



# City of Fort Bragg

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## Meeting Minutes Public Safety Committee

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Wednesday, April 13, 2016

3:00 PM

Police Department Conference Room  
250 Cypress Street

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### MEETING CALLED TO ORDER

Committee Member Peters called the meeting to order at 3:00p.m.

### ROLL CALL

**Present:** 5 - Scott Deitz, Lindy Peters, Linda Ruffing, Fabian Lizarraga and Debbie Desmond

**Absent:** 2 - Steve Orsi and Tom Varga

### APPROVAL OF MINUTES

Approve Minutes of Special Meeting of February 17, 2016

**A motion was made by Committee Member Deitz, seconded by Committee Member Peters, that the Committee Minutes be approved. The motion was carried by unanimous vote.**

### PUBLIC COMMENTS ON NON-AGENDA ITEMS

- Mark Ruedrich, the president of the North Coast Brewing Company, addressed the committee about the traffic flow at the intersection of Main and Pine Streets. The previous Friday, one of his employees was struck by a pickup truck in that intersection, running over his foot. He was released from the hospital with no broken bones. It was very fortunate that he was not injured worse than he was.

Mark has known for years that the intersection is dangerous and they have safety meetings with their employees reminding them to be vigilant when crossing in that crosswalk. The worst problems are with motorists that are entering Main Street from Pine Street from either side. Most drivers are focused on the traffic as they wait to pull out and not on the crosswalk. There have been numerous times when employees have almost been hit at this intersection.

The Brewery has considered putting vests on their employees when they are going to be crossing the street or giving them caution signs. In the wake of the recent accident, they have forbidden any of their employees from crossing Highway One to go from any of their facilities to any other of their other facilities at the Pine Street intersection. They have been instructed to cross Highway One at the Main and Laurel Streets intersection that has a light. Any goods going across the street go in a truck now instead of on a hand truck. It's an inconvenience, but the safety of their employees is paramount.

They have many concerns about the safety of the general public and their customers that are also crossing at the Pine Street intersection as it is very dangerous. They have contacted Congressman Huffman's office and Assemblyman Woods' office to look into

beginning the process for an evaluation of the intersection for some sort of traffic control, be it a signal or something else. They felt it was critically important that this matter be brought officially to the attention of the City and ask for the City's participation and cooperation in doing whatever it can with perhaps more police patrols in the area, or any input that they can give to CalTrans on the issue to help get the unsafe situation at this intersection addressed.

Committee Member Peters asked that this item be placed on the Public Safety Committee meeting agenda for May so that it can be discussed further. Public Works Director Varga will be asked to notice CalTrans and hopefully bring a CalTrans representative to the May meeting.

## CONDUCT OF BUSINESS

### 1. Receive Report and Make Recommendations to City Council Regarding Medical Marijuana Regulations

Public comment on this item was received by: Derek Hoyle and Wes Buckerfield.

- City manager Ruffing presented her report on the follow up of an item heard by the Committee in December. At that time the report focused on the Medical Marijuana Regulation and Safety Act (MMRSA). The new legislative framework preserves local control, so for every license the state issues, the local agency has the ability to create its own framework and permitting structure, which will be a prerequisite of the state license.
- The City is now looking at the primary activities around the marijuana industry. The question before the Committee and that will ultimately be before the City Council, is do you want to do anything to either modify the regulations that the City has or to create new regulations.
- Marijuana Cultivation - The City has had regulations on the books for a number of years for marijuana cultivation. The City does not allow for commercial warehouse cultivation. The zoning codes establish very clear limitations on square footage, which is generally 50 square feet. With the proper medical marijuana permits and a use permit up to 100 square feet is allowed. The grow has to be indoors and cannot be near parks or schools.
- The City can decide what they want to allow, which will most likely be no commercial grows. The state will only issue licenses for grows over 100 square feet and anything under that will be exempt. Going by these guidelines, anything in Fort Bragg will be exempt unless the current regulations change. The state will not issue licenses for grows over 100 square feet because the City doesn't currently allow them.
- The City's current code seems to be working. There have not been many requests for commercial grows. The staff recommendation to the Committee is that the City's marijuana cultivation regulations, as they are presented in the Fort Bragg municipal code, are sufficient and there is nothing that needs to be done to address the new state licensing.
- Medical Marijuana Dispensaries and Delivery Services - The City has had a marijuana dispensary ordinance in place for many years. Dispensaries are only allowed in industrial districts and not in the central business district. The first step in the application process is to get background checks of the owners and employees through the Police Department. It is then sent to Community Development for processing. There are two dispensaries just south of town and one in Mendocino. The City regulations for dispensaries are strict. It has been determined that it is legal to prohibit dispensaries.
- If a City does not expressly prohibit delivery services for marijuana, then they will be permitted by the state. The City needs to decide if it wants to allow for delivery services within the City limits. If not, then an ordinance needs to be enacted to specifically prohibit

