



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, June 24, 2019

6:00 PM

Town Hall, 363 N. Main Street

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: 5 - Mayor Will Lee, Vice Mayor Bernie Norvell, Councilmember Tess Albin-Smith, Councilmember Jessica Morsell-Haye and Councilmember Lindy Peters

AGENDA REVIEW

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

Mayor Lee read a proclamation declaring June 2019 as Lesbian, Gay, Bisexual, and Transgender Pride Month.

- 1A. [19-305](#)** Presentation of Proclamation Acknowledging the 25th Anniversary of Mendocino Coast Clinics

Mayor Lee recognized the 25th anniversary of the Mendocino Coast Clinics and presented a Proclamation to Lucresha Renteria and Paula Cohen of the Coast Clinics.

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

(1) Non-Agenda Items:

- Charles Brandenburg commented on inappropriate postings on Facebook and stated he wanted to scold the person who runs MendocinoSportsPlus (MSP) for recent photographs on their page.
- Rex Gressett spoke in support of MSP.

(2) Consent Calendar Items:

- Rex Gressett asked that Item 5C be removed from the Consent Calendar for further discussion.
- Ann Rennacker spoke in support of Item 5C.

(3) Closed Session Items:

- Jacob Patterson said the Council should extend the City Manager's contract.

3. STAFF COMMENTS

City Manager Miller announced that City Hall will be closed on the Fourth of July. She reported that the City is entering into an agreement with HdL Coren & Cone to evaluate property tax in conjunction

with other cities in Mendocino County. She gave information on sidewalk displays in the downtown business district. Miller reported on PG&E Public Safety Power Shutoff periods during times of high fire threats. Public Works Director Varga gave an update on Coastal Trail maintenance. Public Works Manager Perkins said the City's fireworks display will begin at approximately 9PM on Saturday, July 6.

4. MATTERS FROM COUNCILMEMBERS

Councilmember Peters commented on ADA complaints and noted that the next Public Safety Committee meeting would include a discussion on issues at the Safeway parking lot. Councilmember Morsell-Haye gave an update on the Mendocino Solid Waste Management Authority. Councilmember Albin-Smith reported on a Mill Site symposium she attended in Caspar last week. She asked the Council to direct staff to provide a "report card" on how the City has done with regard to the 2012 Climate Change Action Plan; Council consensus was to ask staff to report back on the City's progress toward the goals contained in the Action Plan. Mayor Lee reported on the League of California Cities Mayors Conference in Newport Beach. He suggested that the City explore a ban on styrofoam substances.

5. CONSENT CALENDAR

As required by Government Code Section 54953(c)(3), City Manager Miller summarized the changes to executive compensation outlined in the resolution for Item 5G.

Approval of the Consent Calendar

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

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

- 5A. [19-311](#)** Adopt Joint City Council/Improvement District/Redevelopment Successor Agency Resolution Approving a Professional Services Agreement with JJACPA, Inc. for Auditing Services and Authorizing City/District Manager/Executive Director to Execute Same (Amount Not to Exceed \$41,750; Split Among the Agencies)

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4174-2019 / RES ID 418-2019 / RES RS 22-2019

- 5B. [19-313](#)** Adopt Joint City Council/Improvement District/Redevelopment Successor Agency Resolution Approving a Modified Agreement Between the City of Fort Bragg and Jones & Mayer for the Provision of Legal Services and Authorizing the City Manager to Execute the Same

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4175-2019 / RES ID 419-2019 / RES RS 23-2019

- 5C. [19-318](#)** Adopt City Council Resolution Amending the FY 2019-20 Budget (Amendment No. 2020-1) Approving the Use of \$25,000.00 of Forfeited

Construction and Demolition Incentive Deposits (from Account No. 190-0000-0309) to Fund an Educational Campaign to Encourage Voluntary Compliance with Local and State Laws and to Raise Awareness for Future Laws Regulating the Use of Single Use Plastics in City Limits

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4176-2019

- 5D. [19-321](#) Adopt City Council Resolution Approving the 2019-2022 Memorandum of Understanding with the Fort Bragg Employee Organization/Service Employees International Union Local 1021 and Authorizing City Manager to Execute Same

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4177-2019

- 5E. [19-325](#) Adopt City Council Resolution Establishing a Compensation Plan and Terms and Conditions of Employment for Non-Bargaining and Confidential Classifications

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4178-2019

- 5F. [19-324](#) Adopt City Council Resolution Establishing a Compensation Plan and Terms and Conditions of Employment for Exempt At-Will Mid-Management Classifications

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4179-2019

- 5G. [19-322](#) Adopt City Council Resolution Establishing a Compensation Plan and Terms and Conditions of Employment for Exempt At-Will Executive Classifications

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4180-2019

- 5H. [19-323](#) Approve City Council Letters in Support of SB 5 (Beall/McGuire/Portantino) Local-State Sustainable Investment Incentive Program

These Council Letters were approved on the Consent Calendar.

- 5I. [19-304](#) Receive and File Minutes of the April 3, 2019 Finance and Administration Committee Meeting

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

- 5J. [19-299](#) Approve Minutes of Special Closed Session of June 3, 2019

These Minutes were approved on the Consent Calendar.

5K. [19-310](#) Approve Minutes of June 10, 2019

These Minutes were approved on the Consent Calendar.

5L. [19-314](#) Approve Minutes of Special Meeting of June 15, 2019

These Minutes were approved on the Consent Calendar.

