



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, March 28, 2022

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

Mayor Norvell reported that he will be out of state the week of April 11 and may have to miss the next City Council meeting. He appointed Vice Mayor Morsell-Haye as Acting Mayor for that meeting.

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

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

None.

3. STAFF COMMENTS

Assistant Finance Director Whippy announced a Community Development Block Grant Business Assistance Workshop to be held on Thursday, March 31, 2022 at 5:30 PM at Town Hall.

4. MATTERS FROM COUNCILMEMBERS

Councilmember Peters reported on a regional meeting of the League of California Cities he attended in Ukiah last Friday. He and City Manager Spaur took a walking tour of downtown Ukiah. Councilmembers Morsell-Haye and Albin-Smith reported on the Yosemite policymakers conference last week, focusing on items such as adjusting to climate change, renewable energy, and new issues facing local governments such as affordable housing and sustainable communities.

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. [22-109](#)** Accept Certificate of Completion for the Maple Street Storm Drain and Alley Rehabilitation Project, City Project No. PWP-00116, and Direct City Clerk to File Notice of Completion
- This Certificate of Completion was accepted on the Consent Calendar.**
- 5B. [22-113](#)** Accept Certificate of Completion for the C.V. Starr Center LED Lighting Project, City Project No. PWP-00114, and Direct City Clerk to File Notice of Completion
- This Certificate of Completion was accepted on the Consent Calendar.**
- 5C. [22-108](#)** Receive and Accept the City of Fort Bragg's General Plan Annual Progress Report (2021) and Housing Element Annual Progress Report (2021)
- This Report was accepted on the Consent Calendar.**
- 5D. [22-129](#)** Adopt City Council Resolution Approving Contract with Cash Carpet Service, Inc. for the C.V. Starr Center Women's Locker Room Floor Rehabilitation Project and Authorizing City Manager to Execute Same (Amount Not To Exceed \$31,926.00 Account 810-4812-0751)
- This Resolution was adopted on the Consent Calendar.**
- Enactment No: RES 4523-2022
- 5E. [22-143](#)** Approve Scope of Work for Request for Proposals from Qualified Firms Who Offer Internal Revenue Service (IRS) Code Section 115 Trust Services
- This Scope of Work was approved on the Consent Calendar.**
- 5F. [22-141](#)** 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 4524-2022
- 5G. [22-142](#)** 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 4525-2022

- 5H.** [22-148](#) Approve City Council Letter to the Bureau of Land Management in Support of the Lost Coast Redwoods Project
This Council Letter was approved on the Consent Calendar.
- 5I.** [22-150](#) Adopt City Council Resolution Approving Federal Earmark Fund Request to Establish Municipal Ocean Water Infrastructure to Support Aquariums, Research, and Aquaculture Blue Economy Innovation Hub
This Resolution was adopted on the Consent Calendar.
Enactment No: RES 4526-2022
- 5J.** [22-131](#) Approve Minutes of Special Meeting of March 9, 2022
These Minutes were approved on the Consent Calendar.
- 5K.** [22-135](#) Approve Minutes of March 14, 2022
These Minutes were approved on the Consent Calendar.

6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

Regarding Item 8E, Councilmember Peters disclosed that he attended a tour of a cannabis microenterprise business located in Mendocino County that conducted processing and light manufacturing. He also said he met with local property owner Lyndia Pyeatt who has a cannabis business interested in renting her property. Regarding Item 8B, Councilmember Peters said he had received emails regarding the condition of the equipment at the playground. Vice Mayor Morsell-Haye disclosed that she had a discussion with Lyndia Pyeatt regarding Item 8E. Councilmember Albin-Smith reported that she also attended a tour with Councilmember Peters regarding the microenterprise business and has had conversations with Lyndia Pyeatt in the past. Mayor Norvell also disclosed a microbusiness tour permitted by the County that includes manufacturing, distribution and cultivation. He also reported that he had several discussions with members of the community and the school district regarding Item 8A.

7. PUBLIC HEARING

8. CONDUCT OF BUSINESS

- 8A.** [22-136](#) Receive Report and Consider Adoption of City Council Resolution Approving Budget Amendment No. 2022-20 to Appropriate Funds from the Transient Occupancy Tax Special Projects (Account No. 110-4390-0619), Funds from Asset Forfeiture Funds (Account No. 167-7999-0799), Funds from the State Department of Parks and Recreation Grant (Account No. 329-7999-0799), and Funds from Facilities- Internal Service Funds (Account No. 520-7999-0799) for the Implementation of Two Soccer Fields at Bainbridge Park

Vice Mayor Morsell-Haye recused herself from Items 8A and 8B as she lives within close proximity to the park and playground. She left the video conference at 6:20 PM.
Assistant Director Engineering O'Neal presented the staff report on this agenda item.

Public Comment was received from Brandy Moulton, Bob Silva and Kathy Silva.

Discussion: After discussing the need for outdoor sports areas for young people and the history of Bainbridge Park, the Council was unanimous in its decision to move forward with funding the soccer fields at the park.

A motion was made by Mayor Norvell, seconded by Councilmember Peters, that this Resolution be adopted. The motion carried by the following vote:

Aye: 4 - Mayor Norvell, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

Recuse: 1 - Vice Mayor Morsell-Haye

Enactment No: RES 4527-2022

8B. [22-137](#) Receive Report and Provide Direction to Staff Regarding Funding for Replacement of Playground Equipment at Wiggly Giggly Playground in Bainbridge Park

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

Public Comment was received from Kathy Silva and Jay McMartin-Rosenquist.

