



# 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, February 28, 2022

6:00 PM

Via Video Conference

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### 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**

Mayor Norvell stated he will recuse himself on Item 7A and the Vice Mayor will conduct that public hearing. He reported on a conversation he had with Supervisor Gjerde regarding tax sharing. The County Board of Supervisors has established an ad hoc committee consisting of Supervisors Gjerde and Mulheren to discuss this matter. Mayor Norvell appointed Vice Mayor Morsell-Haye and Councilmember Peters to join Gjerde and Mulheren in a joint City/County ad hoc committee regarding tax sharing with the County. This committee will be in effect for one year, through February 28, 2023. Mayor Norvell requested that an agenda item be added to the March 14, 2022 City Council agenda to discuss the holding of public meetings, transition to hybrid meetings, costs of staffing, etc.

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

- (1) Public comments on non-agenda items were received from Jay McMartin-Rosenquist, Brandy Moulton, LimaSierra Wooten, and Jacob Patterson.
- (2) None.
- (3) None.

#### **3. STAFF COMMENTS**

City Manager Spaur reported that he attended the Planning Commission meeting last Wednesday and urged them to move the cannabis ordinance item forward with a recommendation to Council.

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

Mayor Norvell said that the Mayor cannot direct any Councilmember to respond to questions from members of the public, but he would hope that all Councilmembers will be responsive to calls and emails.

## **5. CONSENT CALENDAR**

### **Approval of the Consent Calendar**

**A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, to approve the Consent Calendar. The motion carried by the following vote:**

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

- 5A. [22-083](#)** 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 4512-2022
- 5B. [22-084](#)** 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 4513-2022
- 5C. [22-090](#)** Adopt City Council Resolution Authorizing Submittal of Notification of Intent to Comply with SB 1383 Regulations
- This Resolution was adopted on the Consent Calendar.**
- Enactment No: RES 4514-2022
- 5E. [22-092](#)** Adopt City Council Resolution Approving Professional Services Agreement with City Management Advisors, LLC dba Peckham & McKenney to Provide Executive Recruitment Services for the Position of Police Chief and Authorizing the City Manager to Execute Same (Amount Not to Exceed \$27,000; Account No. 110-4130-0317)
- This Resolution was adopted on the Consent Calendar.**
- Enactment No: RES 4515-2022
- 5F. [22-094](#)** Adopt City Council Resolution Approving a Payment to the Fort Bragg Unified School District from the Measure AB Special Project Funds for the Improvements to Dana Gray Water System and Authorizing the City Manager to Release Payment (Amount Not to Exceed: \$36,500; Account No. 110-4390-0619)
- This Resolution was adopted on the Consent Calendar.**

Enactment No: RES 4516-2022

- 5G.** [22-085](#) Receive and File Minutes of the Public Safety Committee Meeting of January 19, 2022

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

- 5H.** [22-096](#) Receive and File Minutes of the Finance and Administration Committee Meeting of December 8, 2021

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

- 5I.** [22-080](#) Approve Minutes of February 14, 2022

**These Minutes were approved on the Consent Calendar.**

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

None.

## **7. PUBLIC HEARING**

- 7A.** [22-062](#) Conduct Public Hearing, Receive Report, and Consider Adoption of City Council Resolution Vacating the Adoption of the Mitigated Negative Declaration with Mitigation Monitoring and Reporting Plan, and Vacating the Approval of Coastal Development Permit 8-19, Design Review 1-19, and Parcel Merger 1-19 for the Grocery Outlet Project at 825, 845, and 851 S. Franklin Street

**Mayor Norvell recused himself from the meeting, citing a personal conflict of interest as his residence is within 1000 feet of the subject property. He appointed Vice Mayor Morsell-Haye as Acting Mayor and left the meeting at 6:16 PM.**

**Acting Mayor Morsell-Haye opened the public hearing at 6:17 PM.**

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

Public Comment was received from:

- Jim Moose, attorney for the applicant and author of the letter written on behalf of Best Development Group, requested that the Council vacate the permit approvals. He noted that his clients felt the more prudent course of action would be to do the Environmental Impact Report (EIR) and complete that process to obtain the permits, which will perhaps be shorter than pursuing the litigation.
- Jacob Patterson stated he agreed with the recommendation to vacate the permits but disagreed with perfunctorily doing an EIR without addressing the serious defects in the Mitigated Negative Declaration because it had unsupported assertions without documented bases. He commented on the need to address design issues, traffic flow issues, and general plan policies.

