416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

City of Fort Bragg

Meeting Agenda

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, October 24, 2016 | **6:00 PM** | **Town Hall, 363 N. Main Street**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

AGENDA REVIEW

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

1A. 16-431 Present Proclamation Recognizing Robert Armitage for His 36 Years of Service on the Noyo Harbor Commission

Attachments: 23-2016 Bob Armitage Noyo Harbor Commission

2. STAFF COMMENTS

3. MATTERS FROM COUNCILMEMBERS

4A. PUBLIC COMMENTS ON NON-AGENDA, CONSENT CALENDAR & CLOSED SESSION ITEMS (30 Minutes)

MANNER OF ADDRESSING THE CITY COUNCIL: Any member of the public desiring to address the City Council shall submit a "Speaker Card" to the City Clerk and proceed to the podium after being recognized by the Presiding Officer. Speakers will be called up in the order the Speaker Cards are received. All remarks and questions shall be addressed to the City Council and no discussion or action shall be taken on any requests, in accordance with Brown Act Requirements. No person shall enter into any discussion without being recognized by the Mayor or acting Mayor.

IF AGENDA PERMITS: A maximum of thirty (30) minutes shall be allotted to receiving public comments at the initial public comment period and, if necessary, an additional 30 minutes shall be allotted to public comments prior to action on the Consent Calendar. Any citizen, after being recognized by the Mayor or acting Mayor, may speak on any topic that may be a proper subject for discussion before the City Council for such period of time as the Mayor or acting Mayor may determine is appropriate under the circumstances of the particular meeting, including but not limited to, the number of persons wishing to speak on a particular topic or at a particular meeting, or the complexity of a particular topic. Time limitations shall be set without regard to a speaker's point of view or the content of the speech, as long as the speaker's comments are not disruptive of the meeting.

BROWN ACT REQUIREMENTS: Pursuant to the Brown Act the Council cannot discuss issues or take action on any requests during this comment period.

5. PUBLIC HEARING

When a Public Hearing has been underway for a period of 60 minutes, the Council must vote on whether to continue with the hearing or to continue the hearing to another meeting.

6. CONDUCT OF BUSINESS

6A. 16-430 Receive Recommendation from Ad Hoc Committee Regarding the Appointment of a Commissioner and Chair of the Noyo Harbor Commission

Attachments: 10242016 Noyo Harbor Commissioner
Attachment 1 - 10-04-2016 Press Release
Attachment 2 - Steve Bradley Application
Attachment 3 - Jay Coakley Application
Attachment 4 - William Forkner Application
Attachment 5 - Joe Caito Application
Attachment 6 - Letters of Support
Attachment 7 - Proposed Questions for Applicants

6B. 16-403 Receive Report and Consider Introduction, by Title Only, and Waive Further Reading of Ordinance 927-2016 Adding Chapter 9.33 (Cannabis Manufacturing) to Title 9 (Public Peace, Safety and Morals) of the Fort Bragg Municipal Code

Attachments: 10242016 Cannabis Manufacturing Ordinance - First Reading
ORD#927 Cannabis Manufacturing 2016-10-24

6C. 16-419 Receive Report and Provide Direction to Staff Regarding Follow Up on Proposed Amendments to Article 2 of the Inland Land Use and Development Code & Vacancy Tax

Attachments: 10242016 ILUDC Update Article 2 & 10 followup & Vacancy Tax
Attachment 1 - Vacant Storefonts & Condition in DT Fort Bragg
Attachment 2 - Vacant Storefronts Ownership
Attachment 3 - Vacant Storefronts Marketing Status
Attachment 4 - Sample Vacancy Registration Fees

6D. 16-424 Receive Report and Consider Introduction, by Title Only, and Waive Further Reading of Ordinance 926-2016 Amending Chapter 6.14 (Licensing of Tobacco Sellers) and Chapter 6.18 (Smoking Pollution Control and Health Protection Regulations) of the Fort Bragg Municipal Code

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Marketing report for July 1, 2016-October 24, 2016

Facebook fans: 28162 (+48%)
Twitter followers: 1838 (+21%)
Instagram followers: 11273 (+999%)
Total Social Media Reach: 41232 (+98%)

Key-points:

-There is explosive growth on Instagram. Engagement was up 999%.
-Overall engagement is up 700%.
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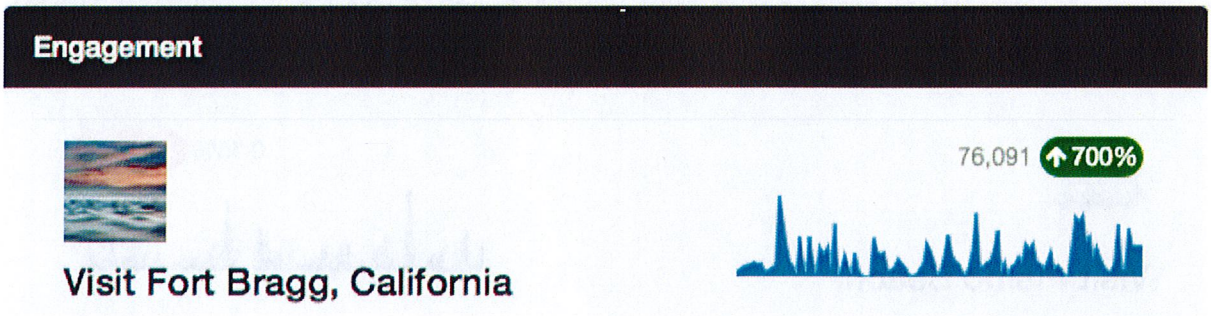
Overall Engagement across all platforms:



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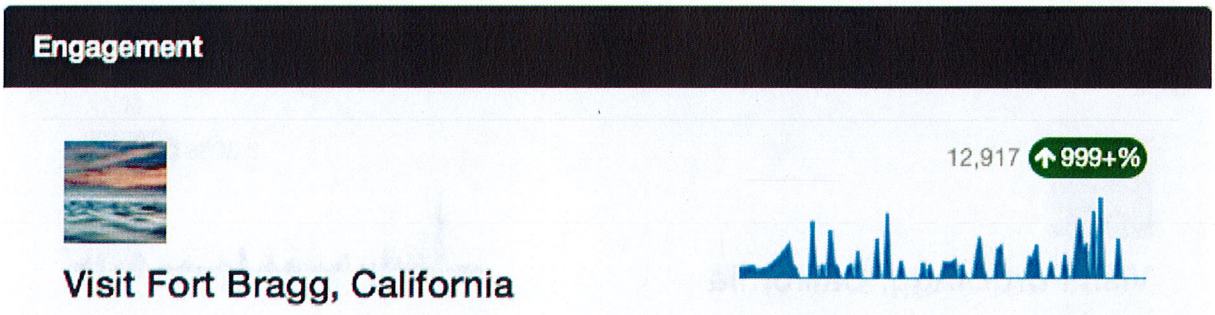

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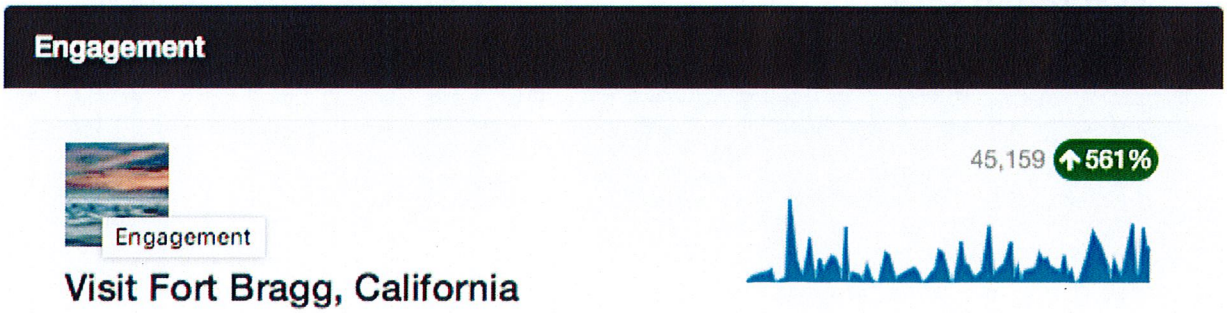

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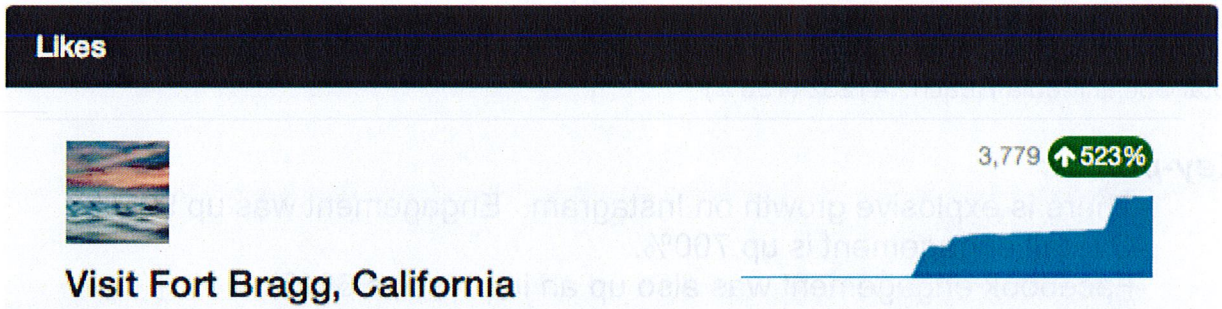
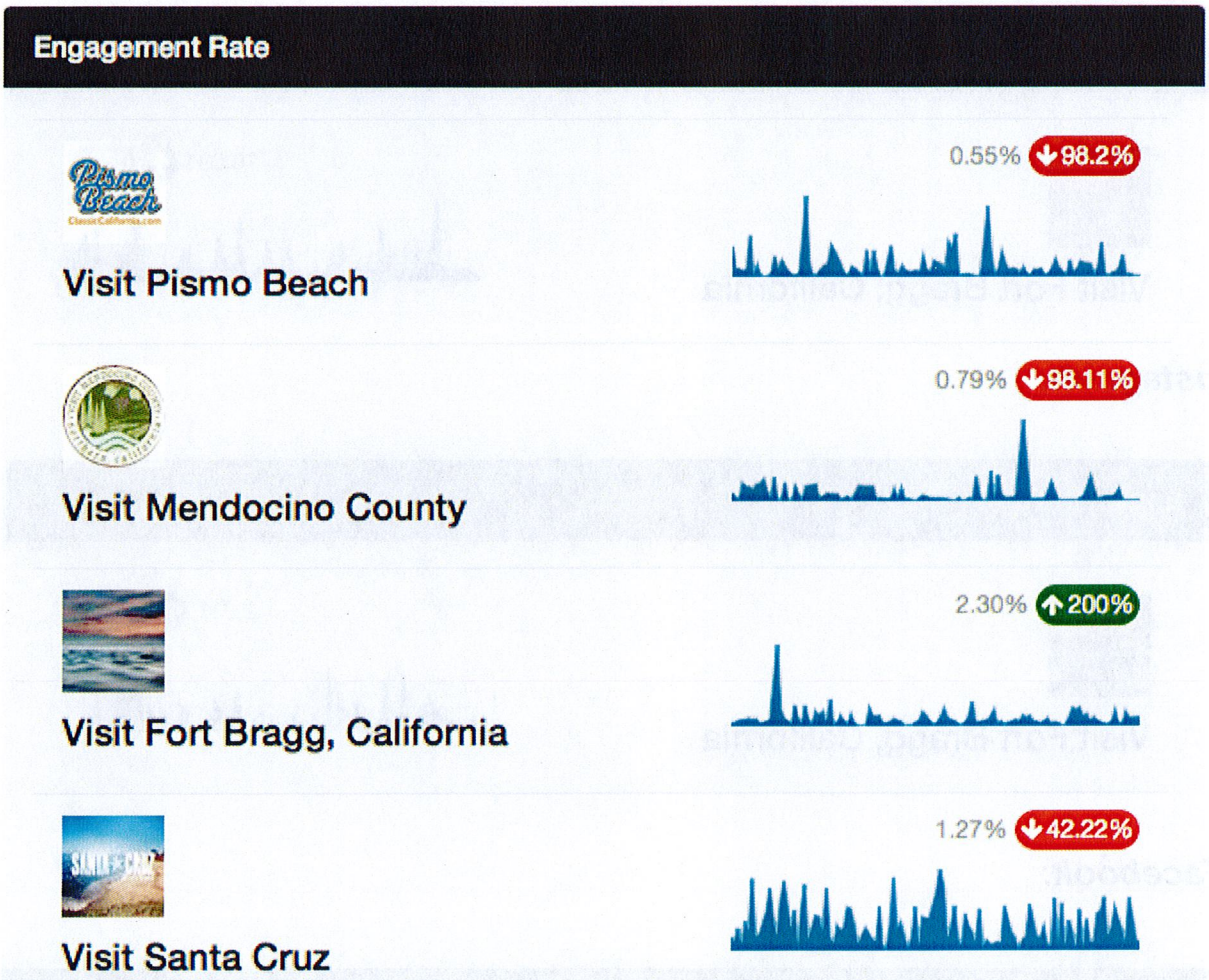


How do we compare?



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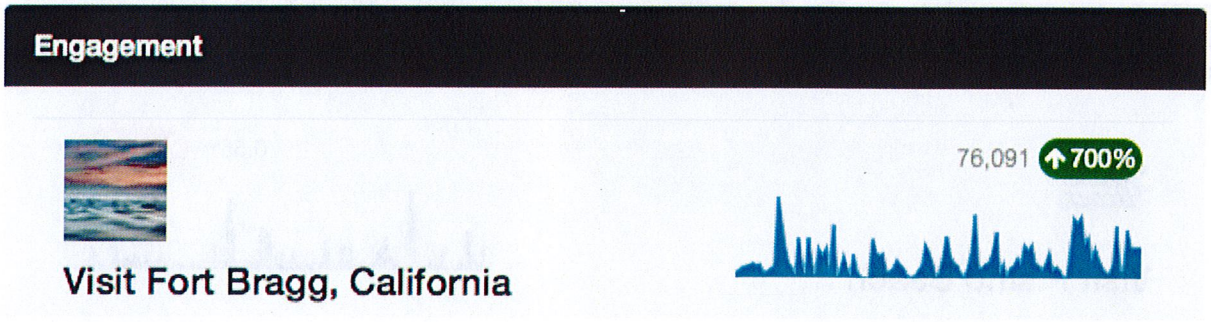

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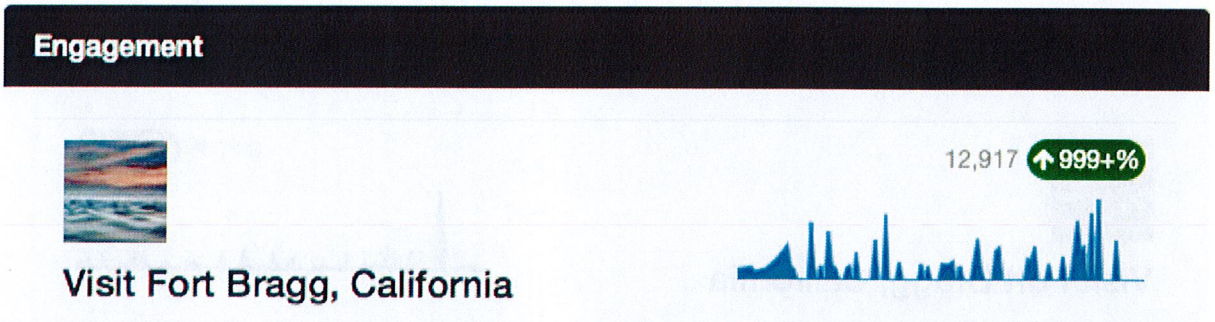

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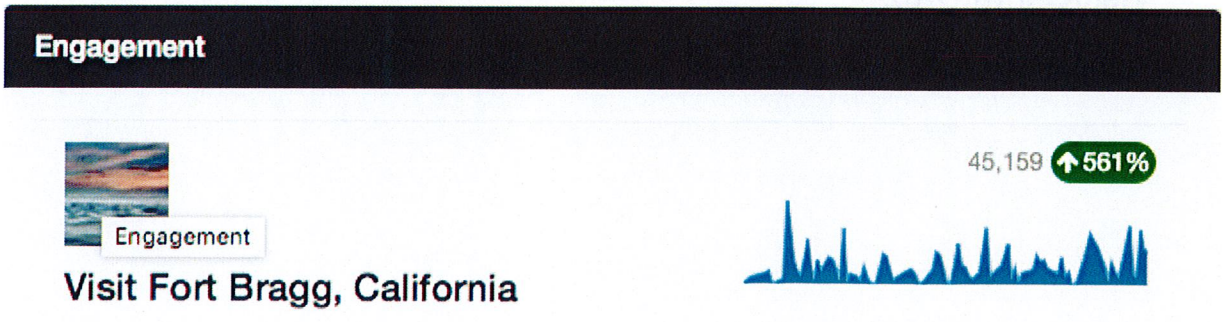

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Engagement Rate

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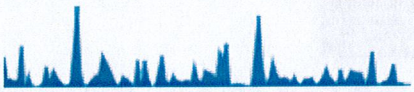

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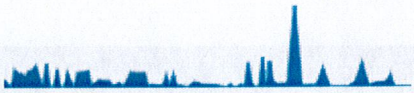

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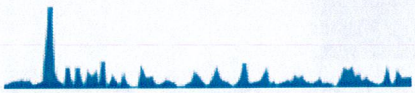

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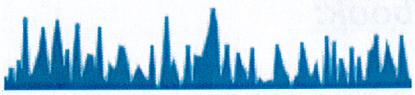

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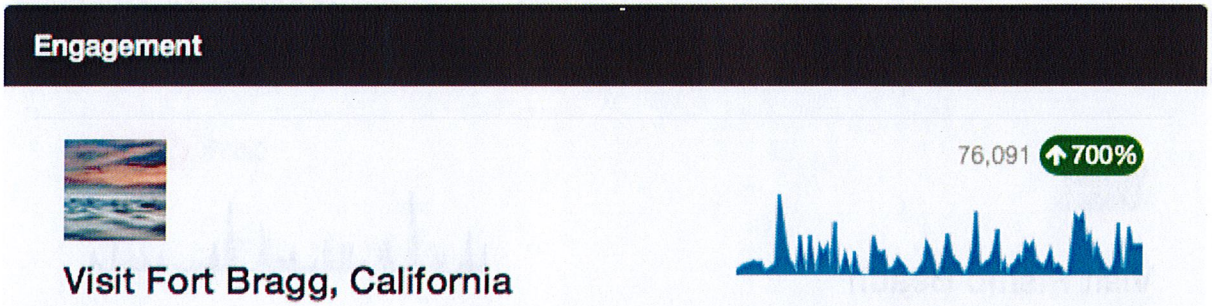

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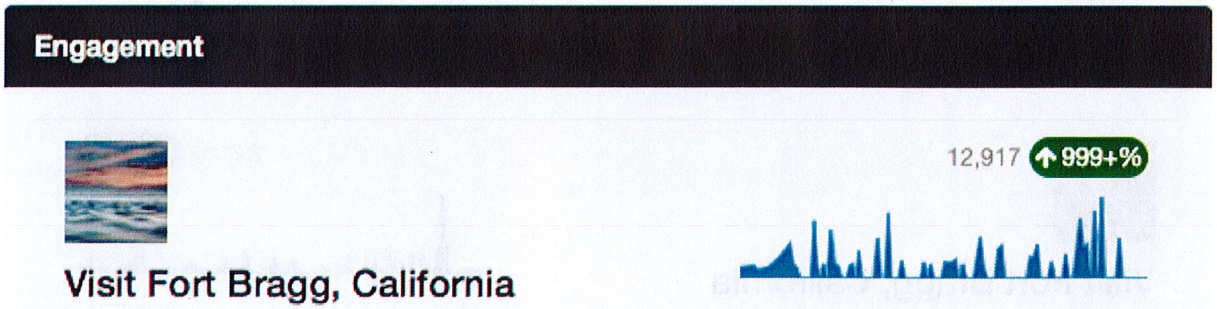