delivery services. If yes, then it needs to be decided if the City wants to regulate delivery locally or just let the state regulate it. This part of the law is not expected to take effect until January 2018, so there is no hurry in making these decisions. The state framework currently says that the delivery service will need to be connected to a brick and mortar dispensary.

- There is currently a lot of grey area which is why the state is trying to set up a regulatory structure. Everyone is expecting that there will be an initiative passed in November that will allow for the personal use of marijuana and this is just the beginning of the regulatory process.
- It will be interesting to see how well the cultivation and dispensing of marijuana transitions out of the black market to legal use.
- Transporters - the difference between delivery and transporting is that delivery services deliver the product to customers and transporters bring marijuana from a cultivator or lab to a manufacturing facility or dispensary. The transport regulation structure will be very similar to alcohol distribution, with a special driver's license, special licensing, special hours of operation and special inspections of the vehicles. A cultivator or manufacturer cannot also be licensed as a transporter. Ruffing recommends that the City take a wait and see approach to transporter regulation for now and see what draft regulations the state comes up with and possibly leave it to the state to regulate.
- Medical Marijuana Manufacturing - it is currently not permitted under the City's existing zoning regulations. The question for the Committee and ultimately for the City Council, is do you want to create a regulatory framework to allow medical marijuana manufacturing within the City limits? If the answer is yes, there are many different models you can use. Many of the concerns are similar to the City's dispensary ordinance such as the public safety issues, security of the premises, fire safety and environmental safety. You wouldn't want the facility to become a target or gathering place for criminal activities. These changes will create a significant impact on Police Department resources. If a City allows manufacturing they can let the state take care of the licensing, but that is not recommended. If the City is going to allow manufacturing it would want to regulate it locally. If the City did allow manufacturing, it is possible that they could limit how many licenses would be issued.
- One question now, is how does someone legally transport several pounds of marijuana to a dispensary? The CHP (California Highway Patrol) is currently requiring a bill of lading, noting the amount of each package and where it is coming from and going to, that the product be sealed and unavailable to the driver, notation of the weight and any other requirements that would be in place for any other kind of delivery.
- Salinas and Greenfield in Monterey County allow marijuana manufacturing in their Cities. They are currently requiring a permit fee of twenty dollars per square foot for manufacturers. Other towns like this could be good resources for information on regulation. McColley will get these ordinances to Ruffing for her review.
- The revenue side of the marijuana industry is not yet very clear as far as how you tax it. The city of Point Arena just passed a regulatory structure for marijuana. Every municipality can regulate it however they want. Some are requiring community outreach for manufacturers. California is attempting to have regulation make the black market go away. Medical Marijuana medical manufacturing could be allowed now if the City decided to do that.
- A big part of what the state framework is regulating is the lab testing area of the marijuana industry. It insures the quality of the marijuana, the potency, the doses and distribution. Setting up a medical marijuana manufacturing structure in the absence of the whole state framework is not recommended. The state should deal with those elements of the industry. Local regulations can't be less strict than the state regulations.

