



# 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, September 26, 2022

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 6:02 PM.

### 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**

Mayor Norvell announced that he is adding Planning Commissioner Deitz to the Mill Site Ad Hoc Committee, joining Councilmember Peters and Mayor Norvell.

- 1A. [22-494](#)** Presentation of Proclamation Recognizing September 26-30, 2022 as Storm Water Awareness Week

Mayor Norvell read a proclamation recognizing Storm Water Awareness Week, September 26-30, 2022, and presented the proclamation to Public Works Director John Smith.

- 1B. [22-482](#)** Receive Presentation from Carolyn Schneider Regarding Banned Books Week and Measure O, Citizen's Library Initiative

Mendocino County Library Advisory Board Member Carolyn Schneider spoke to the City Council about banned books as well as Measure O, the measure on the November ballot that would earmark a .25% sales tax to support capital repairs and operating improvements for libraries throughout the county. Mayor Norvell asked that a resolution endorsing the measure be brought back to Council for consideration at the next meeting on October 11.

- 1C. [22-480](#)** Receive Presentation from Dragan Tutic Regarding the Oneka Wave Powered Sustainable Desalination Project

Dragan Tutic, representative of Oneka, made a presentation to City Council regarding the details of a wave-powered sustainable desalination project and answered questions from Councilmembers. The Council was in agreement that the City should move forward with a pilot study and directed staff to file an application for grant monies from the California Department of Water Resources to fund the pilot project. Council agreed to have this matter come back to

Council instead of being referred to a Committee, and directed Public Works Director Smith to report on the project monthly until it is ready to implement.

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

(1) Jenny Shattuck asked for an update on the Caltrans project on Main Street. Andrew Jordan spoke about the Oneka wave-powered desal project. Jay McMartin-Rosenquist commented on the South Whipple Street receivership. Robert Jason Pinoli commented on the City's responsibility to monitor contaminated storm water.

(2) None.

(3) N/A.

## **3. STAFF COMMENTS**

City Attorney Collins gave a summary in compliance with the Brown Act on Consent Calendar Items 5A and 5B, stating that the Finance Director Salary is \$102,523.20; Police Chief salary is \$139,713.60; and City Manager salary is \$178,000. City Manager Ducey mentioned funding from the United States Department of Agriculture, acknowledging that Public Works Director Smith has been responsible for bringing in over a half-million dollars in USDA grants.

## **4. MATTERS FROM COUNCILMEMBERS**

Responding to a comment that the City was shirking its responsibilities for cleanup on the Mill Site, Vice Mayor Morsell-Haye stated that the Council was pursuing cleanup but plans fell through when the Skunk Train pursued eminent domain, so Mendocino Railway's characterizations are not accurate. Morsell-Haye reported that she attended last week's Redwood Region Economic Summit, and noted that some cities are installing their own broadband systems. Councilmember Albin-Smith also spoke about the Economic Summit. She reported that Magic Market event will be on October 29 and that the fee waiver item will be addressed at the next Finance and Administration Committee meeting. Councilmember Peters reported that the next Council meeting will be on Tuesday, October 11 because Monday, October 10 is Indigenous Peoples' Day and the City will be celebrating and recognizing the Native Americans of this area on that date. Mayor Norvell and Chief Cervenka spoke about a half marathon for peace officer awareness honoring the families left behind by fallen law enforcement officers.

## **5. CONSENT CALENDAR**

Mayor Norvell removed Item 5A from the Consent Calendar so it could be amended. He announced that Item 5H would be removed altogether and would be brought forward on a future Consent Calendar to allow time for a notice to appear in the newspaper.

## **Approval of the Consent Calendar**

**A motion was made by Councilmember Albin-Smith, seconded by Councilmember Peters, to approve the Consent Calendar with the exception of Items 5A and 5H. The motion carried by the following vote:**

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

- 5C. [22-472](#)** Adopt City Council Resolution Approving Contract Amendment with SHN Consulting Engineers & Geologists, Inc. for Construction Support Services for the Parents and Friends Cypress Street Residential Care Facility for the Elderly Project and Authorizing the City Manager to Execute Amendment (Total Contract Amount Not to Exceed \$50,000)
- This Resolution was adopted on the Consent Calendar.**
- Enactment No: RES 4598-2022
- 5D. [22-474](#)** 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 4599-2022
- 5E. [22-475](#)** 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 4600-2022
- 5F. [22-476](#)** Adopt City Council Resolution Amending the City of Fort Bragg Conflict of Interest Code
- This Resolution was adopted on the Consent Calendar.**
- Enactment No: RES 4601-2022
- 5G. [22-490](#)** Adopt City Council Resolution Endorsing Measure P to Support Fire Protection in Mendocino County
- This Resolution was adopted on the Consent Calendar.**
- Enactment No: RES 4602-2022
- 5I. [22-491](#)** Receive and File Minutes of the January 11, 2022 Community Development Committee Meeting
- These Committee Minutes were received and filed on the Consent Calendar.**
- 5J. [22-485](#)** Receive and File Minutes of the June 28, 2022 Community Development Committee Meeting
- These Committee Minutes were received and filed on the Consent Calendar.**
- 5K. [22-486](#)** Receive and File Minutes of the July 26, 2022 Community Development Committee Meeting
- These Committee Minutes were received and filed on the Consent Calendar.**
- 5L. [22-470](#)** Approve Minutes of Special Closed Session of September 8, 2022

These Minutes were approved on the Consent Calendar.