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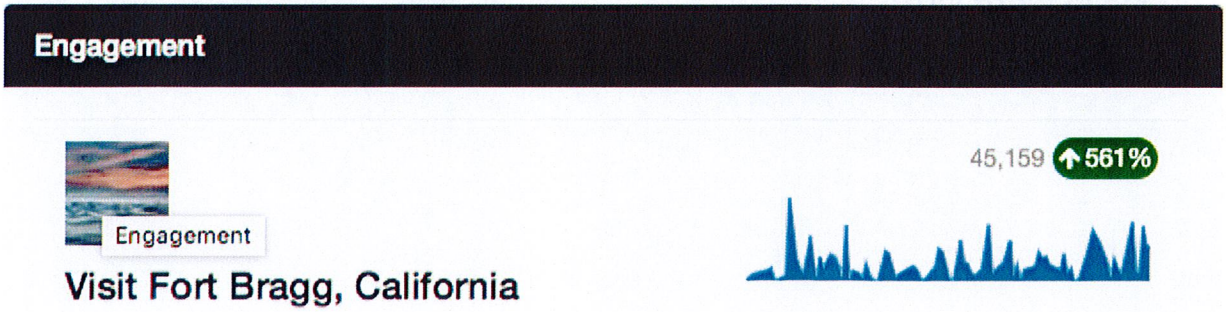

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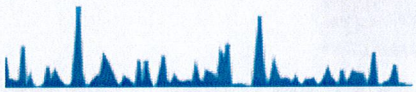

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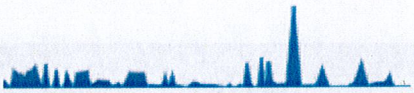

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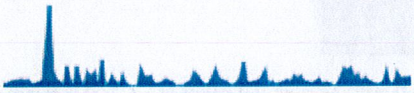

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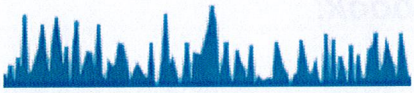

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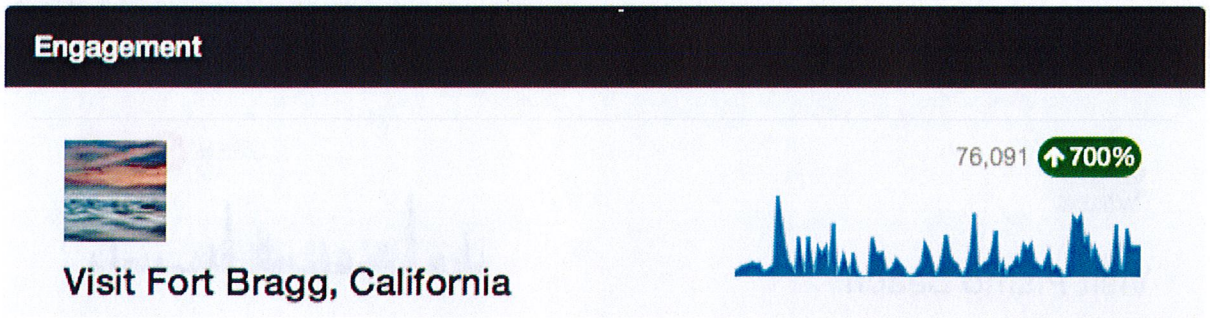

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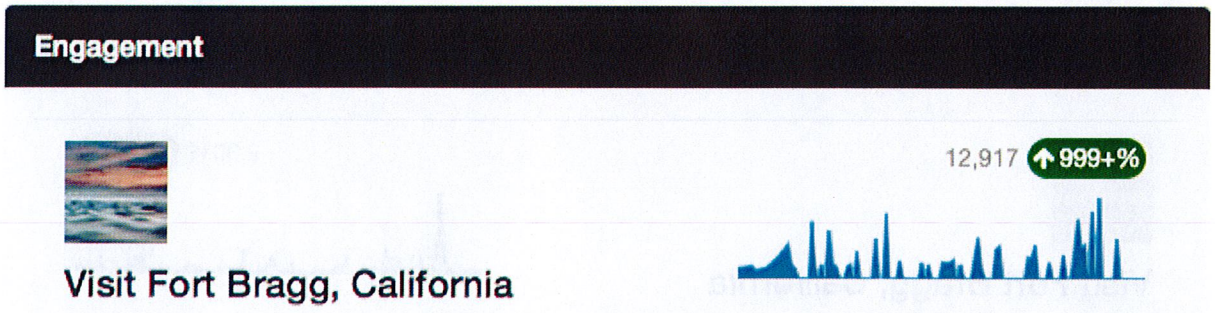

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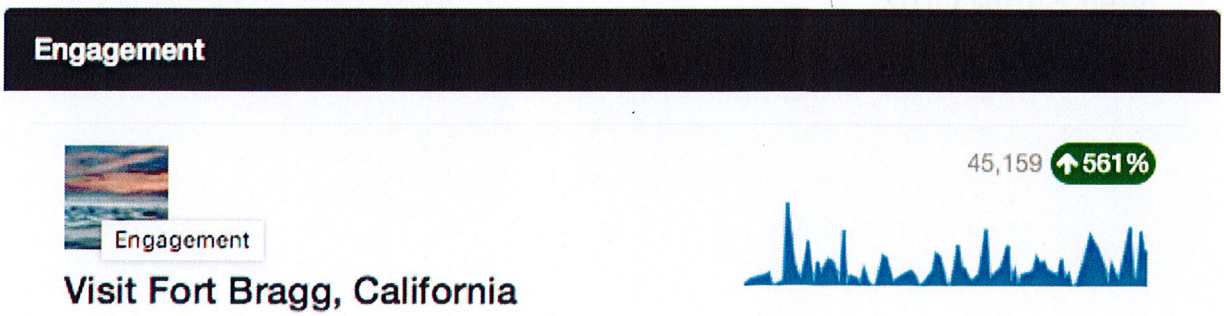

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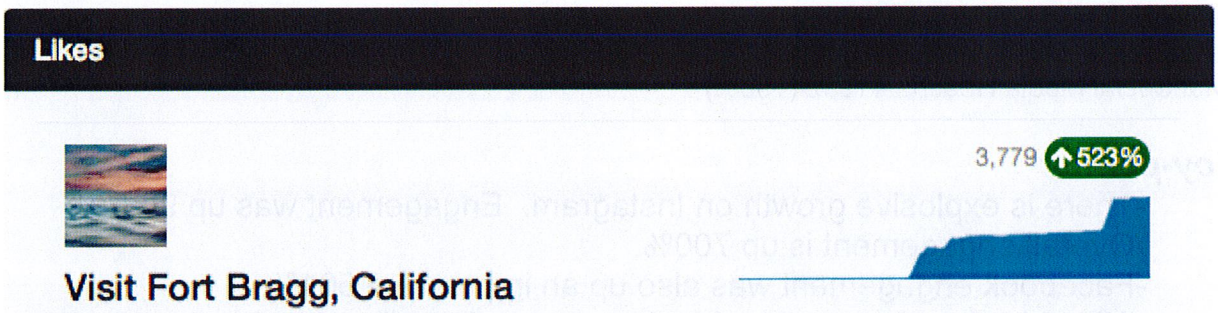

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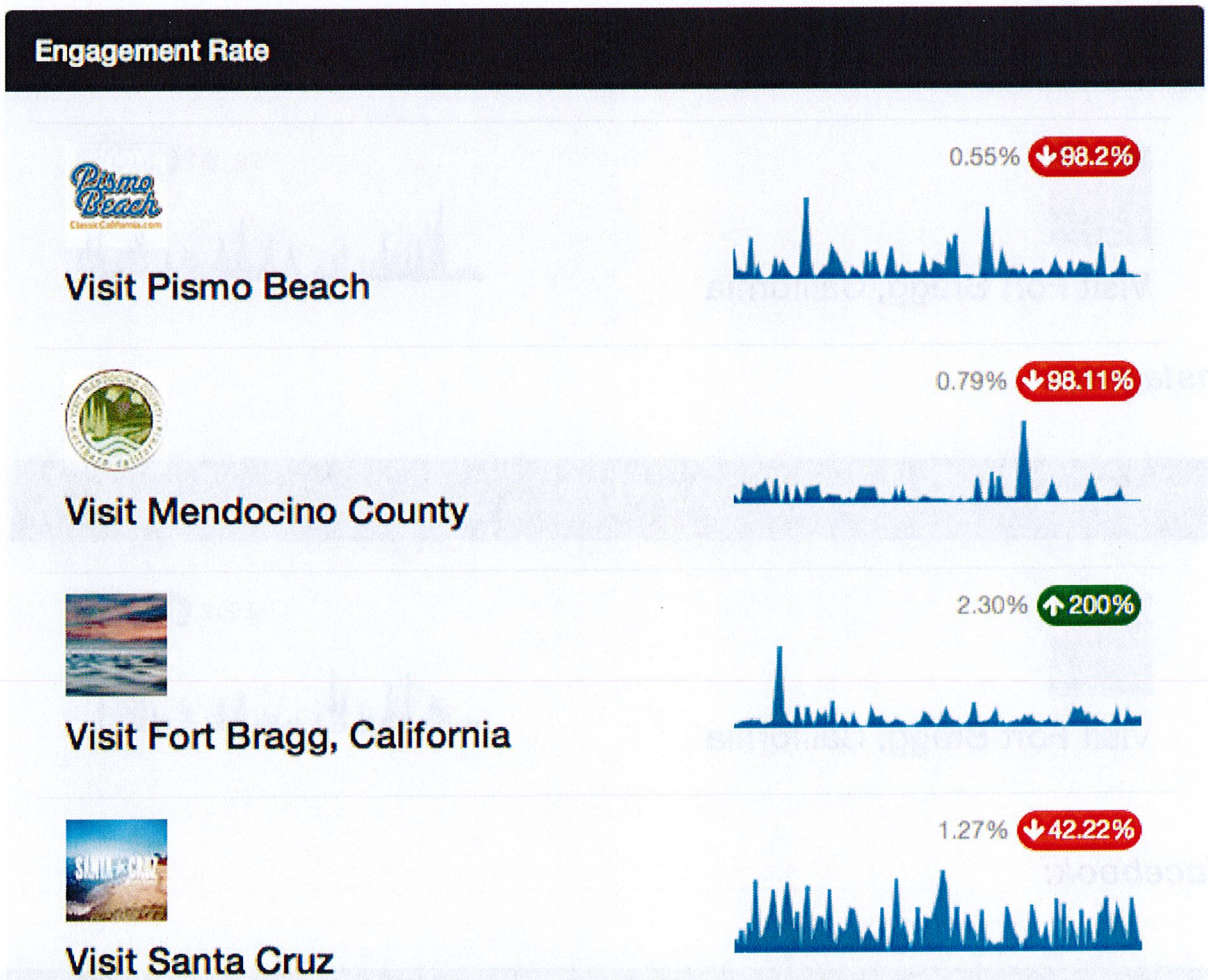

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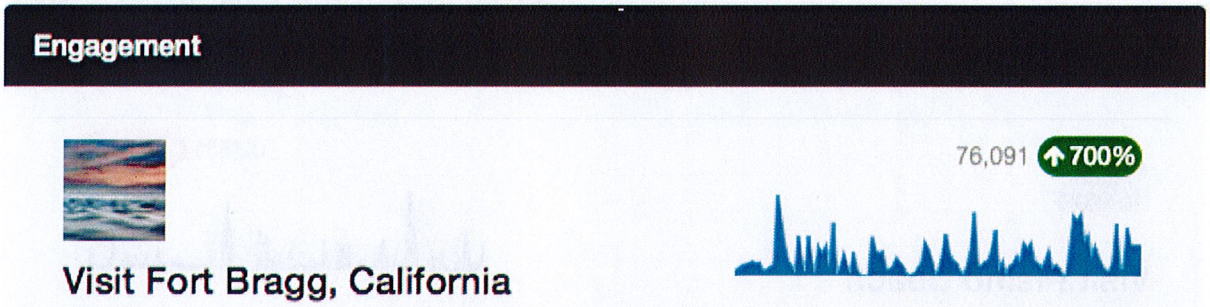

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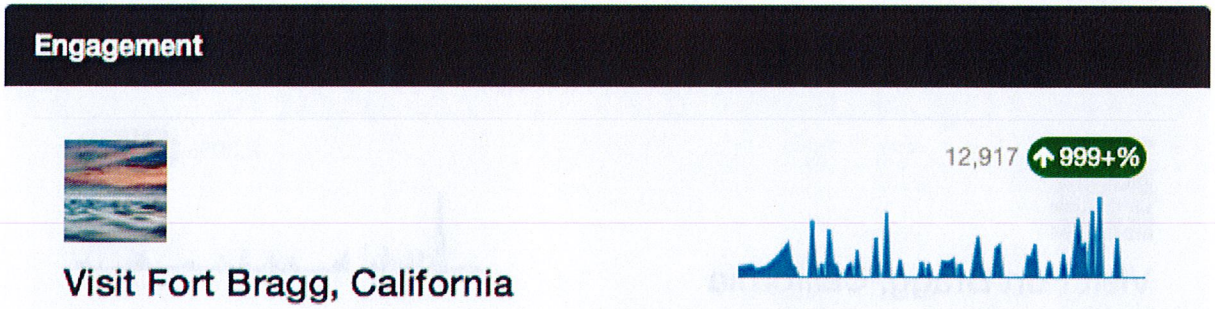

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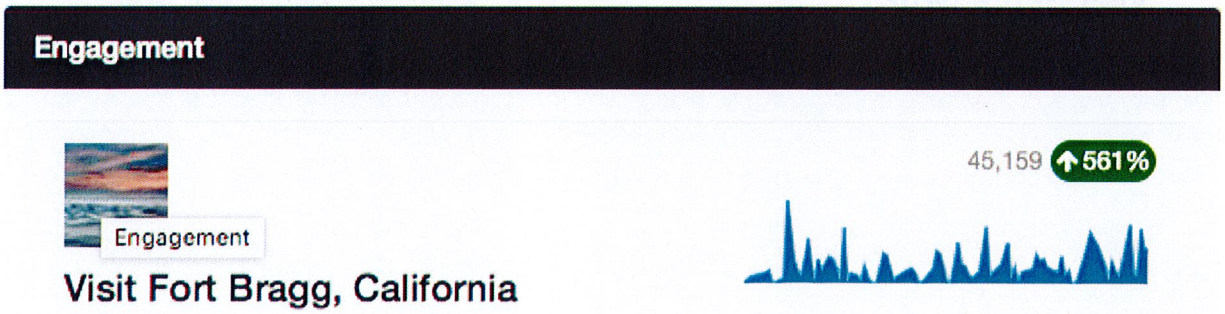

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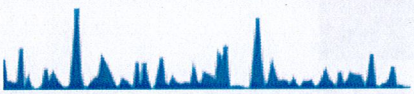

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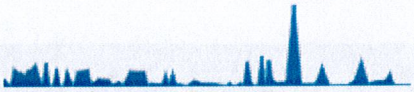

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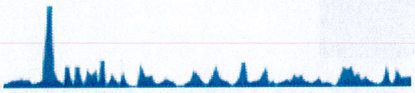

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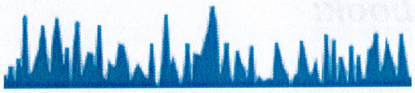

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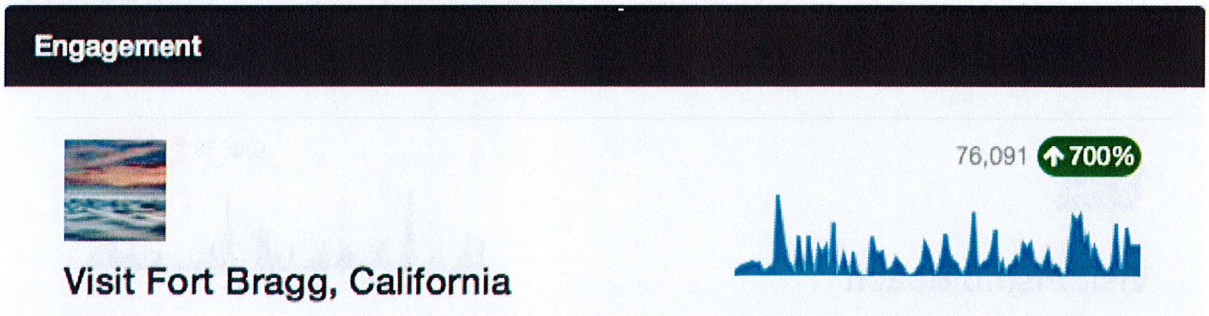

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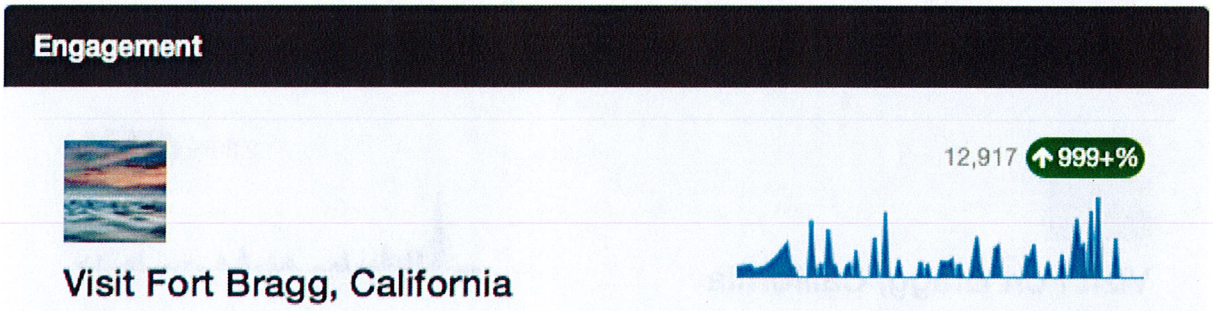

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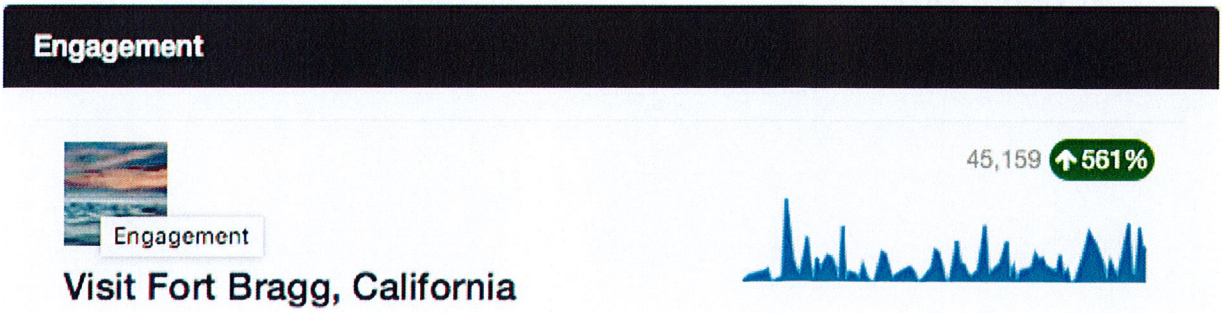

