



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 26, 2018

6:00 PM

Town Hall, 363 N. Main Street

AMENDED

CALL TO ORDER

Mayor Peters called the meeting to order at 6:01 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

- 1A. [18-089](#)** Presentation of Proclamation Declaring April 2018 to be "Child Abuse and Neglect Prevention Month"

Mayor Peters read a proclamation declaring April 2018 to be Child Abuse and Neglect Prevention Month. Rosalie Gjerde presented statistics about child abuse and neglect. Lia Holbrook from Project Sanctuary talked about reaching out to children who are exposed to violence and read a statement from Laura Welter of Safe Passage.

- 1B. [18-084](#)** Presentation from Economic Development Finance Corporation Executive Director, Heather Gurewitz

Heather Gurewitz presented a report on the EDFC loan program, stating that the organization wants to serve Fort Bragg better. She explained the direct public offering program, how EDFC recruits investors, and gave an update on her current projects.

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

(1) Non-Agenda Items:

- John Fremont spoke in opposition to the Highway 20 Off Road Vehicle project and the Grand Jury report on the Mendocino Coast Recreation and Park District.
- Scott Deitz stated he does not like the new podium configuration.
- Rex Gressett commended John Fremont for his remarks on the Highway 20 Off Road Vehicle project.

- Gabriel Quinn Maroney encouraged Councilmembers to review source documents when considering items that come before the Council.
- (2) Consent Calendar Items: None.
- (3) Closed Session Items: None.

3. STAFF COMMENTS

City Manager Miller announced that a tsunami test will occur on March 28 between 11 AM and noon; the City is rebooting the email server on March 28 and email service may be down that morning; April 12 will be an in-service day and City Hall will be closed. Community Development Director Jones announced that the middle section of the Coastal Trail will open next Monday; the Hare Creek project draft Environmental Impact Report has been uploaded to the City's website and the 45-day comment period has commenced; a Mill Pond remediation feasibility study workshop will be held in early May.

4. MATTERS FROM COUNCILMEMBERS

Mayor Peters reported that a Mendocino Transit Authority meeting was held to address unmet transit needs in the City of Fort Bragg. He read an article on Sonoma Clean Power's reductions in greenhouse gas emissions. Councilmember Cimolino said the Coalition for Gang Awareness and Prevention will hold a marijuana forum on April 18 from 5:30 to 7:30 PM at Town Hall. Councilmember Turner reported on the Fire Board meeting and the Safe & Sober spaghetti feed to raise money for the local high school graduation party.

5. CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Councilmember Turner, seconded by Vice Mayor Lee, to approve the Consent Calendar. The motion carried by the following vote:

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

- 5A. [18-066](#)** Adopt City Council Resolution Approving Budget Amendment 2018-16 Amending the FY 2017-18 Budget to Include a Transfer of \$9,500 from Fund 223-7999-0799 to Fund 110-4520-0319 for the Final Grading of the Electric Vehicle Charging Station at the Laurel Street Parking Lot

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4078-2018

- 5B. [18-088](#)** Adopt Joint City Council/Municipal Improvement District No. 1 Resolution Amending the FY 2017/2018 Budget for Mid-Year Budget Adjustments

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4079-2018 / RESO ID 401-2018

- 5C. [18-074](#)** Adopt Municipal Improvement District Resolution Approving Construction Services Agreement with Underwater Resources, Inc. to Complete Wastewater Outfall Repairs and Improve End Gate Access and Authorizing

District Manager to Execute Same (Amount Not to Exceed \$29,993.39, Account No. 714-4713-0751)

This ID Resolution was adopted on the Consent Calendar.

Enactment No: RES ID 402-2018

- 5D. [18-091](#)** Approve Minutes of Special Meeting of March 7, 2018

These Minutes were approved on the Consent Calendar.

- 5E. [18-093](#)** Approve Minutes of Joint City Council/Mendocino Coast Recreation and Park District Special Meeting of March 7, 2018

These Minutes were approved on the Consent Calendar.

- 5F. [18-095](#)** Approve Minutes of March 12, 2018

These Minutes were approved on the Consent Calendar.

- 5G. [18-090](#)** Approve Minutes of Special Meeting of March 19, 2018

These Minutes were approved on the Consent Calendar.

- 5H. [18-098](#)** Readopt City Council Resolution No. 4072-2018 to Join the California Enterprise Development Authority (CEDA) as Associate Member and to Authorize CEDA, through Figtree Financing, to Offer their Property Assessed Clean Energy (PACE) Program and Levy Assessments within the City of Fort Bragg

This Resolution was readopted on the Consent Calendar.

Enactment No: RES 4072-2018

6. PUBLIC HEARING

- 6A. [18-085](#)** Receive Report, Conduct Public Hearing and Consider Appeal of Planning Commission Decision by Jon McColley on Denial of Cannabis Manufacturing Use Permit 2-17 (U 2-17)

Mayor Peters opened the Public Hearing at 6:47 PM. Councilmember Turner recused himself from the hearing, citing a conflict of interest, and left the Council chamber at 6:48 PM.

