka as well as former Chief Naulty.

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

Councilmember Albin-Smith requested that Item 5B be removed 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 Item 5B. The motion carried by the following vote:**

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

**5A. [22-614](#)** Adopt Certificate of Completion for the CV Starr Center's Lighting Controller Watt Stopper Upgrade Project and Direct City Clerk to File Notice of Completion

**This Certificate of Completion was accepted on the Consent Calendar.**

**5C. [22-626](#)** Adopt City Council Resolution Approving the Establishment of Administrative Analyst - Police Classification and Establish Salary Rate Compensation Plan and Confirming All City of Fort Bragg Established Classifications

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

Enactment No: RES 4639-2023

**5D. [22-632](#)** Adopt Resolution of the Fort Bragg Redevelopment Successor Agency Approving Recognized Obligation Payment Schedule (ROPS) 23-24 (FY 23/24; July 1, 2023 - June 30, 2024) Pursuant to Health and Safety Code Section 34177(l)

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

Enactment No: RES RS 35-2023

**5E. [22-639](#)** Adopt City Council Resolution Approving an Amendment to the Agreement Between the City of Fort Bragg and M-Group for the Provision of Planning

Services to Process CDP 6-22 And Design Review 18-22 CalTrans ADA Upgrades Increasing Contract Amount by \$2,889 for a Total Not To Exceed Amount of \$16,114

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

Enactment No: RES 4640-2023

- 5F.** [22-640](#) Adopt Updated City Council Resolution Authorizing City Manager to Represent the City of Fort Bragg During the Application Process for Funding Assistance from the Drinking Water State Revolving Fund for the Rehabilitation of the City's Water Treatment Plant and Finished Water Tank Project

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

Enactment No: RES 4641-2023

- 5G.** [22-641](#) Ratification of the Existence of Emergency Situation Regarding Severe Weather Event Authorizing January 3, 2023 Emergency City Council Meeting

**The calling of a special emergency City Council meeting on January 3, 2023 due to the existence of an emergency situation was ratified on the Consent Calendar.**

- 5H.** [22-643](#) 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 4642-2023

- 5I.** [22-644](#) 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 4643-2023

- 5J.** [22-646](#) Receive and File Minutes of the August 11, 2022 Public Works and Facilities Committee Meeting

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

- 5K.** [22-647](#) Receive and File Minutes of the September 8, 2022 Public Works and Facilities Committee Meeting

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

- 5L.** [22-627](#) Receive and File Minutes of the February 16, 2022 Public Safety Committee Meeting

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

- 5M.** [22-648](#) Approve Minutes of December 12, 2022

These Minutes were approved on the Consent Calendar.

- 5N. [22-649](#) Approve Minutes of Special Emergency Meeting of January 3, 2023

These Minutes were approved on the Consent Calendar.

## ITEMS REMOVED FROM CONSENT CALENDAR

- 5B. [22-615](#) Adopt City Council Resolution Authorizing Amendment to the FY 2022-23 Budget (Amendment No. 2022/23-11) to Roll Over Unused Police Vehicle Fleet Funds from FY 2021-22

Councilmember Albin-Smith asked for an explanation of the fleet replacement schedule, specifically about the police van, and inquired about where the money to replace vehicles comes from. Public Works Director Smith explained that the City is behind on acquiring vehicles, as it is taking quite some time to purchase replacements, and this will assist in catching up to where the fleet should be by now. The City has a ten-year plan that adds two vehicles per year for ten years. The van will be coming up for review at the 10-year mark; the City mechanic provides information on whether to keep or sell at that point. The Chief and his staff also have input on whether to keep or sell.

Public Comment: None.

**A motion was made by Councilmember Albin-Smith, seconded by Councilmember Peters, that this 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

Enactment No: RES 4644-2023

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

None.

## 7. PUBLIC HEARING

- 7A. [22-622](#) Conduct Public Hearing, Receive Report, Receive Finance & Administration Committee Recommendation, and Consider Adoption of City Council Resolution Approving the City's General Plan Maintenance Fee

**Mayor Norvell opened the public meeting at 6:56 PM.**

Assistant City Manager McCormick presented the staff report for this agenda item. She introduced Khushboo Ingle of Matrix Consulting Group who summarized their analysis determining the reasonable cost for the general plan maintenance fee. Ms. Ingle and McCormick responded to questions from Council.

Public Comment was received from:

- Dennis Miller noted that contractors and developers will have to pay \$53 per \$1000 of project cost if this is passed, which he thought was too high.
- Jacob Patterson stated that the presentation was pretty good superficially, but the data set has a bunch of stuff missing and no support for external costs at all. He said there is case law on

what is acceptable and the data does not meet the requirements based on the case law. He recommended that the Council not vote on this tonight.

**Mayor Norvell closed the public hearing at 7:23 PM.**

Discussion: The Council discussed the history of the general plan maintenance fee (1.5% from 2004 to 2019; waived from 2019 to 2022; now being reinstated at .53%); the annual report of expenditures, revenues and fund balance; and monitoring and audits of the maintenance fee account. The Council unanimously agreed that the fee should be reinstated at the rate of .53%.

**A motion was made by Councilmember Peters, seconded by Councilmember Rafanan, that this 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

Enactment No: RES 4645-2023

## **8. CONDUCT OF BUSINESS**

- 8A. [22-621](#)** Receive Report and Consider Adoption of City Council Resolution Approving Professional Services Agreement with HDR Engineering, Inc for the Preparation of the Water Distribution System Master Plan, City Project No. WTR-00023, and Authorizing City Manager to Execute Contract (Amount Not to Exceed \$818,505; Account No. 651-6128-0731)

Assistant Director Engineering O'Neal presented the staff report for this agenda item.

Public Comment was received from Dennis Miller.

Discussion: A brief discussion was held regarding the possibility of purple pipe for irrigation of parks and lawns. Mayor Norvell said that the Public Works and Facilities Committee can discuss purple pipe at a future committee meeting.

**A motion was made by Councilmember Rafanan, seconded by Councilmember Albin-Smith, that this 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

Enactment No: RES 4646-2023

- 8B. [22-636](#)** Receive Report and Consider Adoption of City Council Resolution Approving Redwood Waste Solutions Residential, Commercial and Multifamily, and Rolloff Rate Increases

Public Works Director Smith presented the staff report for this agenda item. Bruce McCracken of Redwood Waste Solutions (RWS) said that the change in rates is based on many factors including cost of fuel, tipping fees, etc.

Public Comment was received from Dennis Miller.

Discussion: This is an increase authorized by the contract with RWS. The Mayor noted that the City Council does review each of these increases; it is not just a rubber stamp.

**A motion was made by Councilmember Peters, seconded by Vice Mayor Godeke, that this 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

Enactment No: RES 4647-2023

**9. CLOSED SESSION**

**ADJOURNMENT**

**Mayor Norvell adjourned the meeting at 8:09 PM.**

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

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June Lemos, MMC, City Clerk

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