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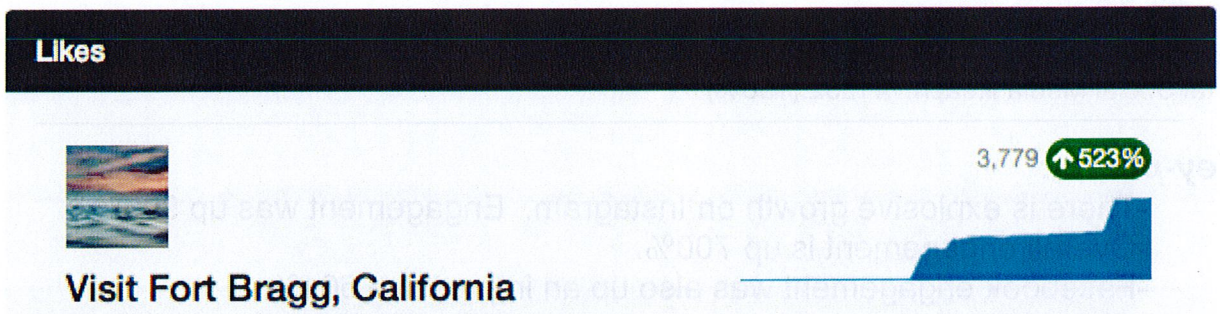

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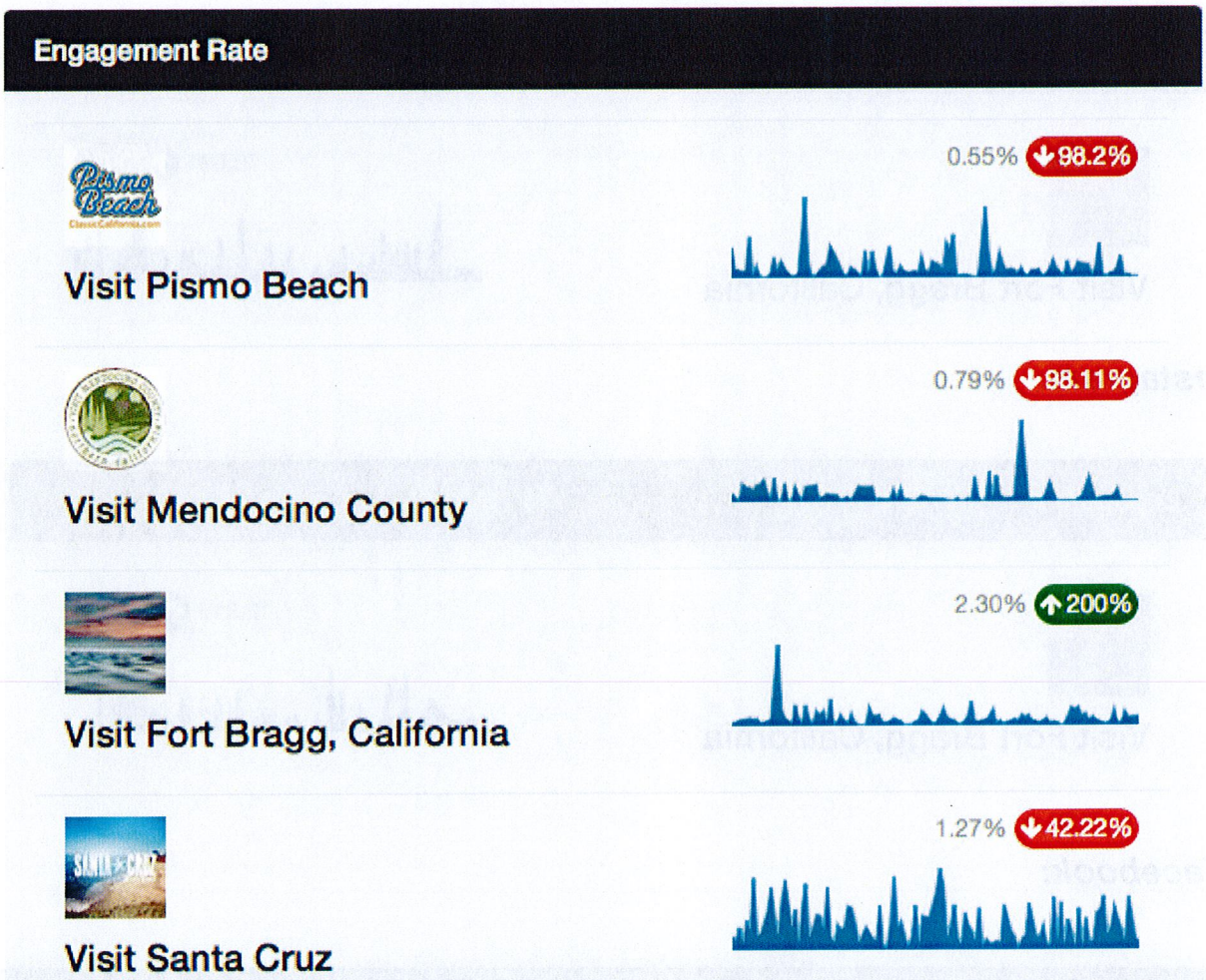

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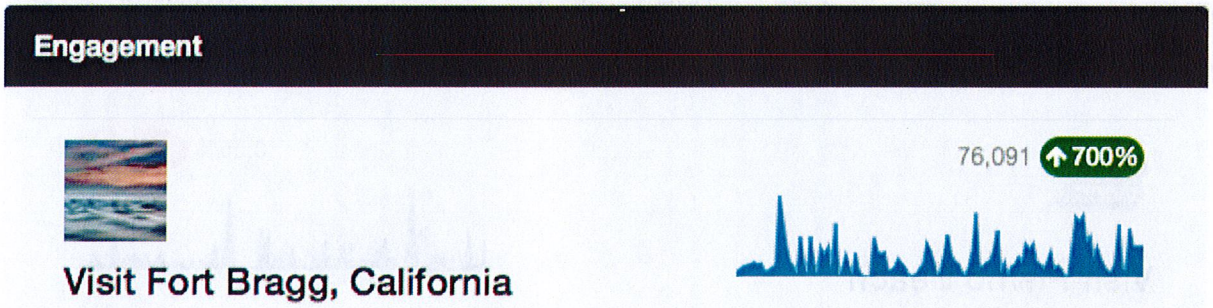

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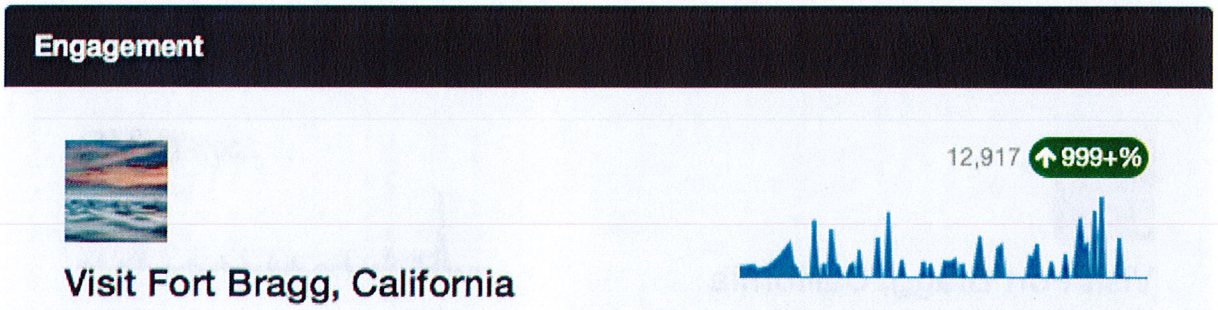

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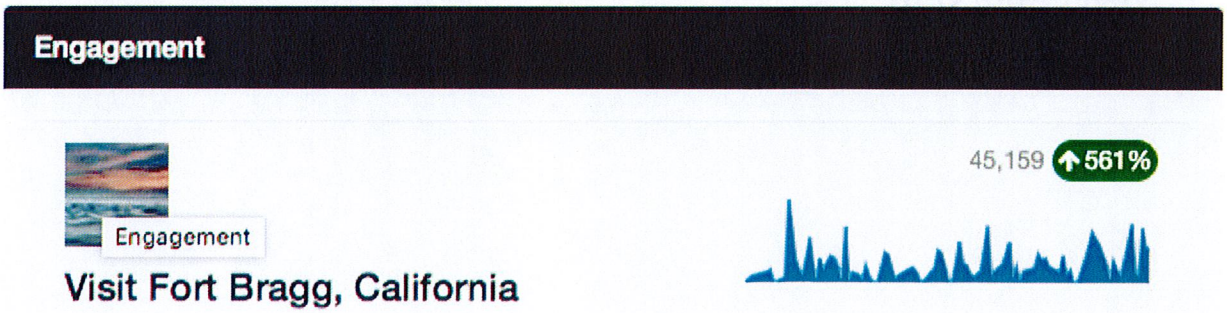

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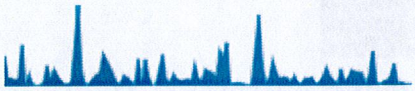

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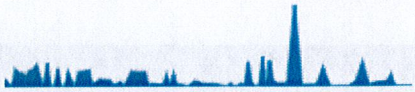

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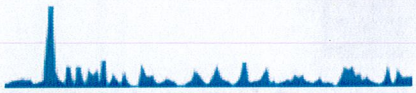

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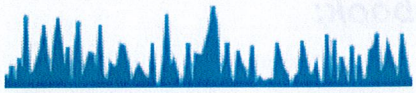

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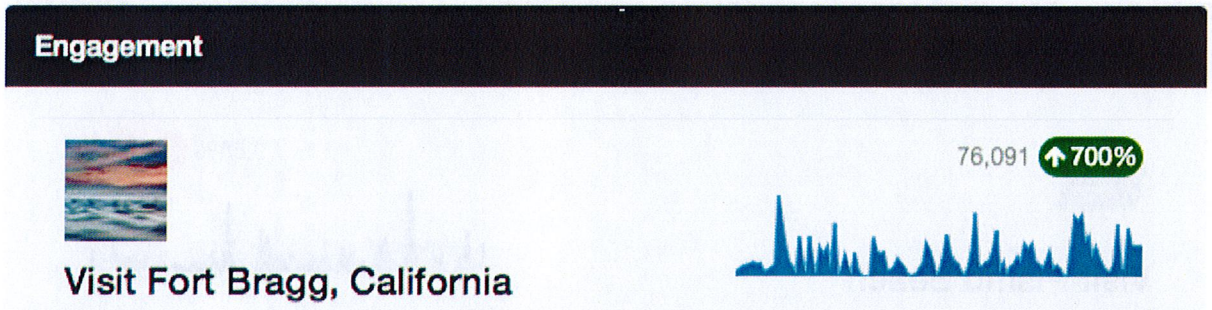
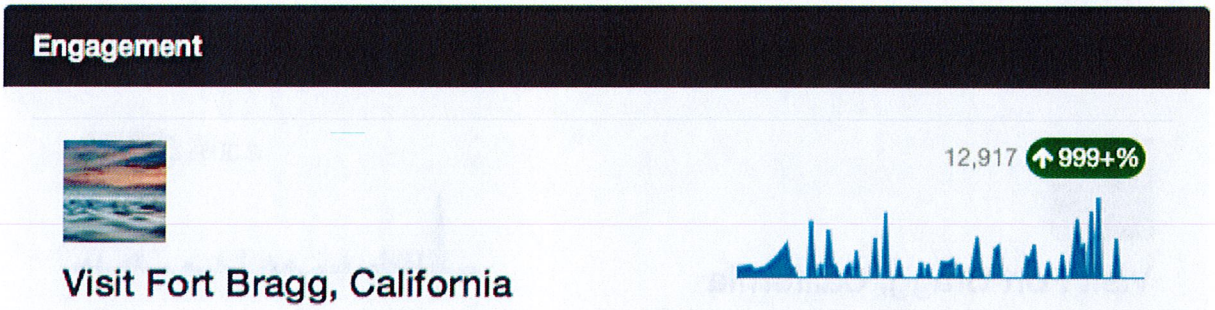
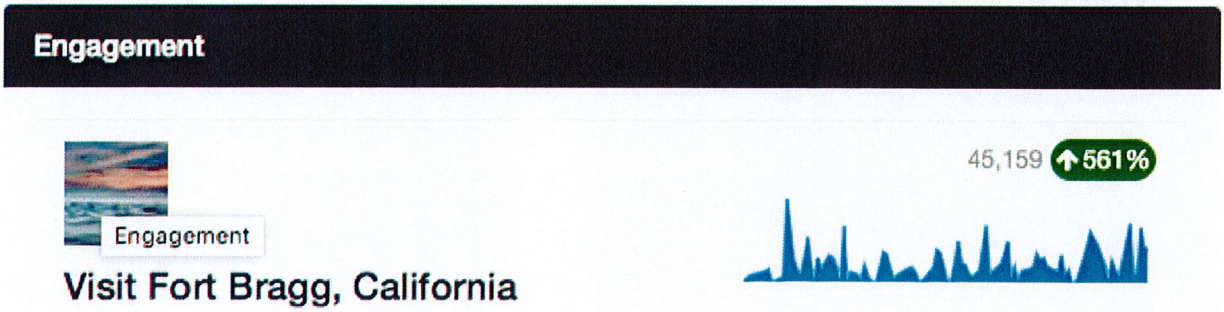


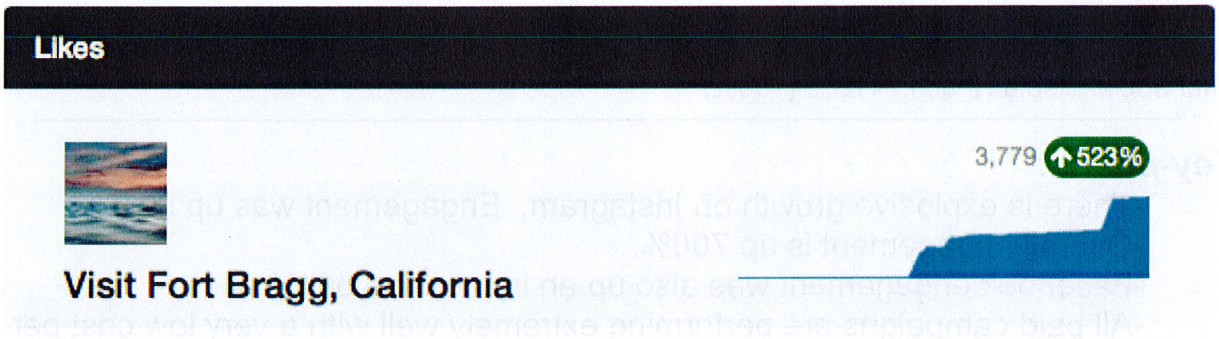
Instagram:



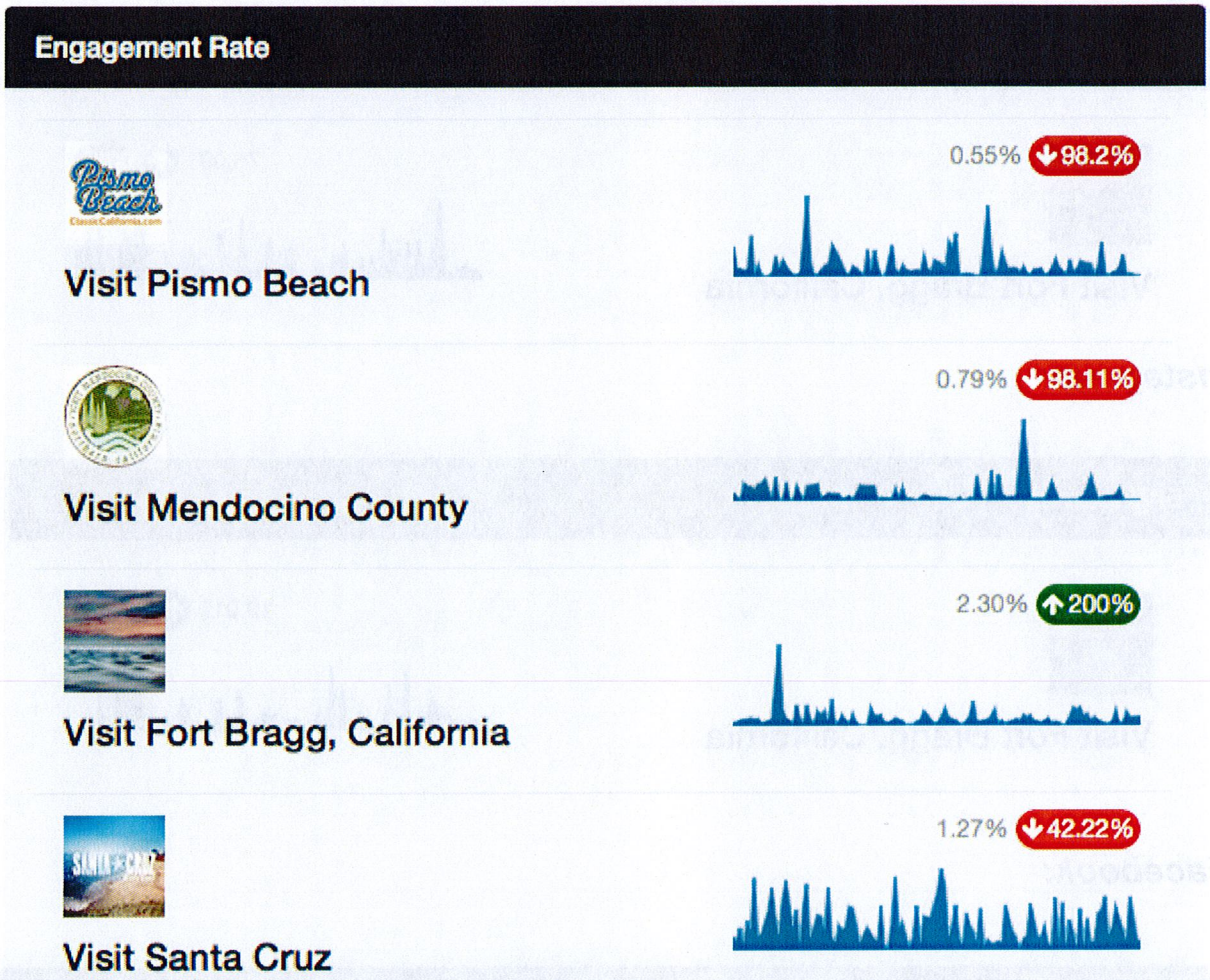
Facebook:



Twitter:



How do we compare?