Community Development Director Jones presented the staff report on this matter. Appellant Jon McColley made a presentation on responsible cannabis manufacturing, gave a history of his business and how he helped to bring about an ordinance in Fort Bragg on cannabis manufacturing, and stated that he has followed all laws and regulations with regard to his application for a use permit to operate a cannabis manufacturing plant. He introduced two expert witnesses, Nicholas Cozzi, Ph.D., a neuroscientist who spoke on the science of cannabinoids and the myths and facts about medical uses of cannabis, and Steven K. Lubell, retired Superior Court Commissioner, who spoke about regulations governing manufacturing of cannabis. Mr. McColley urged the Council to approve the appeal and the project, and requested that the \$1,000 appeal fee be refunded.

Public Comment:

- John Fremont, Simon Smith, Abraham Cohen, Amy Wynn, Marianne McGee, Maureen Martin, Bruce Martin, Simeon Evans, Scott Deitz, Gabriel Martin, Mike Dell'Ara, Dave Gurney, Gabriel Quinn Maroney, Jacob Patterson, Richard Mack and Eric Dwyer spoke in support of the appellant's appeal.
- Kevin Green, Sharon Lee, Seka Fiero, Paula Perelstein, Julie Meuschke, and Jean Goodall spoke in opposition to the appellant's appeal.

Mayor Peters recessed the meeting at 8:19 PM; the meeting reconvened at 8:25 PM.

- Fire Marshall Steve Orsi reported that he has looked at the process and the use of the facility and it passes Fire Marshall review and approval. He checked with the State Fire Marshall and fire marshals in other cities that have these factories and there are no additional guidelines needed.

Mayor Peters closed the Public Hearing at 8:41 PM.

During their deliberations, the Council discussed and asked questions about signage, safety, transparency, tracking, and sprinklering.

A motion was made by Vice Mayor Lee, seconded by Councilmember Norvell, that the appeal of Jon McColley be approved. The motion carried by the following vote:

Aye: 4 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino and Councilmember Norvell

Recuse: 1 - Councilmember Turner

A motion was made by Vice Mayor Lee, seconded by Councilmember Norvell, that Use Permit 2-17 (U 2-17) with findings, special conditions and standard conditions as set forth in the staff report be approved. The motion carried by the following vote:

Aye: 4 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino and Councilmember Norvell

Recuse: 1 - Councilmember Turner

A motion was made by Vice Mayor Lee, seconded by Mayor Peters, that the appellant's \$1,000 appeal filing fee be fully refunded. The motion carried by the following vote:

Aye: 2 - Mayor Peters and Vice Mayor Lee

No: 1 - Councilmember Norvell

Abstain: 1 - Councilmember Cimolino

Recuse: 1 - Councilmember Turner

7. CONDUCT OF BUSINESS

- 7A. [18-086](#)** Receive Report and Provide Direction Regarding Mill Site Design Guidelines

Mayor Peters recessed the meeting at 9:05 PM; Councilmember Turner rejoined the meeting at 9:11 PM and Mayor Peters reconvened the meeting at 9:11 PM.

Community Development Director Jones summarized the staff report and presented a slide show on Design Guidelines at the Mill Site.

Public Comment was received from:

- Eric Dwyer is in favor of one design for all and artistic designs over cookie-cutter projects.

- Gabriel Quinn Maroney wants historical as well as whimsical buildings, with more theme areas.

Discussion/Direction: After a brief discussion, Council directed staff as follows:

1. The Mill Site should not have more stringent standards than the rest of the town.
2. There should be one standard book of guidelines for everyone in the City.
3. Encouraging language rather than restrictive language is preferred.
4. Encourage higher standards for artistic design in certain locations. The Council prefers the creative/innovative policy exception.

7B. [18-087](#) Receive Report and Consider Adoption of City Council Resolution Ratifying and Clarifying the Decision of March 12, 2018 to Deny an Appeal and Confirm the Issuance of a Coastal Development Permit for the Demolition of Dry Shed #4

City Attorney Hildebrand explained why this resolution is coming before the Council. The word "foundation" conflicts with the CEQA document, especially as it relates to excavation and this needed to be clarified. Councilmember Turner stated for the record that he objects to the denial of the ability for the Council to view Dry Shed #4.

Public Comment was received from:

- David Gurney said officials should have had a first hand look at the condition of the buildings.
- Gabriel Quinn Maroney stated the Council did not take the historic part of his appeal seriously.
- Eric Dwyer said the Council should have seen Dry Shed #4 with their own eyes.
- Jacob Patterson thanked the Council for the clarifying resolution.

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

Aye: 3 - Vice Mayor Lee, Councilmember Cimolino and Councilmember Norvell

No: 2 - Mayor Peters and Councilmember Turner

Enactment No: RES 4080-2018

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 9:44 PM.

LINDY PETERS, MAYOR

June Lemos, CMC, City Clerk

IMAGED (_____)