- Committee member Peters would like to see this move forward within the framework of the law. Route One Botanicals is a company that could create jobs and generate revenue for the City. A great deal of staff time has gone into this so far and he believes it is time to move this to a Council agenda to get the other members' input. Committee member Deitz asked the Root One Botanicals representatives what they would think of making their presentation to Council. They would like to do that and receive input from other community members.
- It was stated by a citizen that deliveries of cannabis should be allowed within the City limits. Also, he questions if current pharmacy drivers have specific delivery regulations like those being proposed for cannabis delivery drivers. He recommended that medical cannabis not be taxed, as many who require medical cannabis can't afford it. If he doesn't have it, he can't participate in the community. Medical and Recreational Cannabis can be very beneficial to our community economically if it is legalized. He would like the City to review the current regulation that limits growing medical marijuana near parks.
- It was asked if marijuana becomes legal for recreational use, if the access to recreational marijuana will be the same as the access that those using medical marijuana have. It was suggested they review the pending Adult Use of Marijuana Act that may be on the November ballot, as it has a great deal of information on recreational use of marijuana.
- Both Committee Members believe that the cultivation and dispensary ordinances that the City currently has are fine. They believe the City should allow deliveries and the state regulations and licensing of deliveries will be fine for the City. They agree that the state should regulate transportation. The City would not look at labs and testing at this point. The revenue issue can be discussed at another time. It is helpful to have an interested business to work with while developing these regulations for the City.
- The current focus of the Council will be on manufacturing. Ruffing will check with the City Attorney on the limiting and what issues there might be. She asked that any further information received on how other communities are handling the manufacturing regulations be given to her to prepare for the presentation to Council. This will be brought back to the Council for a full discussion. It will be up to Jon and Dave of Root One Botanicals to do some outreach to get interested community members and stake holders to the Council meeting. The Council will either say yes or no to creating new regulations. It will most likely come back to this Committee and then go to Community Development.

**This item will be brought to the City Council at the May 9th meeting for direction to staff to move forward. Once it goes to staff more research can be done on what other communities are doing.**

## **MATTERS FROM COMMITTEE / STAFF**

- Chief Lizarraga mentioned that the Police Department would like to purchase three new Zero electric dual sport motorcycles to be used primarily as patrol on the Coastal Trail. This would allow the officers to provide a quick response to calls in the City from the Coastal Trail. They can also be used for regular patrol, traffic enforcement and patrol in the alley ways. The bikes are quiet, can go up to up to 90 mph and can be charged from a regular electrical outlet. They are very functional and reliable. The motor officers will take the bikes to their homes so no special storage will be needed. One of our Sergeants is already certified to ride the motorcycle and more will be sent to training. The Police Department is planning on using its Asset Forfeiture funds to purchase the motorcycles and due to the amount of the expenditure, which is estimated to be around \$66,000, the purchase will need to be approved by City Council. Last week one of the motorcycles was brought to the department for the officers to view and test drive. They all had positive comments about the

bike and feel it will be beneficial for the department, the City and the community.

- Ruffing mentioned that she had met with Mark Ruedrich and Doug Moody of the Brewery that morning on another matter and Doug had mentioned his ongoing concerns about the intersection at Stewart and Elm Streets that he had brought to the City's attention months ago. Public Works looked at it and the immediate solution was to cut back some of the vegetation in front of Holme's Lumber at that corner that was obscuring the view for south bound vehicles on Stewart. It still seems to be a problem, especially with the increased traffic due to the Coastal Trail and a lot of foot traffic with people walking back and forth to the preschool. Doug witnessed a very near miss with a vehicle and pedestrians that would have effected a mother and two children had the mother not pulled the children back away from the traffic. She believes Tom Varga did an analysis and there is no stop sign warranted at that intersection and stop signs are not generally used to slow traffic down anyway. This can be brought up at the next Public Safety Committee meeting also.
- Peters requested more downtown foot patrol in the central business district as often as possible, especially with summer coming up. Even if the officers could just stop in and say hello to the business owners, it would create good public relations for the Police Department. Deitz agreed, especially if there are two or three calls coming in a day from the downtown area. The Chief will look into confirming the number of calls coming in.
- Deitz also wanted to congratulate the Police Department. When the local hotels and motels were asked about the Department there was only one negative comment and all the rest were positive, which is very impressive.

## ADJOURNMENT

The meeting was adjourned at 4:35p.m. by Committee Member Peters.