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Marketing report for July 1, 2016-October 24, 2016

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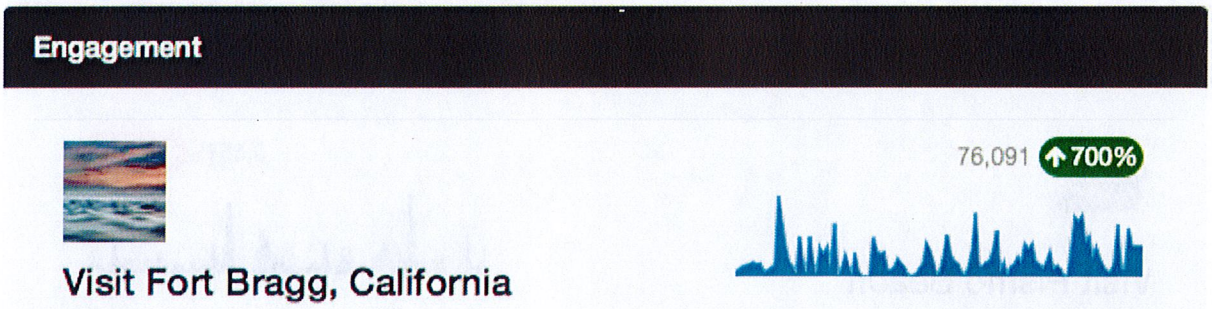

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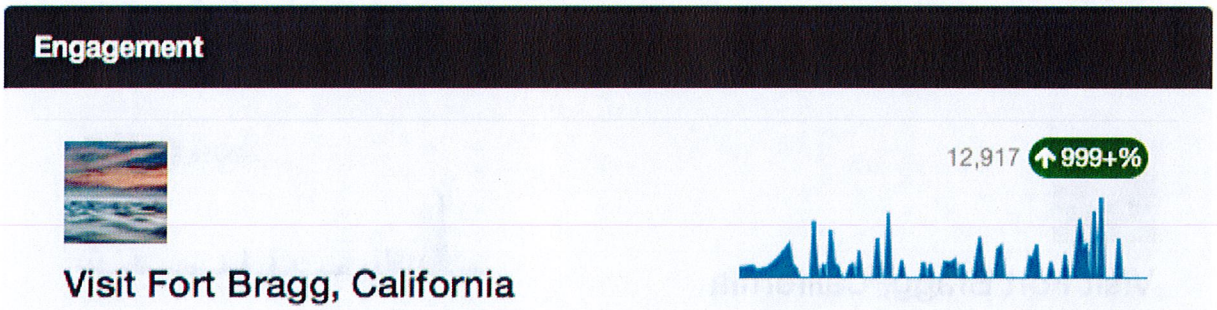

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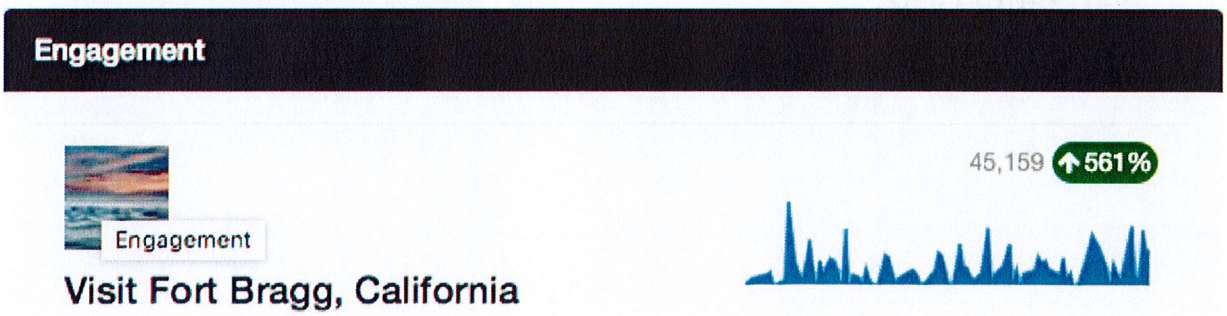

Twitter:

Likes

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How do we compare?

Engagement Rate

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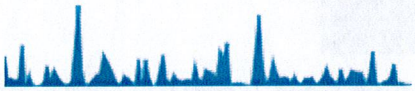
0.55% ↓98.2%



Visit Mendocino County

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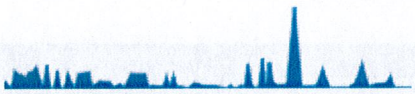

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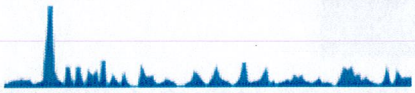

Visit Santa Cruz

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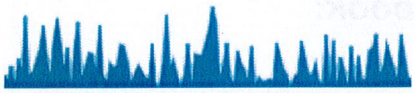

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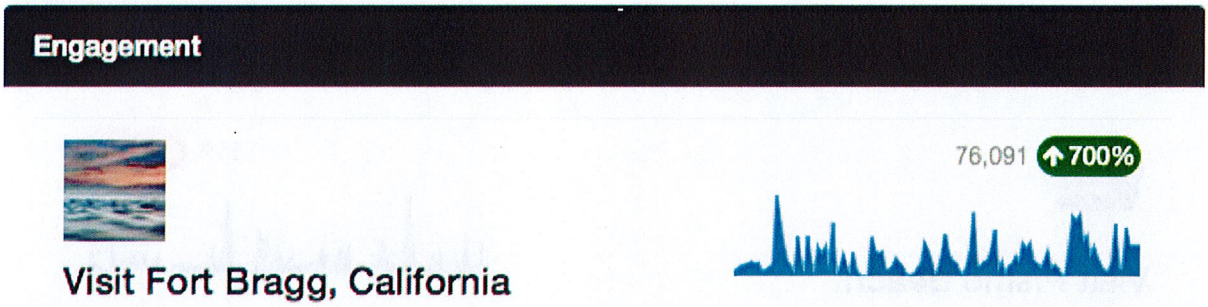

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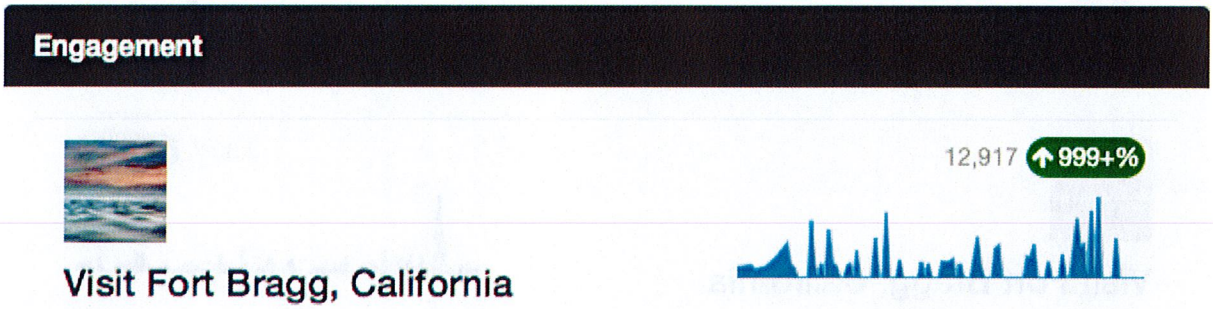

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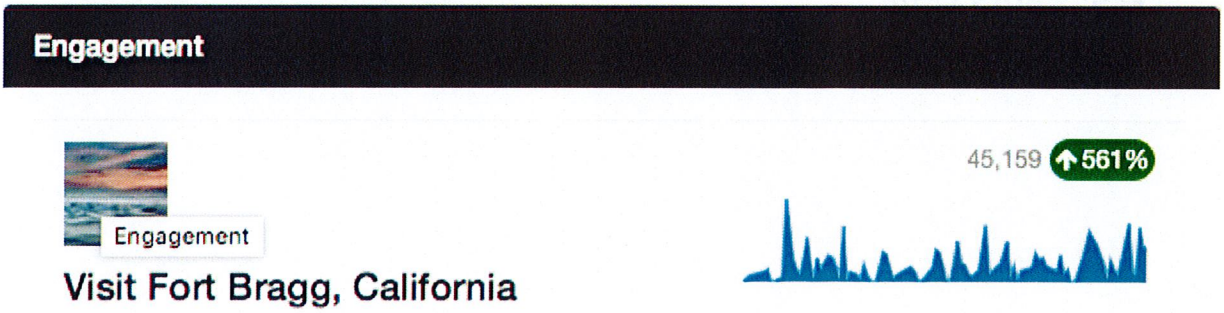

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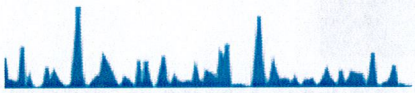

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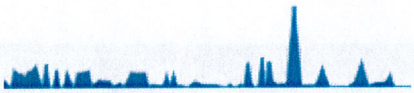

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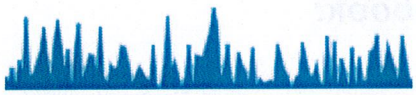
Visit Santa Cruz

1.27% ↓42.22%



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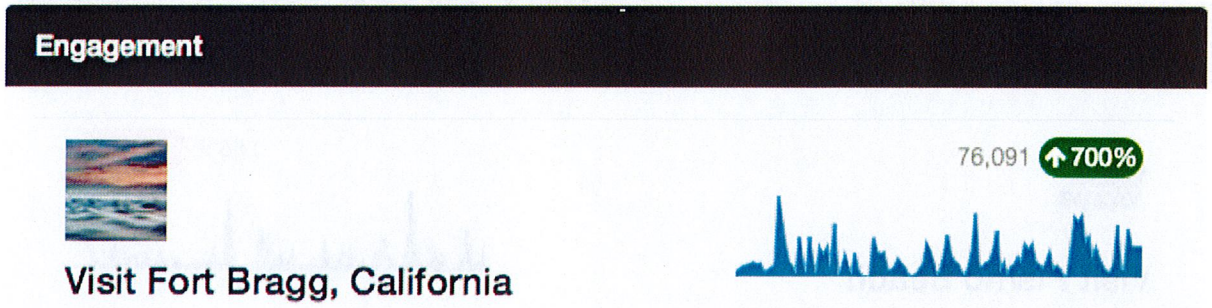

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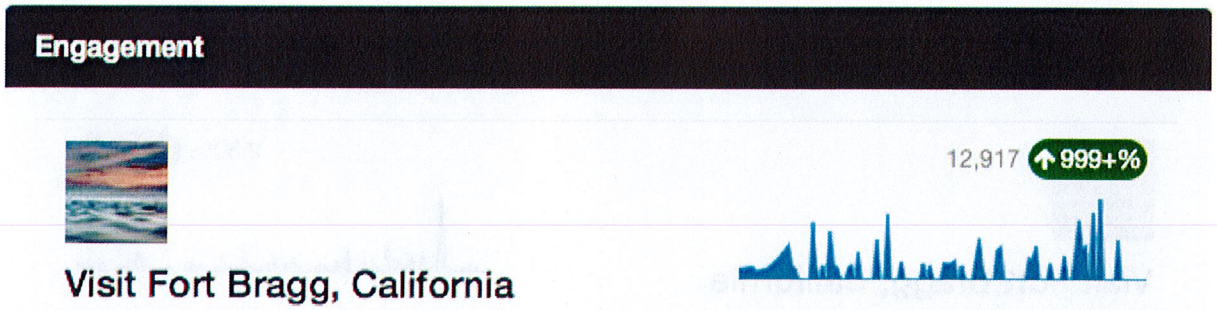
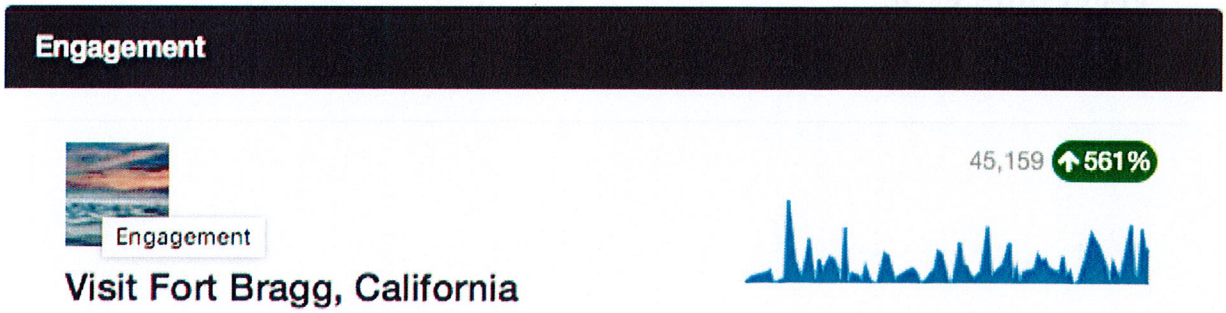


Facebook:



Twitter:

Likes

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3,779 ↑523%

How do we compare?

Engagement Rate

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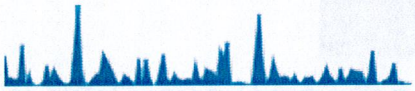
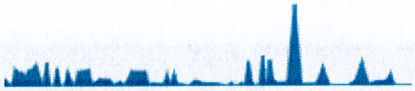


Visit Mendocino County

0.79% ↓98.11%



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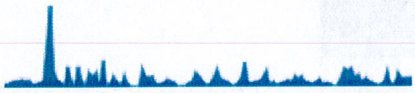

Visit Santa Cruz

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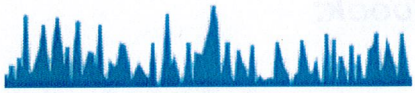

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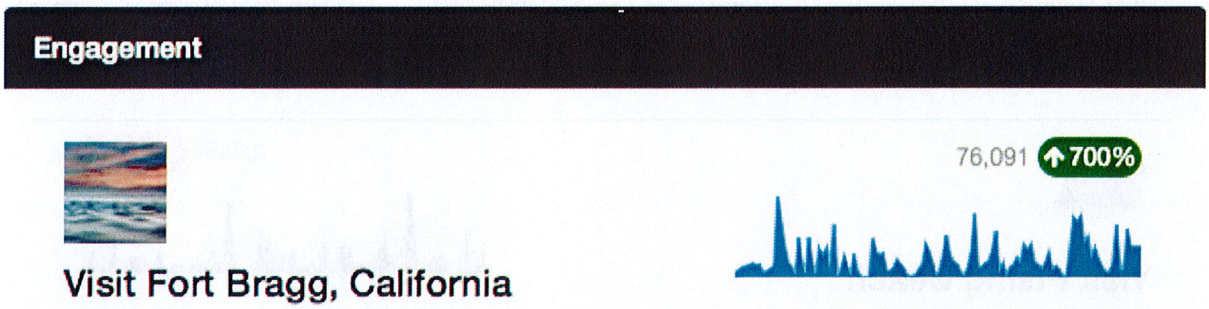

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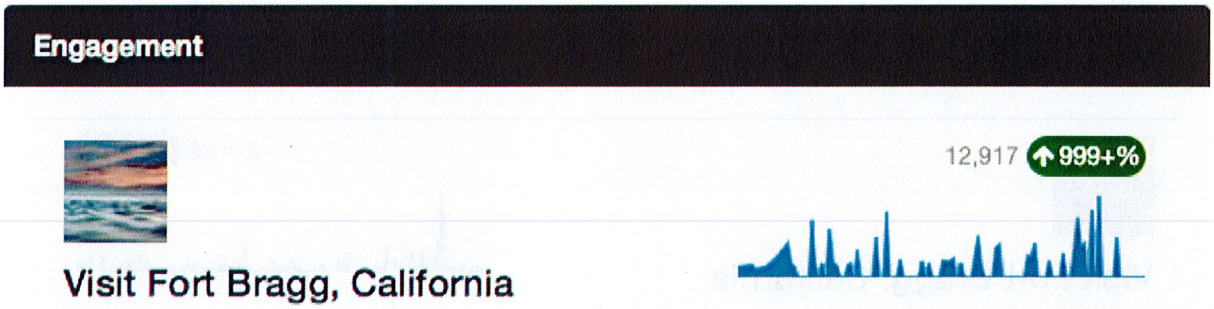

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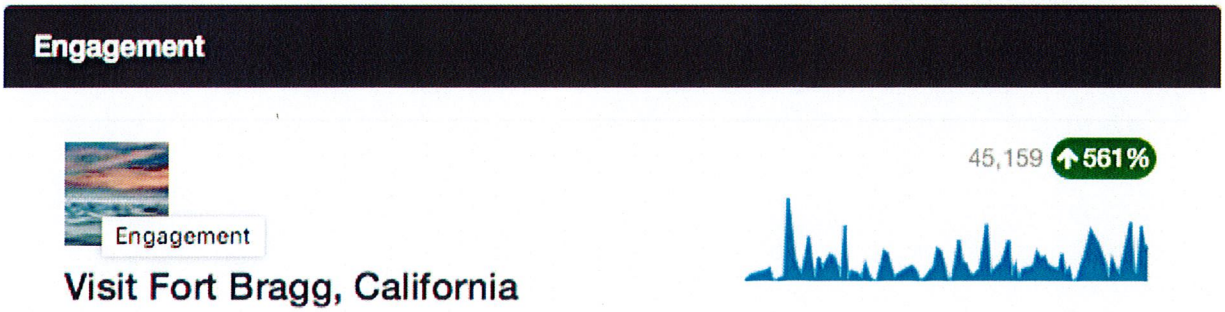

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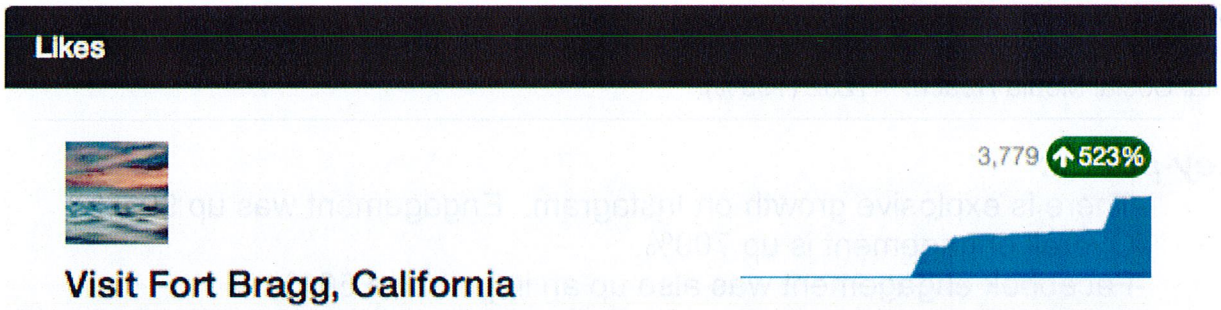

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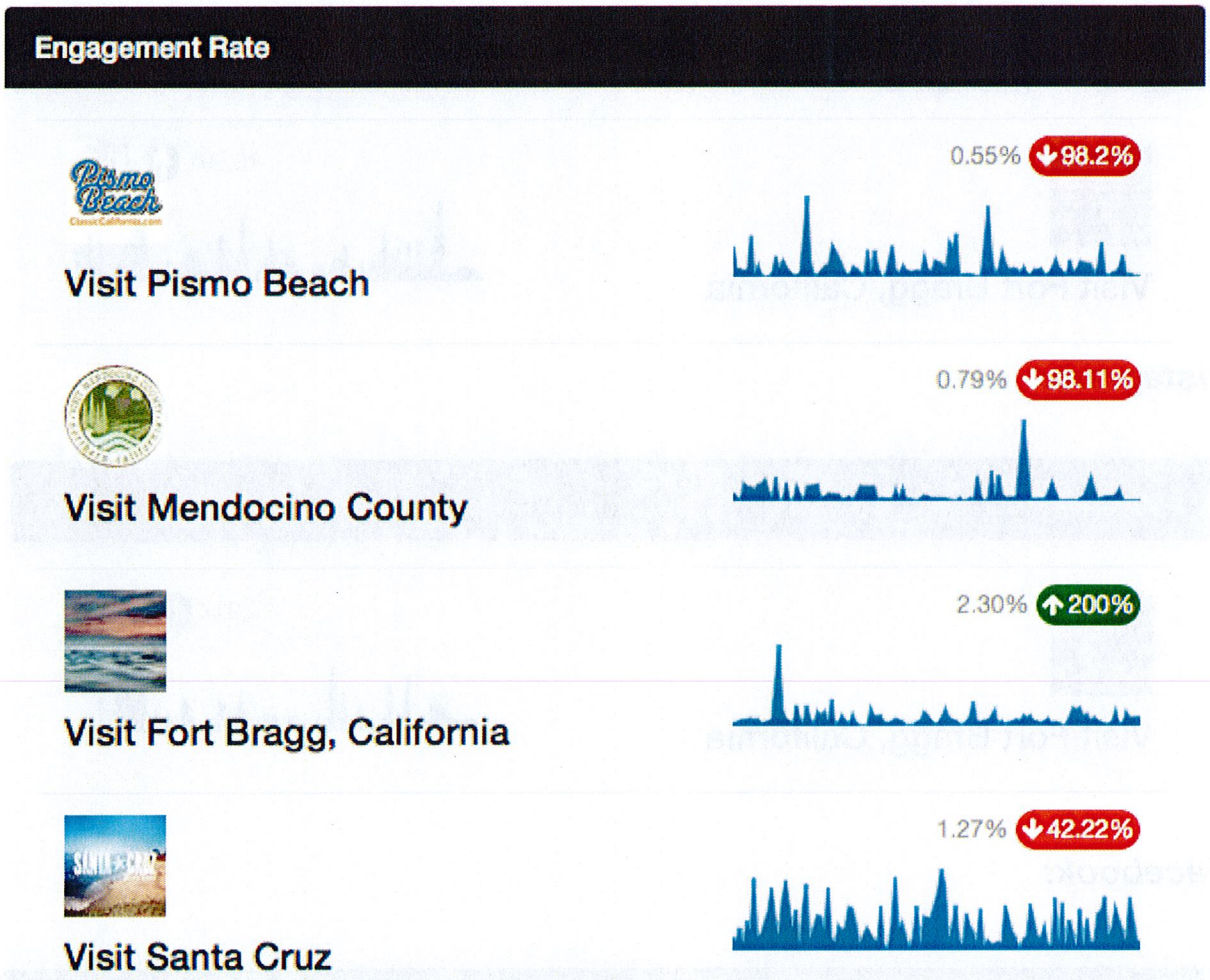