- 5M. [22-473](#) Approve Minutes of September 12, 2022

These Minutes were approved on the Consent Calendar.

## ITEMS REMOVED FROM CONSENT CALENDAR

- 5A. [22-456](#) Adopt City Council Resolution Confirming the Pay Rates/Ranges for the Executive Management Positions of Police Chief and Finance Director/City Treasurer and Establishing Laborer-Water/Wastewater and Laborer-Public Works Classifications

City Manager Ducey noted that the hourly rate for both labor positions would be amended to \$21 per hour. She noted Assistant Finance Director Whippy's promotion to Finance Director / Treasurer. City Attorney Collins cited the amendments to the resolution that changed the hourly rate for both labor positions.

Public Comment: None.

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

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

**Abstain:** 1 - Councilmember Peters

Enactment No: RES 4596-2022

- 5B. [22-495](#) Adopt City Council Resolution Confirming the Pay Rate/Range for the Executive Management Position of City Manager and Confirming Pay Rates/Ranges for All of City of Fort Bragg Established Classifications

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

**Abstain:** 1 - Councilmember Peters

Enactment No: RES 4597-2022

- 5H. [22-493](#) Adopt City Council Resolution Approving and Ratifying an Application for the Funding and Execution of Grant Agreement and Any Amendments Thereto from the United States Department of Agriculture's Community Facilities Grant Program for the Purchase of Two Fleet Vehicles and a Dump Truck

**This Resolution was not acted on and was continued to a future Consent Calendar, date to be determined.**

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

None.

## **7. PUBLIC HEARING**

## **8. CONDUCT OF BUSINESS**

- 8A. [22-484](#)** Receive Report and Consider Adoption of City Council Resolution Approving Anti-Bullying Policy

City Manager Ducey presented the staff report on this agenda item, with assistance from Chief Cervenka.

Public Comment was received from Gabriel Quinn Maroney, Will Lee, Andrew Jordan, Annemarie Weibel, Jay McMartin-Rosenquist, Jacob Patterson, Laura Bianchi Limbird, Mary Rose Kaczorowski, Judy Valadao, and a member of the public who did not identify herself.

**Mayor Norvell recessed the meeting at 8:09 PM; the meeting reconvened at 8:15 PM.**

Discussion: After deliberating on this item, the Council was in unanimous agreement that the anti-bullying policy should be adopted. The Vice Mayor suggested that the policy attached to the resolution not be limited to City employees and recommended an amendment to include elected/appointed officials and community members. The Council was in agreement with such an amendment.

**A motion was made by Councilmember Peters, seconded by Councilmember Rafanan, that this Resolution be adopted as amended. 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 4603-2022

- 8B. [22-440](#)** Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance 983-2022 Amending Section 2.04.060 (Salary Designated) of Chapter 2.04 (City Council) of Title 2 (Administration and Personnel) of the Fort Bragg Municipal Code to Increase the Salaries of City Councilmembers

City Manager Ducey presented the staff report on this agenda item.

Public Comment was received from Andrew Jordan.

Discussion: Finance Director Whippy noted that the increase of \$6,825 per year would be from the General Fund, and a budget amendment would be brought back at the next meeting. All Councilmembers agreed to support this increase, as the time commitment for members of the City Council is great.

**A motion was made by Councilmember Peters, seconded by Councilmember Rafanan, that this Ordinance be introduced by title only, waiving the 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

- 8C. [22-492](#)** Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance 982-2022 Repealing and Replacing Title 1 (General Provisions) of the Fort Bragg Municipal Code

Code Enforcement Officer Stump presented the staff report on this agenda item.

Public Comment: None.

Discussion: The Council was in full support of the ordinance, with several Councilmembers recommending that the City look into providing extra support for the Code Enforcement Officer, as the amount of code enforcement cases can be overwhelming for one staff person.

**A motion was made by Councilmember Albin-Smith, seconded by Councilmember Peters, that this Ordinance be introduced by title only, waiving the 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

## **9. CLOSED SESSION**

### **ADJOURNMENT**

**Mayor Norvell adjourned the meeting at 9:02 PM.**

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BERNIE NORVELL, MAYOR

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June Lemos, MMC, City Clerk

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