



# 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 8, 2018

6:00 PM

Town Hall, 363 N. Main Street

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### CALL TO ORDER

Mayor Peters called the meeting to order at 6:00 PM.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present:** 5 - Mayor Lindy Peters, Vice Mayor Will Lee, Councilmember Michael Cimolino, Councilmember Bernie Norvell and Councilmember Dave Turner

### AGENDA REVIEW

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

Mayor Peters, City Manager Ruffing, and Community Development Director Jones honored Special Projects Manager Jennifer Owen for her 14 years of service to the City of Fort Bragg by presenting a Proclamation, flowers, and framed photograph of the Pudding Creek Trestle Bridge. The Mayor read the proclamation which noted that Ms. Owen raised a total of \$20,428,532.87 in grants for City and community projects during her tenure with the City. Other Councilmembers expressed their gratitude for her hard work and wished her well in her new employment with the North Coast Brewing Company. Ms. Owen thanked the City for allowing her to do a job that did good things for the City and the people of Fort Bragg.

##### **1A. [17-663](#) Receive Presentation from Walk and Bike Mendocino**

Neil Davis, director of Walk and Bike Mendocino, gave a presentation to the Council on the organization's work with elementary schools, bike kitchens, and the Safe Routes to School Program.

#### **2A. PUBLIC COMMENTS ON: (1) NON-AGENDA, (2) CONSENT CALENDAR & (3) CLOSED SESSION ITEMS (30 Minutes)**

##### **(1) Non-Agenda Items:**

- George Reinhardt spoke about eradication of the beach berm at the mill site and submitted a photograph of high tide at that location.

##### **(2) Consent Calendar Items: None.**

##### **(3) Closed Session Items: None.**

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

Chief Lizarraga said that Neighborhood Watch and the CERT Team will put on a Go-Bag demonstration in Town Hall on January 20. Community Development Director Jones gave a brief update on the middle section of the Coastal Trail, which she anticipates will open by the end of February. City Manager Ruffing mentioned the Women's March on January 20 which will start at Town Hall and end at Bainbridge Park.

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

Mayor Peters provided copies of Sonoma Clean Power's annual report. He spoke about Fort Bragg's tsunami warning system. Vice Mayor Lee reported on a tour of the Coastal Trail connector and thanked the City Manager for providing a list of the City's accomplishments in the last year. Councilmember Turner reported on a recent Mendocino Solid Waste Authority meeting.

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

Vice Mayor Lee requested that Items 5A and 5B be removed from the Consent Calendar for further discussion.

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

**A motion was made by Councilmember Turner, seconded by Councilmember Cimolino, to approve the Consent Calendar, with the exception of Items 5A and 5B. The motion carried by the following vote:**

**Aye:** 5 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino, Councilmember Norvell and Councilmember Turner

- 5C. [17-662](#)** Adopt City Council Resolution Authorizing Submittal of a Local Coastal Program Amendment (LCP 3-17) Application to Revise Policies Requiring Specific Plan(s) for Zoning Changes to Properties Located in the Timber Resources Industrial Zone

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

Enactment No: RES 4060-2018

- 5D. [17-664](#)** Adopt City Council Resolution Appointing Representatives to Represent and Vote on Behalf of the City of Fort Bragg at the League of California Cities, Redwood Empire Division Business Meetings and Legislative Committee Meetings

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

Enactment No: RES 4061-2018

- 5E. [17-659](#)** Receive and File Minutes of the October 18, 2017 Public Safety Committee Meeting

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

- 5F. [17-660](#)** Receive and File Minutes of the November 8, 2017 Public Works and Facilities Committee Meeting

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

5G. [18-001](#) Approve Minutes of December 11, 2017

These Minutes were approved on the Consent Calendar.

### **ITEMS REMOVED FROM CONSENT CALENDAR**

5A. [17-626](#) Adopt City Council Resolution Approving Purchase Agreement for Water Line Constructed in Conjunction with Casey Subdivision and Authorizing City Manager to Execute Same and Approving Budget Amendment No. 2018-12 Amending the FY 2017/18 Budget to Appropriate Funds in an Amount Not to Exceed \$35,000 from Account No. 640-7999-0799 to Account No. 610-4613-0751

A brief discussion was held concerning the fair market value of the property and how the purchase amount was determined. Administrative Services Director Schneider stated that the City's analysis was that the market value of the water main was approximately \$46,000. After staff was given authorization to negotiate by the City Council, the final agreed upon amount was set at \$35,000.