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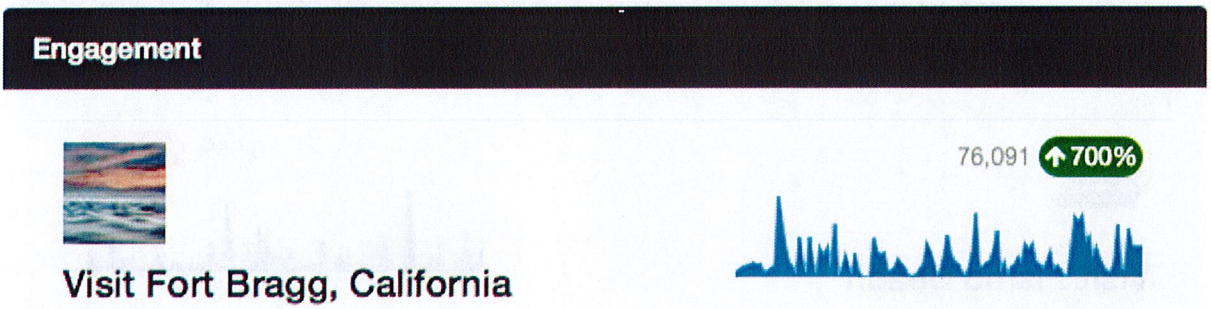

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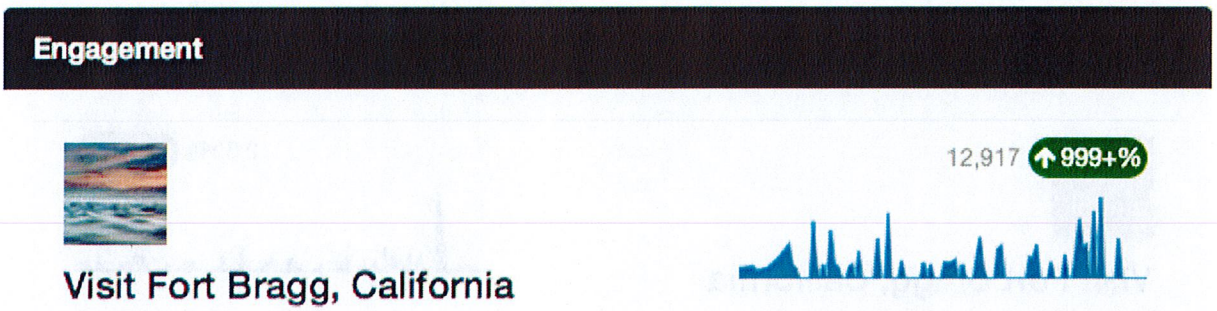

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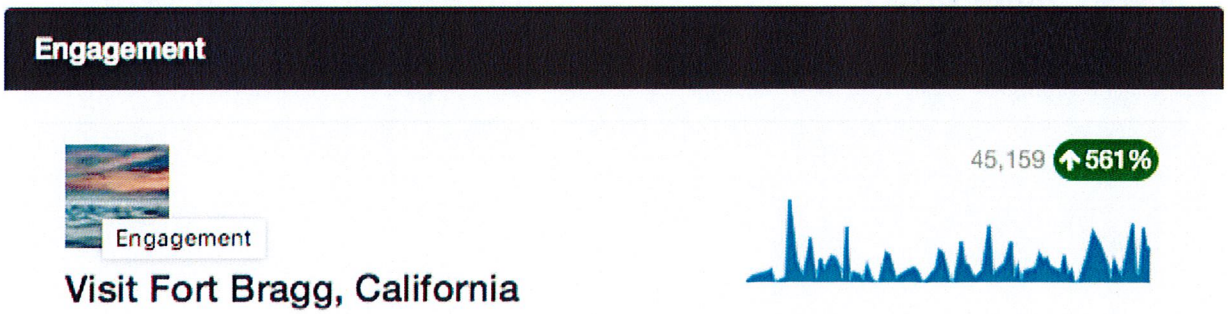

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3,779 ↑523%

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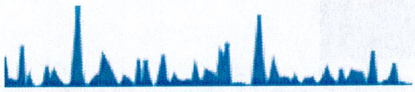

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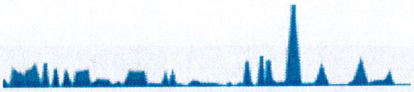

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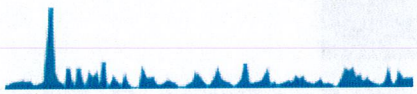

Visit Santa Cruz

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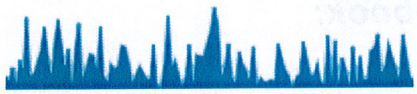

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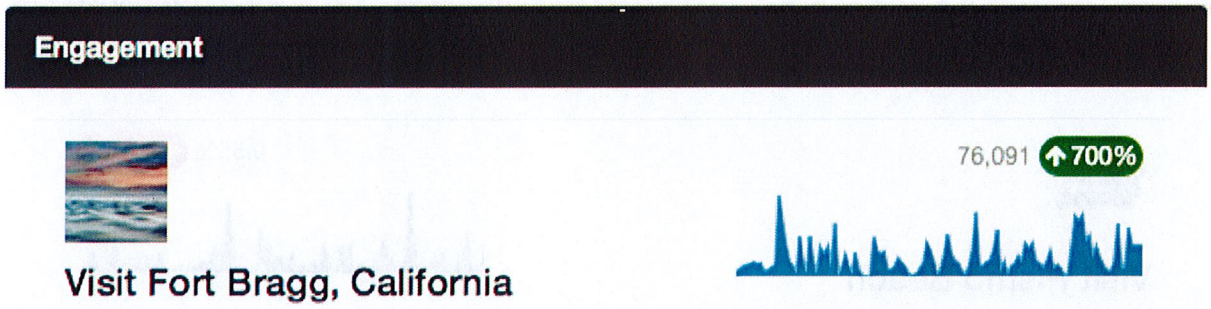

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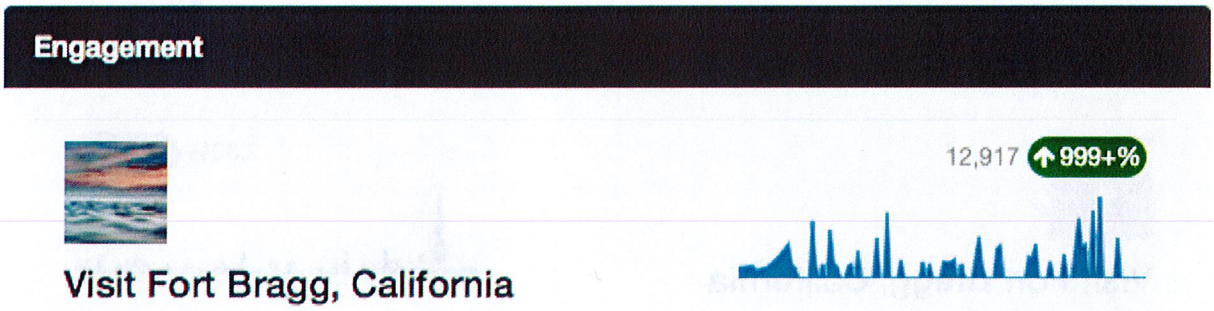

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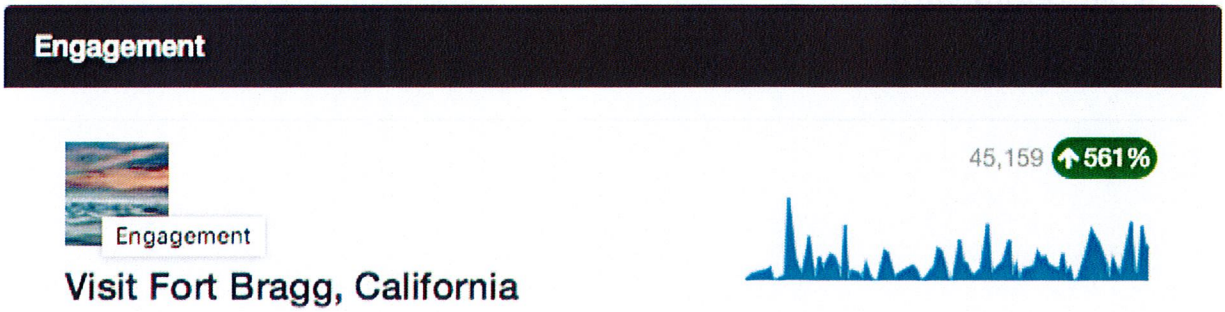

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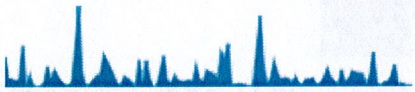

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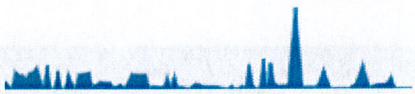

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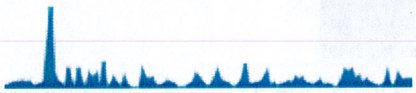

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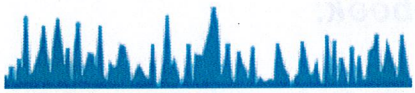

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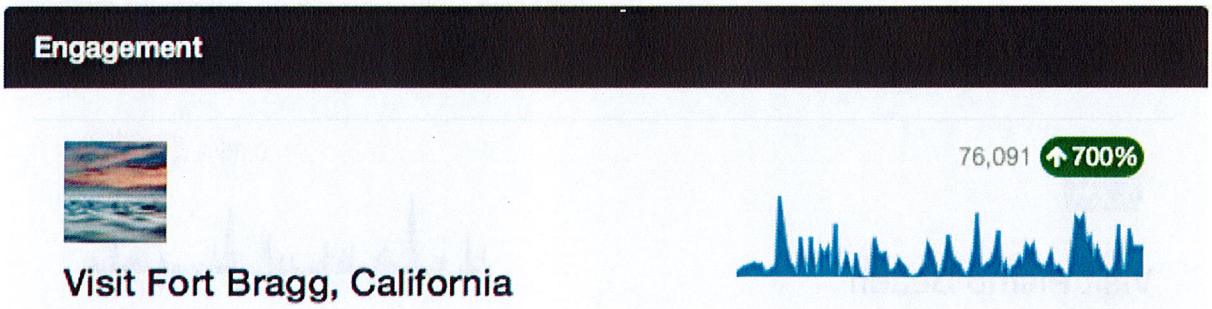

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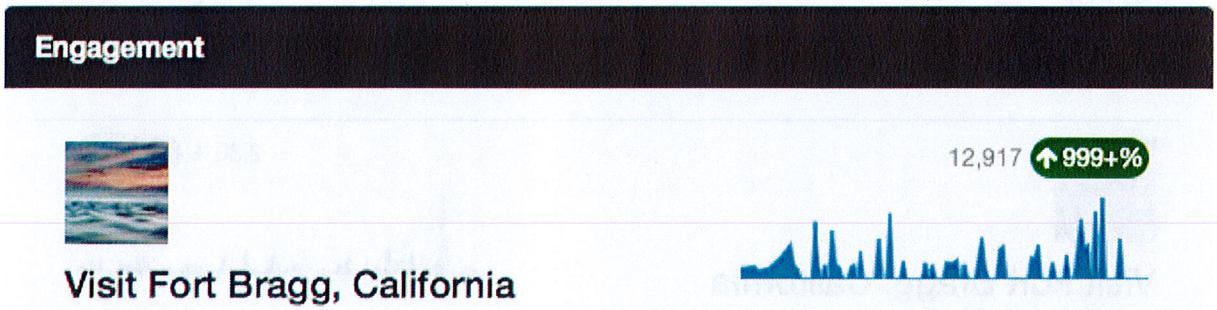

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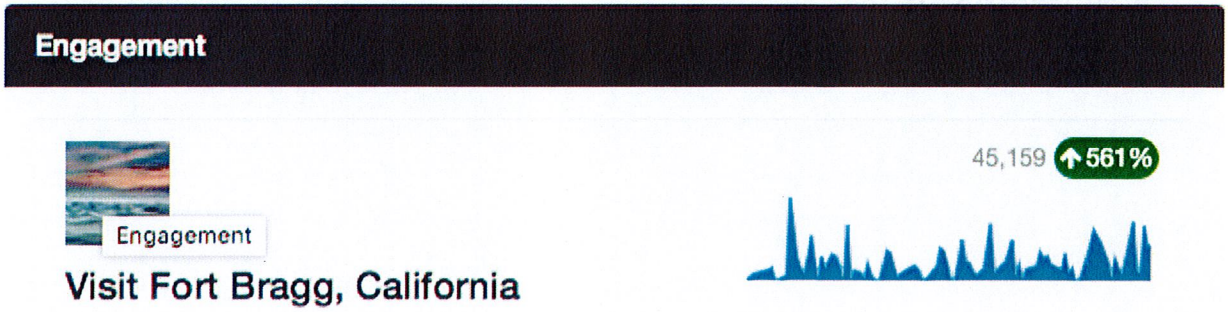

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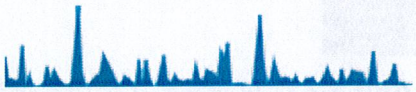

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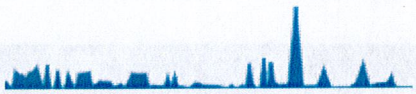

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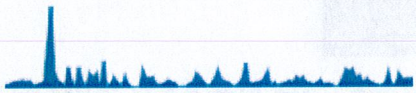

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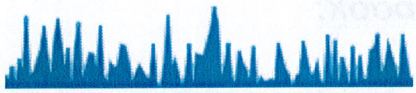
1.27% ↓42.22%



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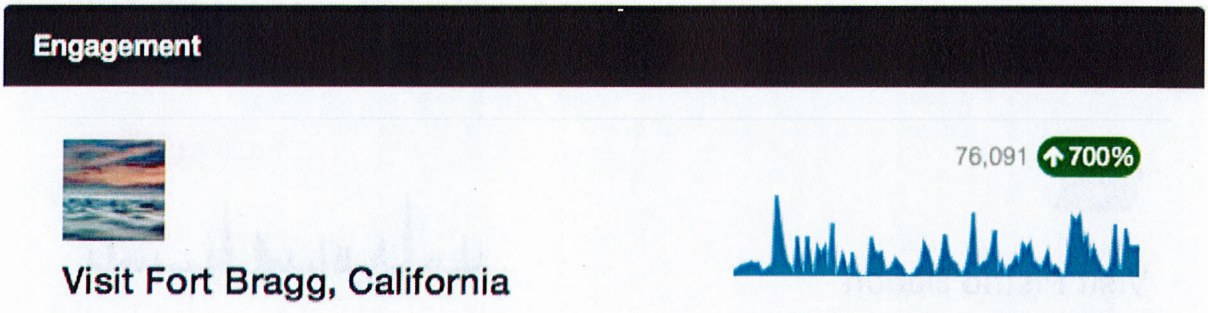
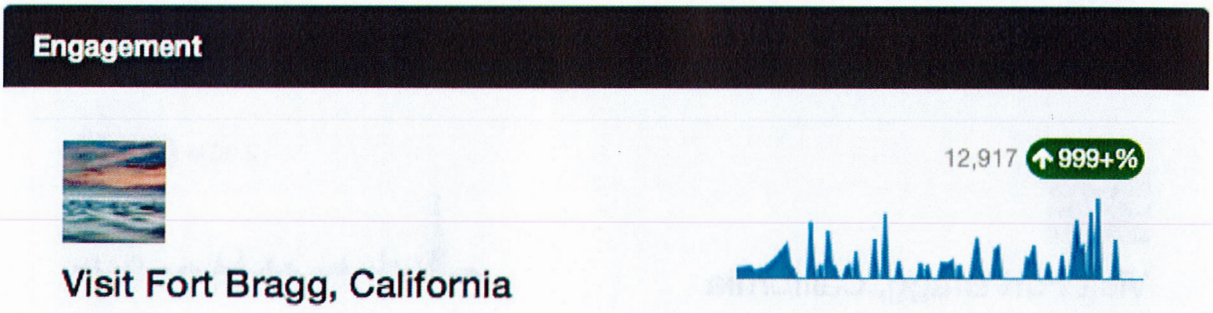


Instagram:



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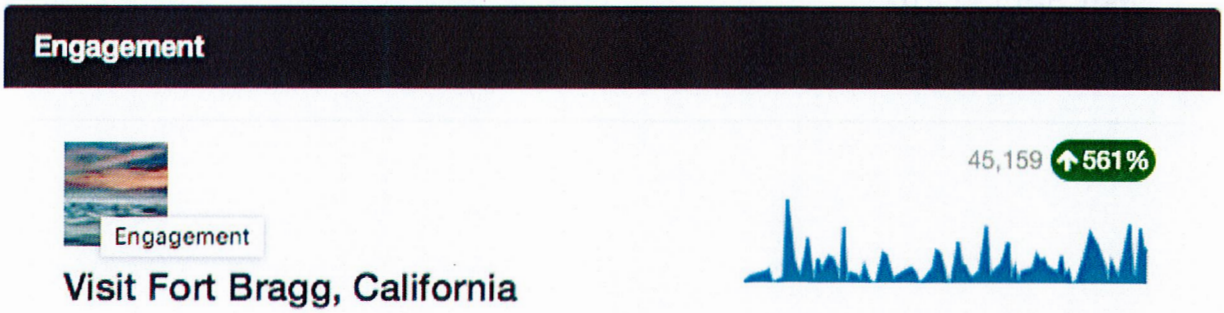

Twitter:

Likes

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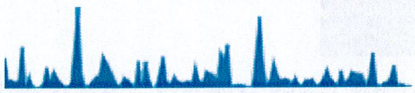
3,779 ↑523%

How do we compare?