Discussion/Direction: The Council consensus was that the equipment is in bad shape and needs to be replaced as soon as possible. Council directed staff to bring this matter back to the next Community Development Committee meeting with options for moving forward, obtaining community input and participation on the type of equipment, and to identify fundraising possibilities to pay for the much-needed playground equipment.

This Staff Report was referred to the Community Development Committee for further action.

8C. [22-139](#) Receive Report, Receive Finance and Administration Committee Recommendation, and Provide Direction to Staff Regarding Resumption of Water Shutoffs

Vice Mayor Morsell-Haye returned to the meeting at 7:13 PM.

Assistant Finance Director Whippy presented the staff report on this agenda item. He reported that the total amount due for the top level past-due accounts is \$82k.

Public Comment: None.

Discussion/Direction: Council unanimously directed staff to resume water shutoffs in April for accounts with \$2K past due, and to allow additional time for customers with lower balances owing to apply for financial help through the Utility Assistance Program.

This Staff Report was referred to staff for further action.

8D. [22-133](#) Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance 978-2022 Adding Chapter 6.09 (Organic Waste Disposal Reduction) to Title 6 (Health and Sanitation) of the Fort Bragg Municipal Code in Compliance with SB 1383

Assistant City Engineer Huerta summarized the staff report for this agenda item.

Public Comment: None.

A motion was made by Vice Mayor Morsell-Haye, 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

- 8E.** [22-144](#) Receive Report and Planning Commission Resolution Recommending Adoption of Ordinance 979-2022 Amending Sections 18.22.30, 18.24.30, 18.42.055, 18.42.057, 18.42.059 and 18.100.020 of Title 18 (Inland Land Use and Development Code) of the Fort Bragg Municipal Code Relating to Cannabis Regulations

Mayor Norvell recessed the meeting at 7:39 PM; the meeting resumed at 7:50 PM.

City consultant Marie Jones presented the report on this agenda item.

Public Comment was received from Jacob Patterson, Brandy Moulton and Lyndia Pyeatt.

Discussion/Direction: The following issues were discussed by Council and direction was provided to staff for inclusion in the cannabis ordinance:

- (1) **Location requirement.** A majority of Councilmembers did not agree with Planning Commission recommendation to allow cannabis businesses to the west of the center line of Franklin Street. Council consensus was to allow cannabis businesses in commercial zones with no consideration for a residential buffer.
- (2) **Limit on cannabis businesses in Central Business District (CBD).** Council agreed to limit the number of cannabis businesses in the CBD by resolution to three.
- (3) **Sensitive uses.** Planning Commission recommendation included a 150-foot buffer from sensitive uses defined as churches, parks, day cares, and youth centers. Council agreed to the 150-foot buffer, but did not include churches in the definition of sensitive uses.
- (4) **Microbusiness retail.** Council did not agree with the Planning Commission suggestion of limiting square footage in cultivation as a retail accessory use for cultivation in commercial districts but instead replaced the size limitation with a requirement for fire sprinklers.
- (5) **Green energy.** Council agreed to support the green energy requirement because they were no longer placing a square foot minimum on cannabis cultivation.
- (6) **Accessory uses.** A majority of the Councilmembers agreed to allow all accessory uses in the different commercial districts, but to more clearly define craft manufacturing to include the type of manufacturing seen by Councilmembers at their recent tour of a cannabis microbusiness with accessory uses.
- (7) **Minor Use Permit.** The majority of the Council agreed with the recommendation to require a Minor Use Permit in the three identified zoning districts.
- (8) **Microenterprise.** Council consensus was to treat the microenterprise issue in two ways: (a) in this ordinance, it will be added as a permitted use in industrial zones, with a Minor Use Permit; and (b) this issue will be brought back to Council to take a more comprehensive look at creative ways to use commercially-zoned property that can include more than cannabis as a microenterprise use.
- (9) **Quantifying Accessory Use.** Four of five Councilmembers were in favor of non-cumulative square footage in counting accessory uses within a retail cannabis business. Each accessory will be considered on its own and it cannot be larger than the primary retail business.
- (10) **Hours of Operation.** The Council unanimously agreed to allow cannabis businesses to stay open until 9:00 PM, instead of the 7:00 PM closing time recommended by the Planning Commission.

A motion was made by Councilmember Albin-Smith, seconded by Councilmember Peters, to continue the meeting past 10:00 PM. The motion carried by a unanimous vote.

This Staff Report was referred to staff for further revisions to the Ordinance and modifications to the Initial Study / Negative Declaration, if necessary based on tonight's direction.

9. CLOSED SESSION

Mayor Norvell recessed the meeting at 10:27 PM; the meeting reconvened to Closed Session at 10:35 PM.

9A. [22-145](#) PUBLIC EMPLOYEE APPOINTMENT, Pursuant to Government Code Section 54957(b): Title: City Manager

9B. [22-147](#) 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 10:56 and reported that no action was taken on Closed Session items.

ADJOURNMENT

Mayor Norvell adjourned the meeting at 10:56 PM.

BERNIE NORVELL, MAYOR

June Lemos, MMC, City Clerk

IMAGED (_____)