**A motion was made by Vice Mayor Lee, seconded by Councilmember Turner, that this Resolution be adopted. The motion carried by the following vote:**

**Aye:** 5 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino, Councilmember Norvell and Councilmember Turner

Enactment No: RES 4058-2018

5B. [17-652](#) Adopt City Council Resolution Approving Budget Amendment No. 2017-14 to Appropriate \$12,700 from 220-7999-0799 to 110-4392-0375 for Purchase of New Recycle/Trash Cans

Vice Mayor Lee asked about the number of trash/recycling cans. Public Works Director Varga responded that ten cans will be purchased. A brief discussion of the Waste Management Fund was held.

**A motion was made by Vice Mayor Lee, seconded by Councilmember Cimolino, that this Resolution be adopted. The motion carried by the following vote:**

Enactment No: RES 4059-2018

### **6. PUBLIC HEARING**

6A. [17-658](#) Receive Report and Conduct Public Hearing for Disclosure of Accomplishments and Closeout of Activities Funded by Community Development Block Grant (CDBG) 14-CDBG-9881

Special Projects Manager Owen presented the agenda item summary report, noting that the expenditure period ended last October and all activities have been completed.

**Mayor Peters opened the public hearing at 6:44 PM.**

- Maryann Petrillo of West Company thanked the Council and Owen, saying that starting a business takes courage, strength and resiliency; West Company is pursuing new ways to handle doing business in the new economy.
- Ginny Feth-Michel, board member of West Company, summarized how many new jobs West Company provided in Fort Bragg and in Mendocino County.

- Cindy Lemas, a client of West Company, related how they helped her start a new business, Cinders Productions.
- Rex Gressett called the Giving Garden a scandal and said that CDBG grants have an adverse effect on the town.
- Ryan Newell said West Company has helped him start a business, track numbers, and hone his business plan.
- Kirsten Hannah, owner of Braggadood Graphics, spoke about how West Company assisted her when she started her new business.

**Mayor Peters closed the public hearing at 7:00 PM.**

Discussion: Councilmembers noted that the evidence shows these grants work, and they expressed hope that the City will continue to apply for and receive grants that help the community. Special Projects Manager Owen clarified that the Giving Garden program was employment training for people who did not have skills, and the funds went to providing classes. She noted that a public information binder is available in the Community Development Department for anyone who wants to know how grant money was spent.

**This item was a Public Hearing and no Council action was taken.**

- 6B. [17-657](#)** Receive Report, Conduct Public Hearing and Consider Adoption of City Council Resolution Approving Coastal Development Permit, Design Review and Affordable Housing Incentives for a Proposed Mixed-Income Senior and Multi-family Housing Project Located at 441 South Street (APN 018-340-04, 018-340-07, 016-340-06)

Community Development Director Jones gave the staff report on this item. She clarified why this matter is being brought before the Council instead of the Planning Commission: The Council is the only body allowed to approve the incentives associated with this project. She noted that the Sherwood Valley Band of Pomo would like the Council to consider "Campbell Drive" as the name for the new street in the development.

Discussion was held regarding modification of the language in Special Condition 10. Council requested that 10a be changed to state, "Prior to issuance of the building permit..." and 10b, c & d be changed to state, "Prior to issuance of Certificate of Occupancy..." Council discussed water main improvements, street improvements, and on-street parking.

**Mayor Peters opened the public hearing at 7:30 PM.**

- Rex Gressett said he resists this project as it represents a huge failure and challenges to the community.
- Simon Smith asked questions about accessibility.
- Eric Dwyer spoke in favor of the project.

**Mayor Peters closed the public hearing at 7:35 PM.**

Direction: Council directed that the language in Special Condition 10 of the resolution be changed as discussed and that the naming of the street be continued to a future City Council meeting.

**A motion was made by Councilmember Turner, seconded by Councilmember Norvell, that this Resolution be adopted as amended and that the naming of the new street be continued to a future City Council meeting. The motion carried by the following vote:**

**Aye:** 5 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino, Councilmember Norvell and Councilmember Turner

Enactment No: RES 4062-2018

## **7. CONDUCT OF BUSINESS**

- 7A. [17-648](#)** Receive Presentation from JJACPA, Inc. and Finance Director Victor Damiani on the Comprehensive Annual Financial Report (CAFR) for the Year Ended June 30, 2017 for the City of Fort Bragg and Consider Accepting the CAFR as Presented

Finance Director Damiani presented the CAFR for year ended June 30, 2017. Joe Arch of JJACPA presented the auditor's report. No significant issues with internal controls were found. No new debt was issued. The focus going forward is to enhance revenue for the General Fund.

Public Comment was received from:

- Jon McColley spoke about the looming CALPERS debt.
- Eric Dwyer said he wants to see Councilmembers paid more.