Engagement Rate

Visit Pismo Beach

0.55% ↓98.2%



Visit Mendocino County

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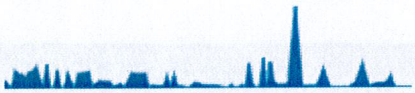

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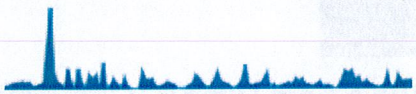

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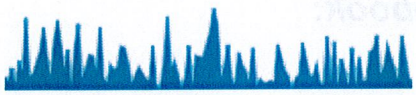

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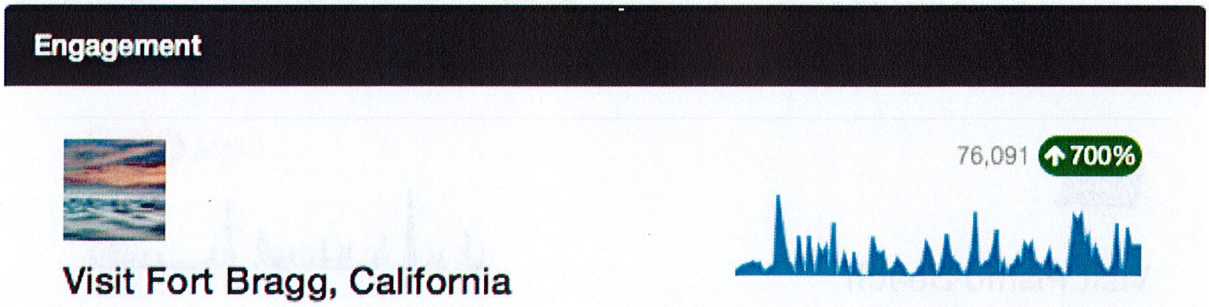

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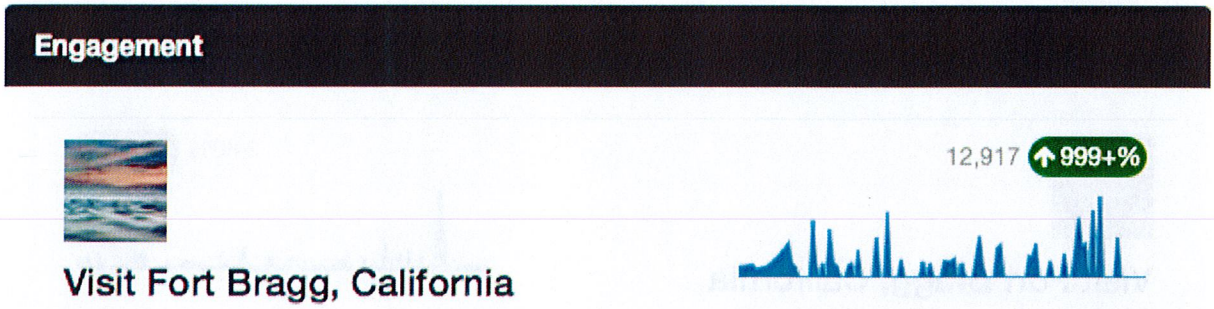

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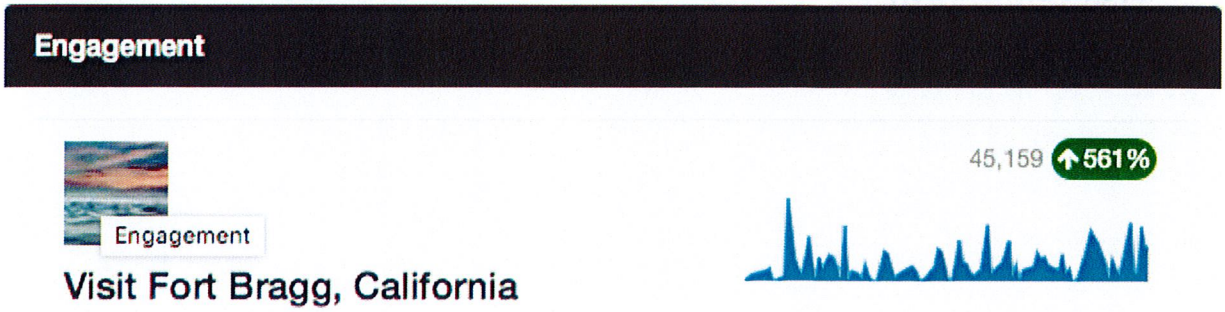

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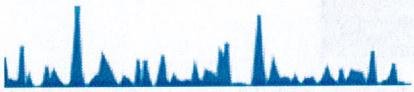

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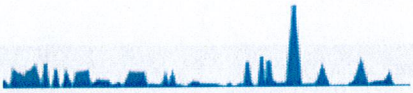

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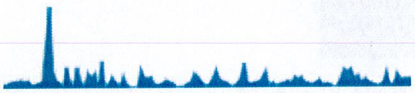

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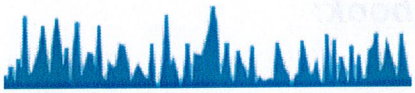

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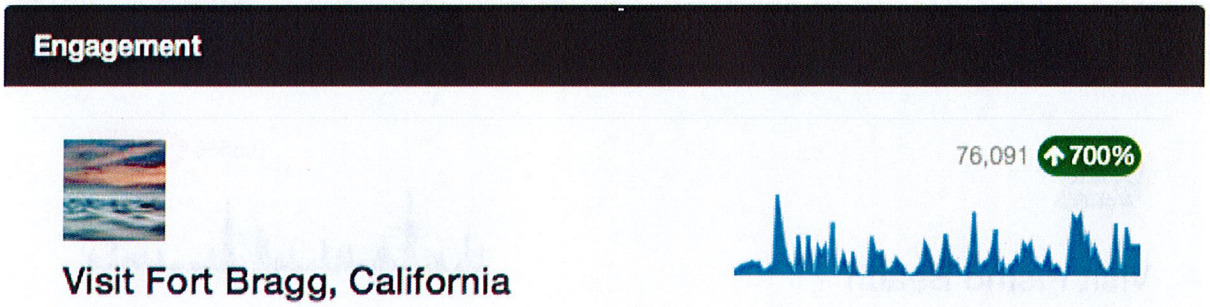

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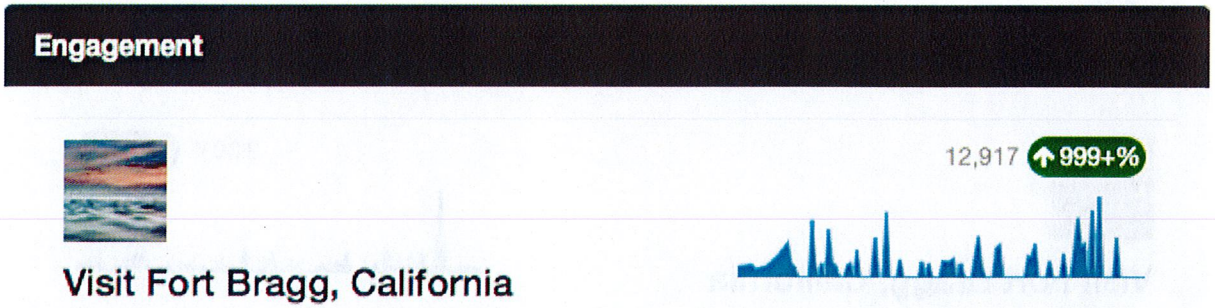

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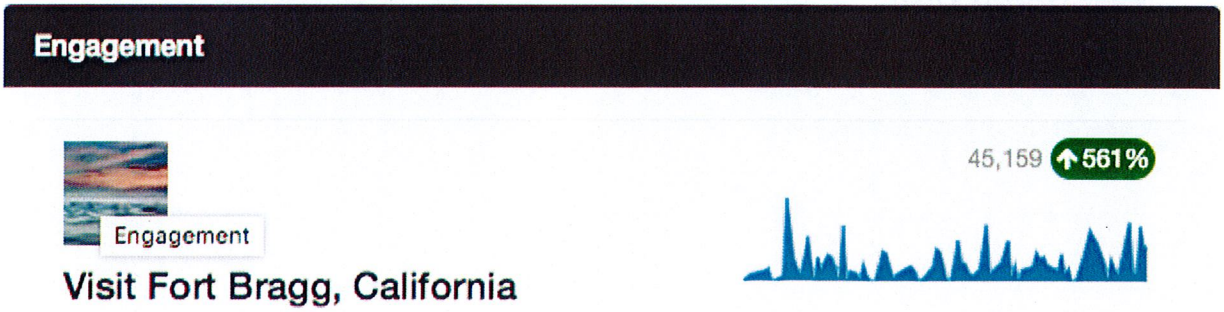

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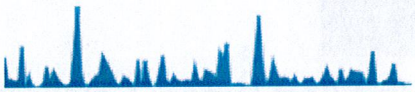

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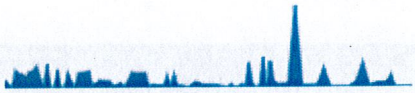

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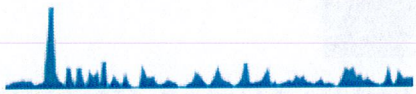

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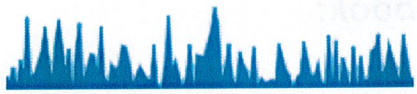

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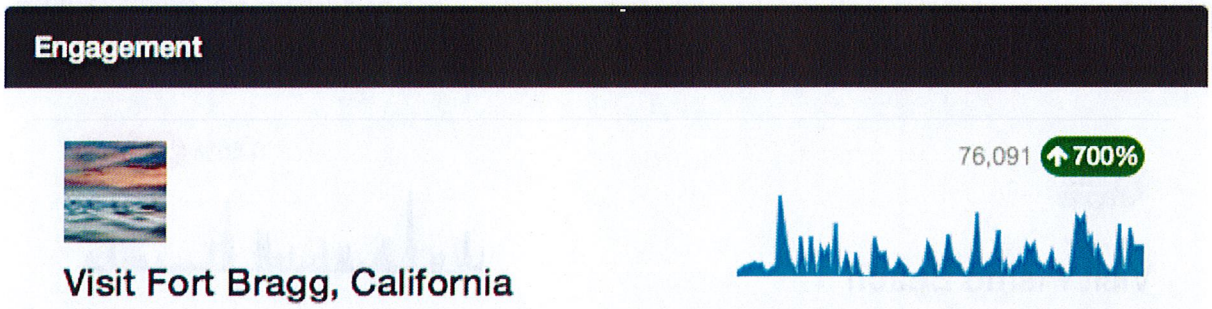

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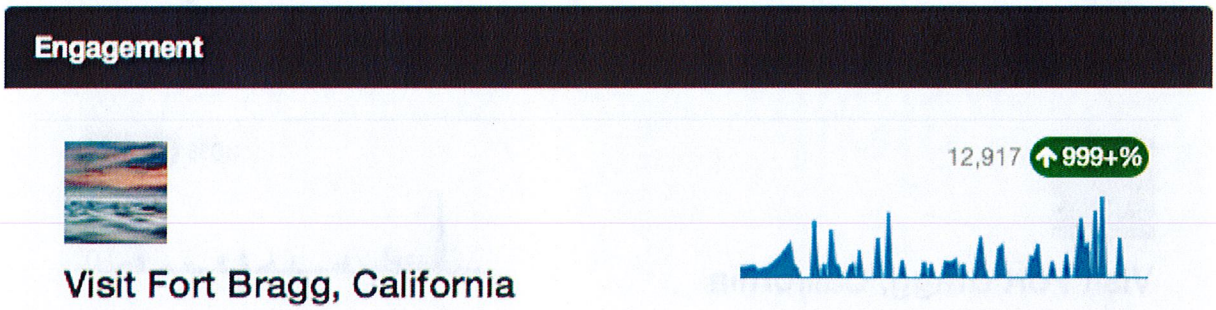

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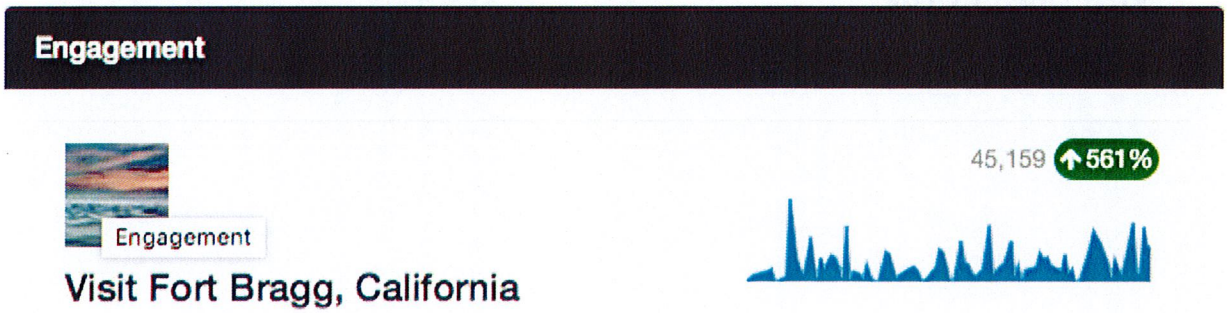

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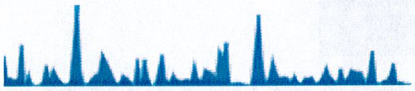

Visit Mendocino County

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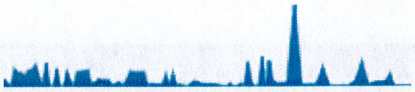

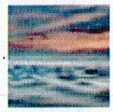

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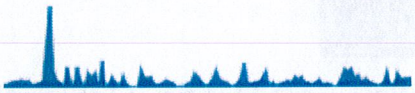
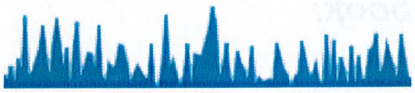


Visit Santa Cruz

1.27% ↓42.22%



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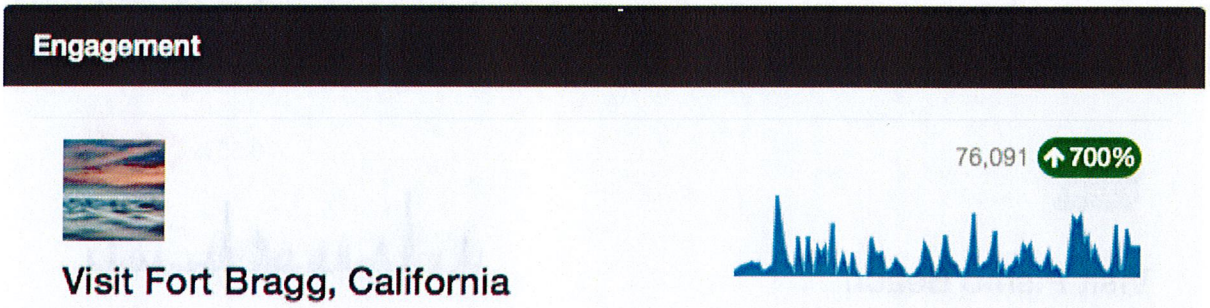
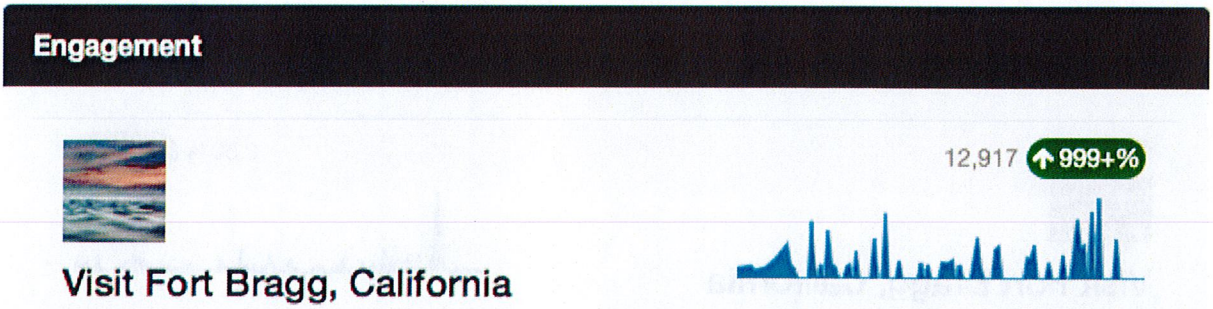


Instagram:



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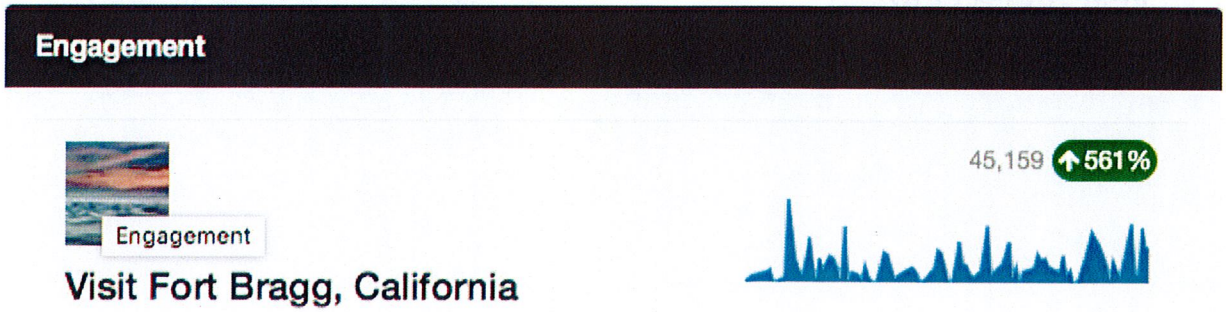
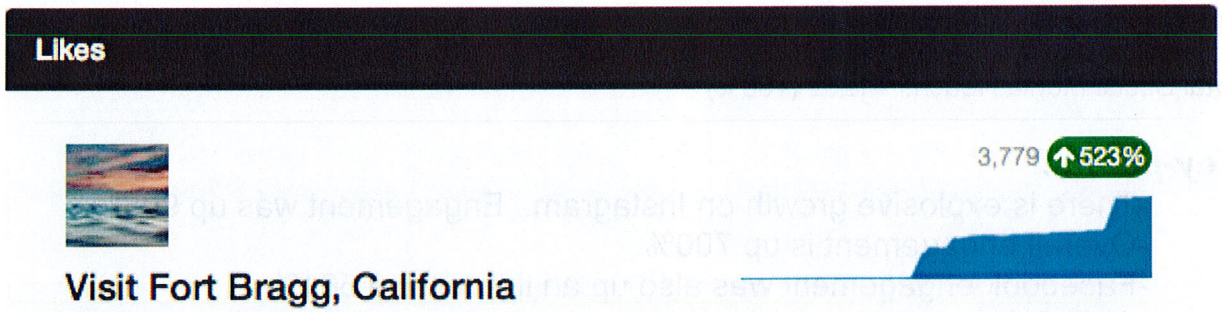
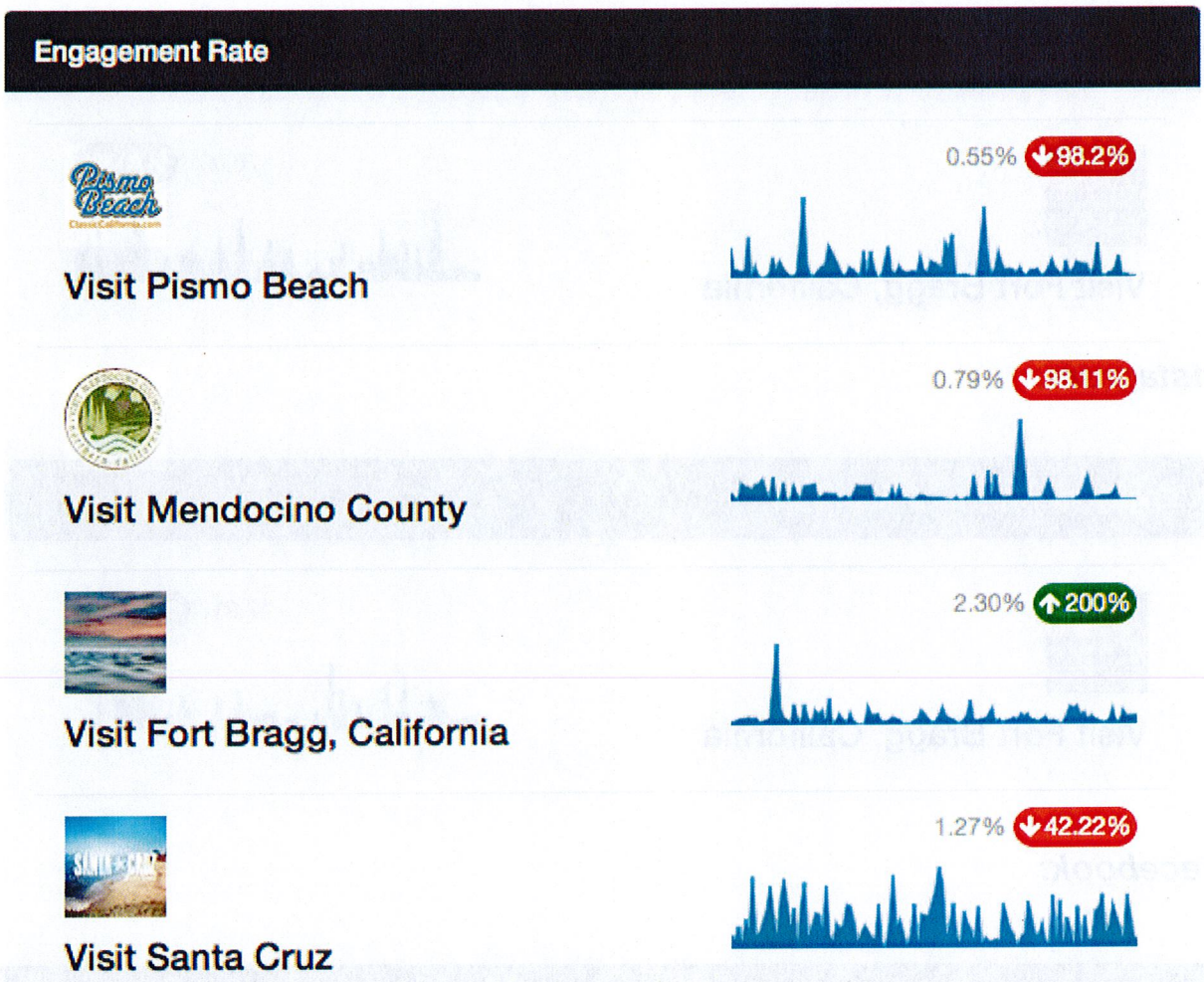


Twitter:



How do we compare?