6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

Councilmember Peters disclosed that he spoke to two members of the cannabis community about Item 8A. Mayor Lee disclosed that he had exchanged text messages with Jon McColley regarding a presentation for Item 8A. He noted that because he is giving Mr. McColley additional time to make a presentation, public comment on 8A will be extended to five minutes per speaker. Vice Mayor Norvell disclosed that he had a couple of brief conversations with Mr. McColley.

7. PUBLIC HEARING

8. CONDUCT OF BUSINESS

8A. [19-309](#) Receive Report and Provide Direction to Staff Regarding the Possible Introduction of a Commercial Cannabis Cultivation Ordinance

Public Works Manager Perkins presented the staff report on this agenda item and answered questions from Council regarding nuisance odors, timelines, Floor Area Ratio (FAR), water issues, and fire suppression.

Public Comment was received from:

- Jon McColley of Root One Botanicals gave a PowerPoint presentation to the Council regarding his project application. Kris Harris of Lit House also spoke. They both responded to questions from Council.
- Adam Mitchell commented on FAR allowance.
- Michael Strupp spoke in support of having a cultivation ordinance in Fort Bragg.
- Amy Wynn made comments on water issues and FAR.
- Jacob Patterson commented on FAR increase.
- Jenny Shattuck said cannabis shouldn't be treated differently from other businesses like the wine industry.
- Ann Rennacker spoke in favor of a cultivation ordinance.

Discussion: After much discussion, the Council provided direction to staff as follows:

1. Proceed with development of a cannabis cultivation ordinance and bring it forward to the Planning Commission for review.
2. Explore ways to allow Municipal water for irrigation without negatively impacting the water system.
3. Allow cultivation in industrial zoned parcels north of Pudding Creek; limit cultivation south of Pudding Creek to an accessory use only as part of a microbusiness (with dispensary the primary use); cultivation businesses are not required to be one acre or more.
4. Treat cultivation like other cannabis businesses, including background check requirements.
5. Increase the FAR to .8 and allow greater FAR with a use permit; applicant will need to prove compliance with other requirements.
6. Staff is to provide further information regarding FAR to the Planning Commission.

Mayor Lee recessed the meeting at 8:46 PM; the meeting reconvened at 8:59 PM.

This Staff Report was referred to staff.

- 8B. [19-320](#)** Receive Report and Provide Direction to Staff Regarding: 1) Submittal of a BUILD Grant on Behalf of the Skunk Train to Fund the Following Activities: Repair of the Tunnel, Repair of the Train Tracks, Installation of Tracks Along the Coastal Trail, Repair of the Engine House, and Various Maintenance and Safety Improvements; and 2) Adoption of a City Council Resolution for Some or All of the Project Components

Community Development Director Jones gave the staff report on this item, and noted that Skunk Train representatives want to remove Coastal Trail tracks from the grant application. Chris Hart and Robert Pinoli of the Skunk Train made comments on the grant application and answered questions from Councilmembers regarding costs, the use of BUILD grants for improvement of public utilities like railroads, fire safety and prevention, track maintenance and the round house.

Public Comment was received from:

- Mayor Lee read a comment from George Reinhardt in support of the grant, but not tracks on the Coastal Trail.
- Ann Rennacker said trains would lower emissions and reduce traffic on Highway 20.
- Elizabeth Swenson commented on previous promises that fell through, such as RVs traveling on the train from Willits to Fort Bragg, freight and garbage being transported by train.
- Jenny Shattuck supported going forward with the grant application.
- Amy Wynn expressed excitement about the possibility of having a freight connection here.

Discussion:

The Council agreed that the grant would bring money into the community, more jobs, repaired infrastructure, commuter options and a fire break, all compelling reasons to help the Skunk Train with its grant application.

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

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

Enactment No: RES 4181-2019

- 8C. [19-315](#)** Receive Report and Provide Direction to Staff Regarding City Loan of \$250,000 From the City's Housing Trust Fund for the Proposed Affordable Senior, Multi-Family and Permanent Supportive Housing Project to be Located at 441 South Street (APN 018-340-04)

Community Development Director Jones gave the staff report on this item.

A motion was made by Councilmember Morsell-Haye, seconded by Councilmember Albin-Smith, to continue the meeting past 10:00 PM; the motion carried by a majority vote.

Public Comment was received from:

- Elizabeth Swenson spoke in support of the loan.
- Ann Rennacker spoke in support of the loan.

A motion was made by Councilmember Albin-Smith, seconded by Councilmember Peters, that the City loan of \$250,000 for the Danco Proposed Affordable Senior, Multi-Family and Permanent Supportive Housing Project be

approved. The motion carried by the following vote:

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

9. CLOSED SESSION

Mayor Lee recessed the meeting at 10:04 PM. The meeting reconvened to Closed Session at 10:07 PM.

9A. [19-319](#)

CONFERENCE WITH LABOR NEGOTIATORS: Pursuant to Government Code Section 54957.6: City Negotiator: William V. Lee, Mayor. Employee Classification: City Manager

Mayor Lee reconvened the meeting to Open Session at 10:31 PM and reported that no reportable action was taken on the Closed Session item.

ADJOURNMENT

Mayor Lee adjourned the meeting at 10:31 PM.

WILLIAM V. LEE, MAYOR

June Lemos, CMC, City Clerk

IMAGED (_____)