**A motion was made by Councilmember Norvell, seconded by Councilmember Cimolino, to approve the CAFR for Year Ended June 30, 2017. The motion carried by the following vote:**

**Aye:** 5 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino, Councilmember Norvell and Councilmember Turner

- 7B. [17-649](#)** Receive First Quarter Financial Report (FY 2017-18) from City Finance Director/Treasurer

Finance Director Damiani provided the Councilmembers with a brief FY 2017-18 First Quarter Financial report, focusing on revenues and expenses.

Public Comment: None.

**This Staff Report was informational only; no action was taken.**

- 7C. [17-647](#)** Receive Report and Consider Recommending to Oversight Board to Fort Bragg Redevelopment Successor Agency that a Resolution be Adopted Approving Recognized Obligation Payment Schedule (ROPS) 18-19 (FY 18-19; July 1, 2018 thru June 30, 2019) Pursuant to Health and Safety Code Section 34177(1)(2)

Finance Director Damiani spoke about the ROPS, indicating that it must be submitted each year to the State Controller's Office for the winding down of the redevelopment agency. This ROPS is set to be approved by the Oversight Board at its meeting of January 11, 2018.

Public Comment: None.

**A motion was made by Councilmember Turner, seconded by Vice Mayor Lee, that the ROPS be recommended for approval by the Oversight Board. The motion carried by the following vote:**

**Aye:** 5 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino, Councilmember Norvell and Councilmember Turner

- 7D. [17-655](#)** Receive Report and Public Safety Committee Recommendations Regarding Policy Approaches to Address Cannabis Cultivation in Fort Bragg and Provide Direction to Staff

Associate Planner Perkins presented the staff report on this item and asked the Council for direction regarding matters related to personal and commercial cultivation of cannabis.

Public Comment on this matter (following each individual item as noted below) was received from: Eric Dwyer, Rex Gressett and Jon McColley.

PERSONAL CULTIVATION

1. Outdoor cultivation. **Direction: Prohibit outdoor cultivation for personal use.**
2. Permit for personal cultivation. **Direction: Request a permit.**
3. Personal indoor cultivation of more than six plants. **Direction: Limit cultivation to six plants.**

COMMERCIAL CULTIVATION

1. Indoor and outdoor cultivation. **Direction: Prohibit outdoor commercial cultivation. Provide regulation for indoor commercial cultivation.**
2. Location. **Direction: As outlined in Option (e) on Page 4 of staff report, allow in IL and IH with Use Permit; restrict to one-acre parcels (or whatever the minimum parcel acreage is in the IL and IH zones). Staff directed to determine what the average acreage is in these zones.**
3. Water/sewer/well. **Direction: Staff to conduct further research and return to Council with information on how many parcels can be developed and used for cultivation, what viable options there are for wells and sewer lines, and the cost thereof.**
4. Hybrid facilities. **Direction: Staff to conduct further research and return to Council.**
5. Odor. **Direction: Same requirements as for cannabis manufacturing.**
6. Security. **Direction: Same requirements as for cannabis manufacturing.**

**This Staff Report was referred to staff.**

- 7E. [17-651](#)** Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance No. 935-2018 Amending Section 14.04.030 [Water Billing - Failure to Pay - Action] of Chapter 14.04 [Water Department and Regulations] of Title 14 [Water and Sewers] of the Fort Bragg Municipal Code

Finance Director Damiani presented the staff report on this item.

Public Comment: None.

**A motion was made by Councilmember Turner, seconded by Vice Mayor Lee, that this Ordinance be introduced by title only, waiving the first reading. The motion carried by the following vote:**

**Aye:** 5 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino, Councilmember Norvell and Councilmember Turner

- 7F. [17-654](#)** Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance No. 936-2018 Amending Chapter 10.20 [Stopping, Standing, and Parking] of Title 10 [Vehicles and Traffic] of the Fort Bragg Municipal Code to Add Section 10.20.215 [Electric Vehicle Charging Stations]

**A motion was made and unanimously approved to continue the meeting past 10:00 PM.**

City Manager Ruffing presented the staff report on this item.

Public Comment: None.

Discussion: The Council directed staff to change the hours stated in paragraph C of Section 10.20.215 as follows: "...between the hours of 9:00 a.m. and 10:00 p.m. seven (7) days a week..."

**A motion was made by Councilmember Turner, seconded by Councilmember Norvell, that this Ordinance be introduced as amended, by title only, waiving the**

first reading. The motion carried by the following vote:

Aye: 5 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino, Councilmember Norvell and Councilmember Turner

**2B. PUBLIC COMMENTS ON: (1) NON-AGENDA, (2) CONSENT CALENDAR & (3) CLOSED SESSION ITEMS (30 Minutes, If Necessary)**

**8. CLOSED SESSION**

**ADJOURNMENT**

Mayor Peters adjourned the meeting at 10:07 PM.