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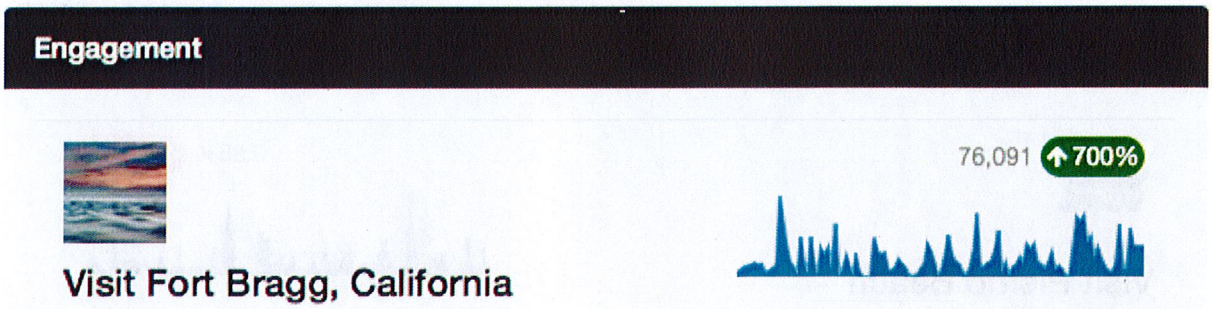

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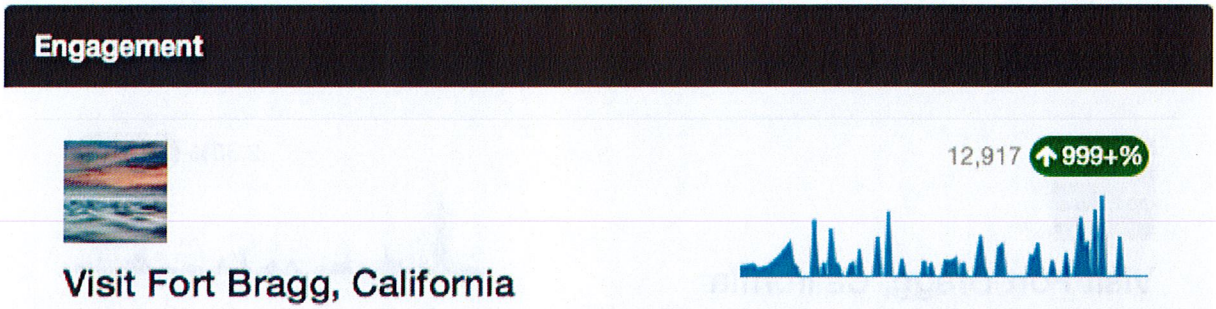

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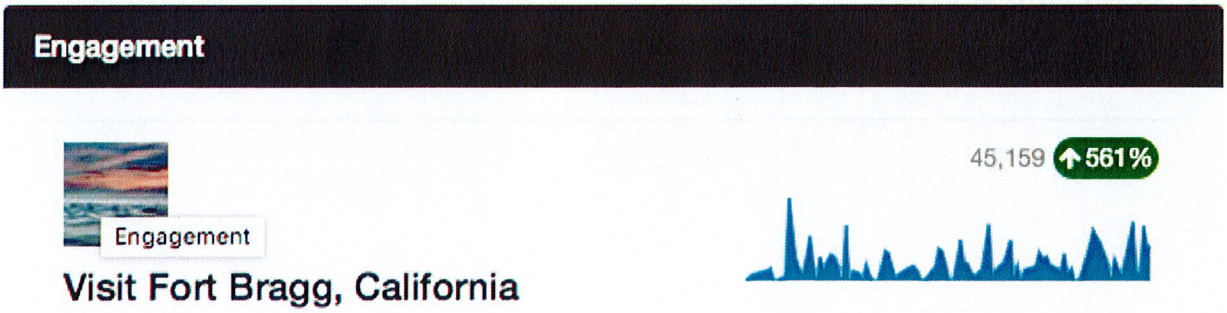

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3,779 ↑523%

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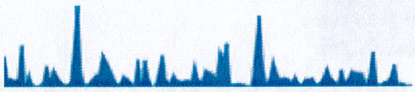
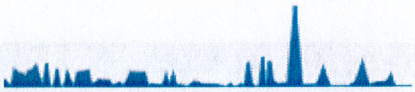
0.55% ↓98.2%



Visit Mendocino County

0.79% ↓98.11%



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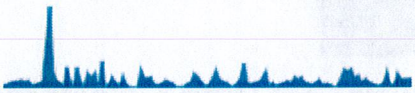

Visit Santa Cruz

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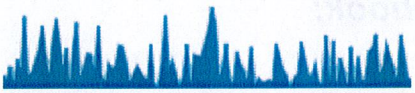

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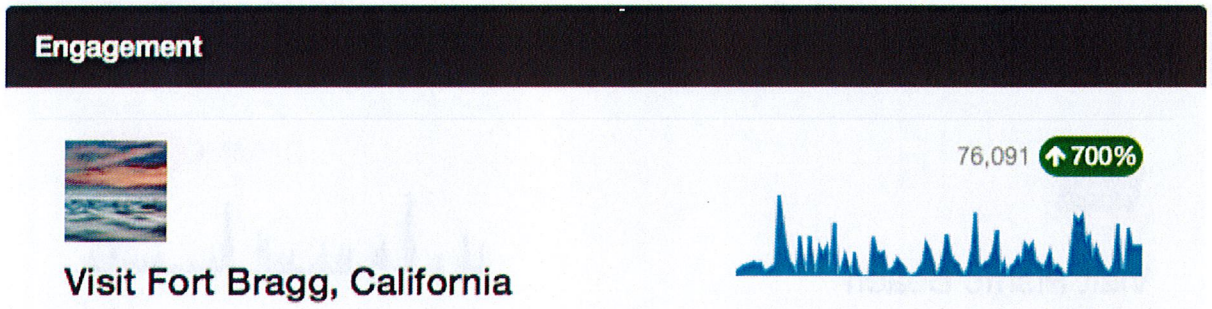

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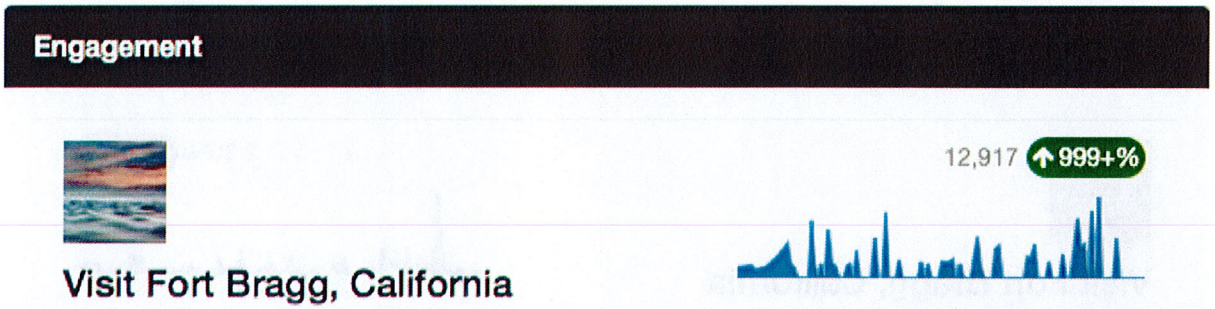

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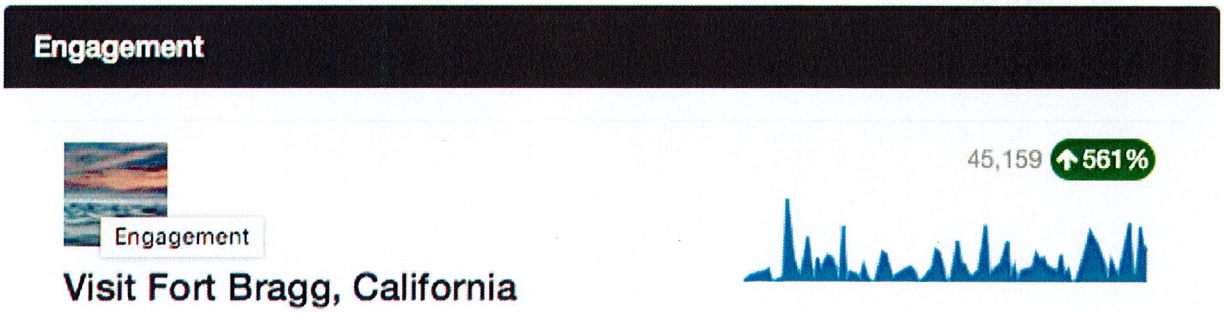
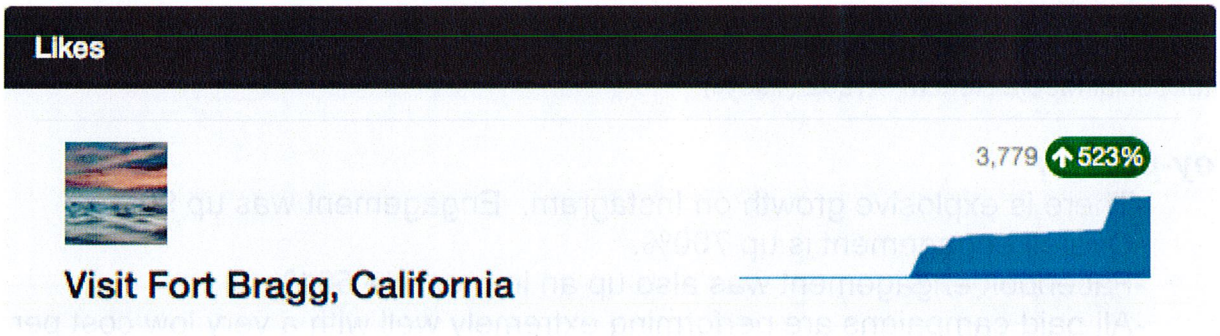


Twitter:



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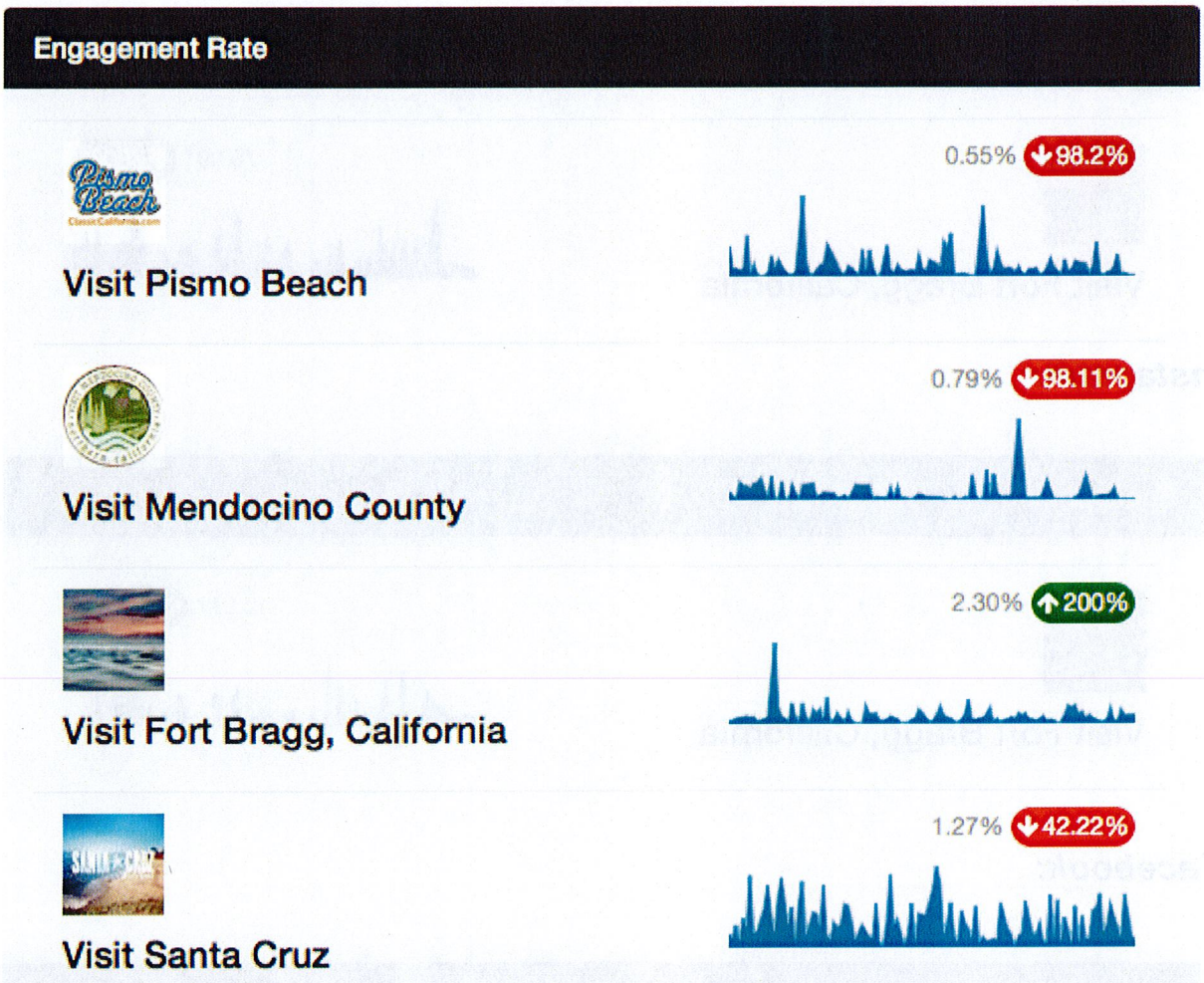

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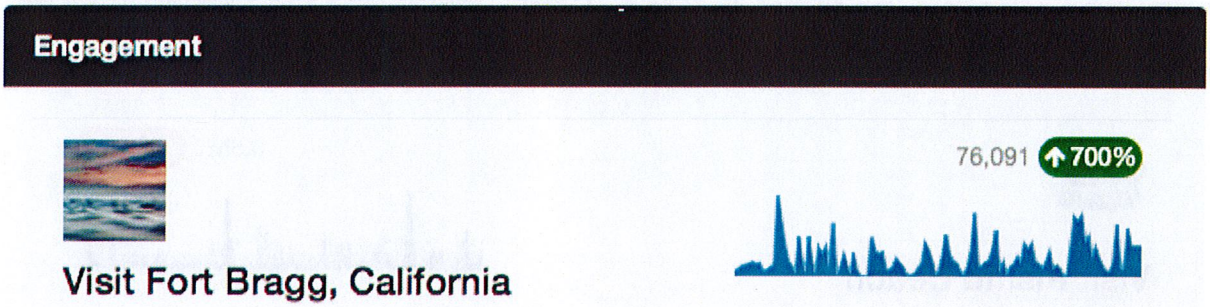

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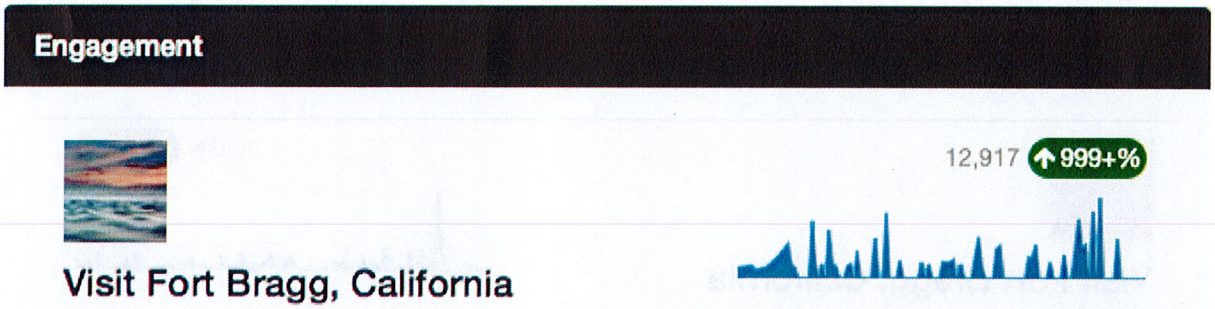
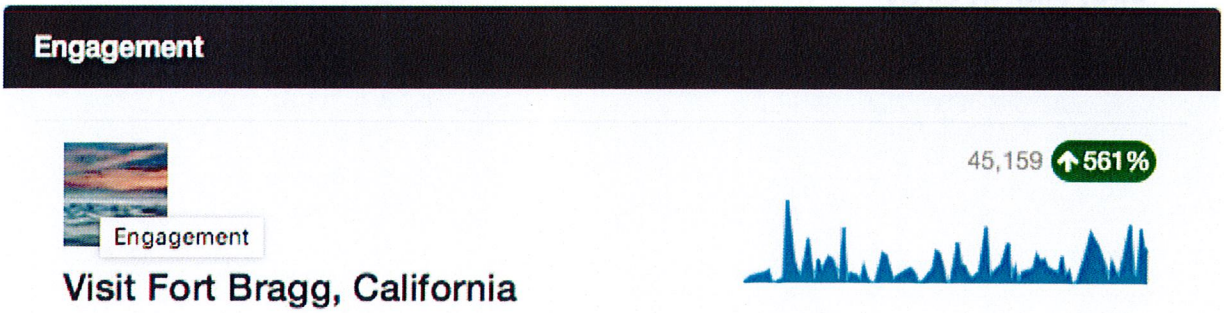
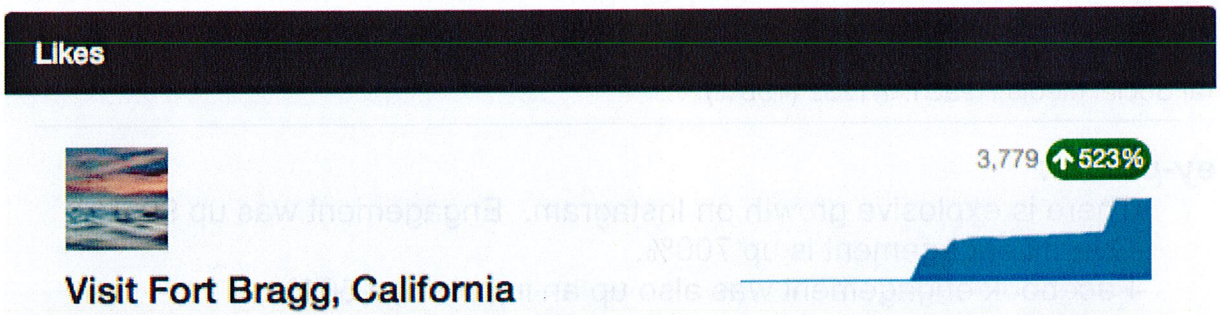