Discussion:

Councilmembers weighed in regarding the request to vacate permits during deliberations, and the consensus was to agree to revoke the approved permits for the Grocery Outlet project so the applicant can submit a new application and obtain an EIR.

**A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, that this Resolution be adopted. The motion carried by the following**

**vote:**

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

**Recuse:** 1 - Mayor Norvell

Enactment No: RES 4517-2022

- 7B. [22-068](#)** Conduct Public Hearing, Receive Report and Consider Adoption of Urgency Ordinance Extending the Temporary Four (4) Month Moratorium on the Approval of Applications and Permits for Cannabis Dispensaries in the Inland Zoning Areas for an Additional Ten (10) Months

**Mayor Norvell rejoined the meeting at 6:29 PM and opened the public hearing at 6:30 PM.**

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

Public Comment was received from:

- Angelica Sanchez, director of Government Affairs for Perfect Union, stated that she submitted an application seven months ago and has been stuck in the queue. She asked if Council would consider allowing applications for cannabis dispensaries located within the general commercial zone to move forward. She said that a ten-month moratorium is essentially a death sentence for them because they are paying dead rent on a building in which they cannot open a business.
- Brandy Moulton, CEO of Sovereign, urged the Council not to extend the moratorium, stating that every applicant that wants to come into the city will miss the application deadline of March 30. She remarked on the empty storefronts and businesses that want to come to Fort Bragg but are prevented from doing so. Ms. Moulton stated that other jurisdictions in the state are light years ahead of Fort Bragg on cannabis regulations.
- Jacob Patterson said moratoriums are in place because things are uncertain during the review process and he likened it to the formula business moratorium. He stated that the issue of provisional licenses and the deadline doesn't make any sense and is irrelevant to Council's decision because the first and second reading of the ordinance have to be held and the ordinance could not go into effect before the deadline.

Discussion: After discussing the matter, Council consensus was to shorten the proposed ten-month additional moratorium period to 45 days. Interim City Manager Spaur noted that Council can direct the Planning Commission to consider a 100-foot setback buffer from youth centers for cannabis dispensaries and a 25-foot buffer from residences at their upcoming meetings on March 9 and March 23, and to return recommendations to the City Council before the moratorium expires in April. If more time is needed to finalize the ordinance, then a new urgency ordinance imposing a new moratorium on cannabis dispensary permits could be prepared and presented to Council for adoption. Council unanimously approved the direction to the Planning Commission outlined by Mr. Spaur.

**A motion was made by Mayor Norvell, seconded by Vice Mayor Morsell-Haye, that this Urgency Ordinance be adopted as amended, to replace "ten months" with "45 days" throughout, and to replace "December 28, 2022" with "April 14, 2022" throughout. 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: ORD 976-2022

**8. CONDUCT OF BUSINESS**

- 8A. [22-082](#) Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance No. 977-2022 Adding Chapter 2.02 (Electronic Filing of Campaign Disclosure Statements and Statements of Economic Interest) to Title 2 (Administration and Personnel) of the Fort Bragg Municipal Code to Mandate Electronic and Paperless Filing of Fair Political Practices Commission Campaign Disclosure Statements and Statements of Economic Interest

City Clerk Lemos summarized the staff report on this agenda item.  
Public Comment was received from Jacob Patterson.

**A motion was made by Councilmember Peters, seconded by Mayor Norvell, that this Ordinance be introduced by title only, waiving further 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

Enactment No:

**9. CLOSED SESSION**

**Mayor Norvell recessed the meeting at 7:20 PM; the meeting reconvened to Closed Session at 7:25 PM.**

- 9A. [22-095](#) 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

**Mayor Norvell reconvened the meeting to Open Session at 7:41 PM and reported that no reportable action had been taken on the Closed Session item.**

**ADJOURNMENT**

**Mayor Norvell adjourned the meeting at 7:41 PM.**

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

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 June Lemos, MMC, City Clerk

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