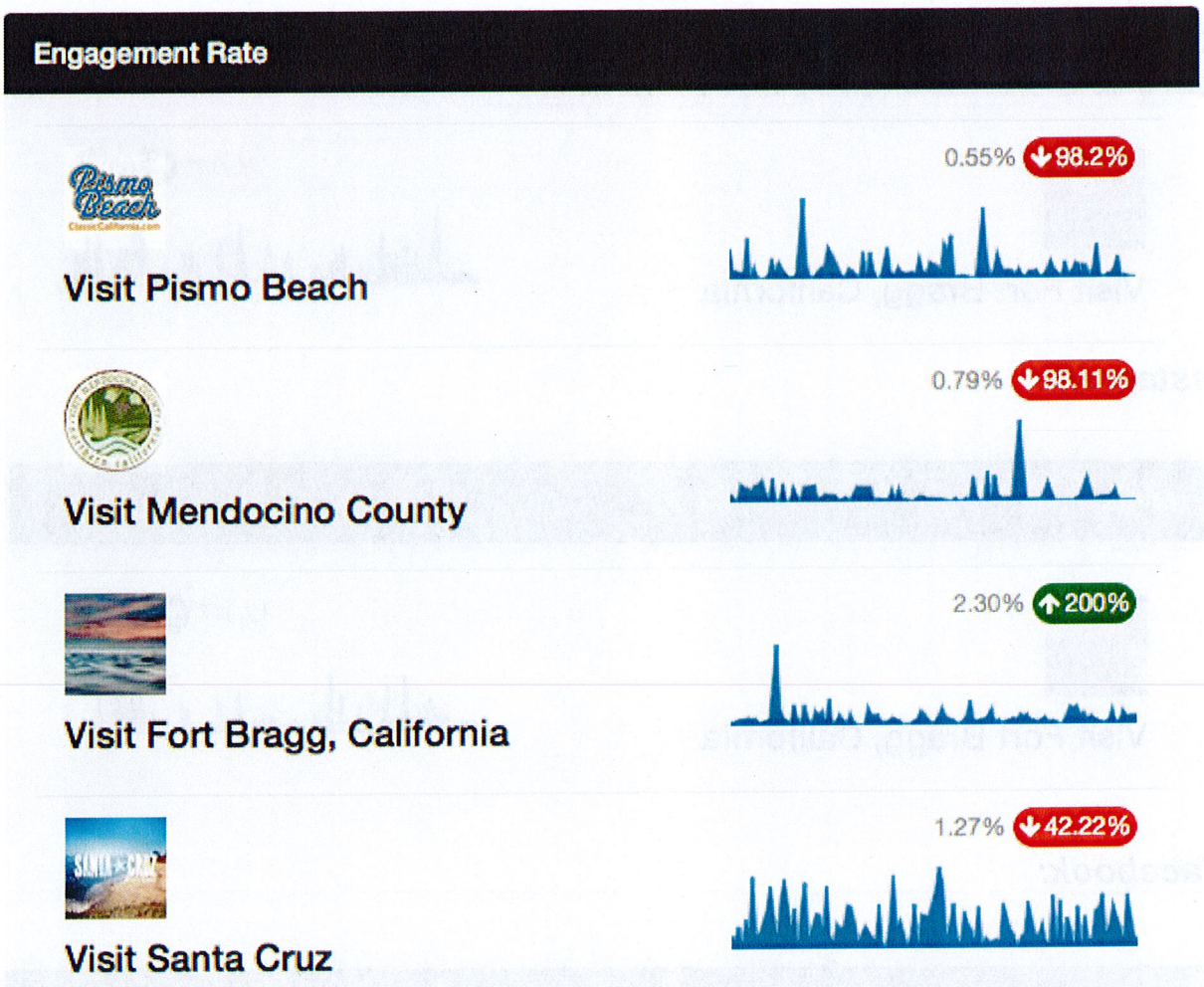
Facebook:



Twitter:



How do we compare?



Attachments: 10242016 Tobacco Ordinance Staff Report
Attachment 1 - ORD 926-2016

6E. 16-427 Receive Report and Provide Direction to Staff on Modifications to City Council, Council Committee, and Planning Commission Meeting Minutes Format

Attachments: 10242016 Brief Summary Minutes
Attachment 1 - Features & Benefits of Brief Minutes
Attachment 2 - CCAC Guidelines for Preparing Minutes

4B. PUBLIC COMMENTS ON NON-AGENDA, CONSENT CALENDAR & CLOSED SESSION ITEMS (30 Minutes, If Necessary)

See 4A. above.

7. CONSENT CALENDAR

All items under the consent calendar will be acted upon in one motion unless a Councilmember requests that an individual item be taken up under CONDUCT OF BUSINESS

7A. 16-423 Adopt Resolution Confirming the Continued Existence of a Local Drought Emergency in the City of Fort Bragg

Attachments: RESO Declaring Continuing Local Drought Emergency

7B. 16-425 Adopt City Council Resolution Establishing City Council Rules of Procedure for Conduct of City Council Business

Attachments: RESO Council Policies-Procedures

7C. 16-426 Adopt City Council Resolution Amending the Schedule for Standing Committee Meetings

Attachments: RESO Amending Committee Schedule

7D. 16-429 Adopt City Council Resolution Declaring Surplus Property (Road Grader)

Attachments: RESO Surplus Property (Grader)

7E. 16-428 Approve Minutes of Special Joint City Council/Board of Supervisors Meeting of September 19, 2016

Attachments: CCM2016-09-19_Special_Joint

7F. 16-422 Approve Minutes of October 11, 2016

Attachments: CCM2016-10-11

8. CLOSED SESSION

ADJOURNMENT

The adjournment time for all Council meetings is no later than 10:00 p.m. If the Council is still in session at

10:00 p.m., the Council may continue the meeting upon majority vote.

NEXT REGULAR CITY COUNCIL MEETING: 6:00 P.M., MONDAY, NOVEMBER 14, 2016

STATE OF CALIFORNIA)
)ss.
COUNTY OF MENDOCINO)
I declare, under penalty of perjury, that I am employed by the City of Fort Bragg and that I caused this agenda to be posted in the City Hall notice case on October 19, 2016.

_____
Brenda Jourdain, Administrative Assistant

NOTICE TO THE PUBLIC:

DISTRIBUTION OF ADDITIONAL INFORMATION FOLLOWING AGENDA PACKET DISTRIBUTION:

- *Materials related to an item on this Agenda submitted to the Council/District/Agency after distribution of the agenda packet are available for public inspection in the lobby of City Hall at 416 N. Franklin Street during normal business hours.*
- *Such documents are also available on the City of Fort Bragg's website at http://city.fortbragg.com subject to staff's ability to post the documents before the meeting.*

ADA NOTICE AND HEARING IMPAIRED PROVISIONS:

It is the policy of the City of Fort Bragg to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities.

If you need assistance to ensure your full participation, please contact the City Clerk at (707) 961-2823. Notification 48 hours in advance of any need for assistance will enable the City to make reasonable arrangements to ensure accessibility.

The Council Chamber is equipped with a Wireless Stereo Headphone unit for use by the hearing impaired. The unit operates in conjunction with the Chamber's sound system. You may request the Wireless Stereo Headphone unit from the City Clerk for personal use during the Council meetings.

This notice is in compliance with the Americans with Disabilities Act (28 CFR, 35.102-35.104 ADA Title II).

City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 16-431

Agenda Date: 10/24/2016 **Version:** 1 **Status:** Mayor's Office

In Control: City Council **File Type:** Proclamation

Agenda Number: 1A.

Present Proclamation Recognizing Robert Armitage for His 36 Years of Service on the Noyo Harbor Commission

P R O C L A M A T I O N

ACKNOWLEDGING ROBERT ARMITAGE FOR HIS SERVICE TO THE NOYO HARBOR COMMISSION AND THE ENTIRE FORT BRAGG COMMUNITY

WHEREAS, Bob has served on the Noyo Harbor Commission for 36 years of which he served as Chairman for 16 of those 36 years; and

WHEREAS, Bob runs a good meeting; and

WHEREAS, Bob has served the Fort Bragg Community extensively during those 36 years helping to create and sustain a thriving community for residents and visitors alike; and

WHEREAS, Bob served as the first President of the Coast Chamber of Commerce helping to establish the annual Whale Festival occurring in March; and

WHEREAS, Bob has been an integral part of the Mendocino Coast's real estate industry specializing in water well testing and other water issues which are critical to Fort Bragg's way of life; and

WHEREAS, Bob was successful in completing countless projects and upgrades throughout the Harbor District including securing a dredge spoils site, paving the parking lot and installing restrooms next to the beach; and

WHEREAS, Bob was always looking for ways to make the Harbor more efficient;

NOW, THEREFORE, I, Dave Turner, Mayor of the City of Fort Bragg, on behalf of the entire City Council, do hereby acknowledge Bob for his long-term service to the Noyo Harbor Commission and the entire Fort Bragg Community.

SIGNED this 24th day of October, 2016.

_____

DAVE TURNER, Mayor

ATTEST:

_____

June Lemos, City Clerk

No. 23-2016

GLASS BEACH

FORT BRAGG, CA

City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 16-430

Agenda Date: 10/24/2016 **Version:** 1 **Status:** Business

In Control: City Council **File Type:** Staff Report

Agenda Number: 6A.

Receive Recommendation from Ad Hoc Committee Regarding the Appointment of a Commissioner and Chair of the Noyo Harbor Commission

AGENCY:	**City Council**
MEETING DATE:	**October 24, 2016**
DEPARTMENT:	**Admin Services**
PRESENTED BY:	**J. Lemos**

AGENDA ITEM SUMMARY

TITLE:
RECEIVE RECOMMENDATION FROM AD HOC COMMITTEE REGARDING THE APPOINTMENT OF A COMMISSIONER AND CHAIR OF THE NOYO HARBOR COMMISSION

ISSUE:
The Noyo Harbor Commission, consisting of five members, is the governing body of the Noyo Harbor District. The Fort Bragg City Council appoints two Commissioners to serve on the Noyo Harbor Commission; the County of Mendocino appoints two Commissioners; and the City and County jointly appoint the Chair. As of October 31, 2016, one of the two City-appointed positions on the Commission will become vacant and must be filled. In addition the Chair is retiring and must be reappointed.

RECOMMENDED ACTION:
Receive recommendation from the ad hoc committee for both the City Council appointed position as well as the jointly appointed Chair, conduct interviews of applicants, if desired, appoint a Noyo Harbor Commissioner, and make a recommendation for the Joint Chair appointment to the Mendocino County Board of Supervisors.

ALTERNATIVE ACTION(S):
The City Council can decline to take action and direct staff and/or the ad hoc committee to provide more information.

ANALYSIS:
The City of Fort Bragg appoints two of the five members of the Noyo Harbor Commission, the County of Mendocino appoints two other members, and the Mendocino County Board of Supervisors and the Fort Bragg City Council jointly appoint the Chair. This Commission oversees operations of Noyo Harbor. Appointees to the Harbor Commission must reside within the Noyo Harbor District boundaries and serve for a four-year term.

On June 27, 2016, the City Council appointed William Forkner as Interim Harbor Commissioner following the death in May of Commissioner Thomas “Tommy” Ancona. Mr. Ancona’s term of office was set to expire on October 31, 2016, which is the expiration date of Mr. Forkner’s interim position. This is the position that must now be filled. (The term of the City’s other appointee, Dusty Dillon, expires on October 31, 2018.)

In an October 4, 2016 press release (Attachment 1), the City announced that applications were being accepted for two appointees to the Harbor Commission. Applications for the

City appointee have been received from Steve Bradley, Jay Coakley, and William Forkner (Attachments 2, 3 and 4). Applications for the joint City/County appointee have been received from Steve Bradley, Joe Caito (Attachment 5), Jay Coakley, and William Forkner. Letters in support are also attached (Attachment 6).

On October 11, 2016, Mayor Turner named an ad hoc committee to consult with Supervisor Dan Gjerde regarding the joint City/County appointed Chair and the City Council appointed member of the Noyo Harbor Commission. The ad hoc committee members are Mayor Dave Turner and Councilmember Michael Cimolino. This committee will conduct interviews of the four applicants for the City position and Chair on Monday, October 24, 2016.

The Council may pose questions to the applicants. Proposed questions are attached for Council's use if desired (Attachment 7). Council can conduct interviews, deliberate, and select an appointee to the Noyo Harbor Commission. Council can also recommend its selection for the appointed Chair position to the Mendocino County Board of Supervisors. Alternatively, staff and/or the ad hoc committee can be directed to provide more information or to recruit for additional applications prior to an appointment.

FISCAL IMPACT:
There is no fiscal impact associated with this item.

IMPLEMENTATION/TIMEFRAMES:
The term for both appointees will start on November 1, 2016 and will continue until October 31, 2020.

ATTACHMENTS:
1. Press Release of October 4, 2016
2. Application of Steve Bradley
3. Application of Jay Coakley
4. Application of William Forkner
5. Application of Joe Caito
6. Letters in Support
7. Proposed List of Questions for Applicants

NOTIFICATION:
1. Steve Bradley
2. Jay Coakley
3. William Forkner
4. Joe Caito

City Clerk's Office Use Only

Agency Action ☐ Approved ☐ Denied ☐ Approved as Amended
Resolution No.: _____ Ordinance No.: _____
Moved by: _____ Seconded by: _____
Vote: _____
☐ Deferred/Continued to meeting of: _____
☐ Referred to: _____

CITY OF FORT BRAGG

NEWS RELEASE

TUESDAY, OCTOBER 4, 2016 ***FOR IMMEDIATE RELEASE***

CITY SEEKS APPLICANTS FOR TWO APPOINTEES TO SERVE ON THE NOYO HARBOR COMMISSION

Applications are being accepted by the City of Fort Bragg from persons interested in serving as appointees to the Noyo Harbor District Board of Commissioners (Noyo Harbor Commission). Two positions (one City and one City/County) are eligible for four-year appointments which will run from November 14, 2016 to October 31, 2020. One of these positions is a City-appointed position. The other is a joint City/County appointed position and this appointee will serve as the Chair of the Noyo Harbor Commission.

To be eligible for appointment to the Noyo Harbor Commission, you must reside within the boundaries of the Noyo Harbor District. Persons interested in appointment are urged to contact City Clerk June Lemos at 961-2823, ext. 104 to obtain an application form.

Applications are due no later than Tuesday, October 18, 2016 by 5:00 p.m. Depending on the number of applications, the City Council may choose to interview applicants at a special Council meeting or at the October 24, 2016 City Council meeting.

More information regarding the Noyo Harbor District and Commission is available on their website at: http://www.noyoharbordistrict.org/about/

Questions regarding this information should be directed to June Lemos, City Clerk, at (707)-961-2823 x104.

416 N. Franklin Street
Fort Bragg, CA 95437

Phone: 707-961-2823
Fax: 707-961-2802

RECEIVED
JUN 09 2016
CITY OF FORT BRAGG
CITY CLERK

NOYO HARBOR COMMISSION

APPLICATION FOR APPOINTMENT

INFORMATION:

The Noyo Harbor Commission, consisting of five members, is the governing body of the Noyo Harbor District; a special public district and political subdivision of the State of California organized under §6200, et seq. of the California Harbors and Navigation Code. The Commission has the ultimate authority of and directs all phases of operations of the Noyo Mooring Basin at Noyo Harbor; plans for the future use and development of Harbor District property and facilities; represents the Noyo Harbor District in contacts with Federal, State, County, City and other public and private agencies; supervises the preparation of and adopts the annual budget. The Commissioners are not compensated for their service to the Harbor District. The Commission meets regularly on the second Thursday of the month.

INSTRUCTIONS:

Please provide the information requested and any additional information you feel would be useful to the City Council in making their selection.

NAME: STEVE BRADLEY

RESIDENT ADDRESS: 19500 BENSON LANE FORT BRAGG

MAILING ADDRESS: SAME

HOME PHONE: 707-964-8466 BUSINESS PHONE: 707-489-5515

BUSINESS ADDRESS:

OCCUPATION: COMMERCIAL FISHERMAN

E-MAIL ADDRESS: JOELLE.MARIE AT COMCAST.NET

Brief statement:

1. Why are you interested in serving as one of the two City of Fort Bragg representatives on the Noyo Harbor District Board?

I'VE SPENT 40+ YEARS AROUND THAT HARBOR AND REMEMBER WHEN IT WAS BUILT. I HAVE BEEN A BERTH HOLDER FOR OVER 24 YEARS AND THINK THAT I CAN BRING INPUT AND MAKE A DIFFERENCE IN CLEANING UP AND MAKING THIS HARBOR SOMETHING TO BE PROUD OF AGAIN.

2.List property owned, businesses owned or other financial interest you may have in the Noyo Harbor District area. I OWN AND OPERATE THE FISHING VESSEL SOUND ADVENTURE CURRENTLY DOCKED IN SLIP A-2 IN THE MOORING BASIN.

NOTE: If appointed, commissioners are required to complete Fair Political Practices Commission (FPPC)financial disclosure forms.

COMPLETED APPLICATIONS SHOULD BE RETURNED BY 5:00 PM, October 31, 2016 TO:

June Lemos, City Clerk

CITY OF FORT BRAGG

416 North Franklin Street

Fort Bragg, California 95437

EDUCATION AND TRAINING

HIGH SCHOOL	LOCATION
FORT BRAGG HIGH GRADUATE	FORT BRAGG

NAMES OF COLLEGES/UNIVERSITIES ATTENDED:	Dates Attended	Course of Study/Major	Degree Awarded	Type of Degree	Date Degree Completed
1.					
2.					
3.					

OTHER RELEVANT COURSES AND TRAINING	Names/Locations of Institution	Length of Course	Date
1.			
2.			
3.			
4.			

PROFESSIONAL LICENSE OR CERTIFICATE(s)	Serial No.	Date Issued	Expiration Date
1.			
2.			
3.			

COMMUNITY SERVICE/Organization(s):
1.
2.
3.
4.
5.

EMPLOYMENT HISTORY (You may wish to attach a resume or other relevant documents to further describe your qualifications.)

Mo. Yr.	TO: Mo. Yr.	Employer (Business or Agency Name)	Title of your position
			OWNER/OPERATOR
Describe the responsibilities you performed and/or the skills you acquired which may relate to this Committee or Board position		SELF EMPLOYED LAST 32 YEARS	
Mo. Yr.	TO: Mo. Yr.	Employer (Business or Agency Name)	Title of your position
Describe the responsibilities you performed and/or the skills you acquired which may relate to this Committee or Board position			
Mo. Yr.	TO: Mo. Yr.	Employer (Business or Agency Name)	Title of your position
Describe the responsibilities you performed and/or the skills you acquired which may relate to this Committee or Board position			
Mo. Yr.	TO: Mo. Yr.	Employer (Business or Agency Name)	Title of your position
Describe the responsibilities you performed and/or the skills you acquired which may relate to this Committee or Board position			

MENDOCINO COUNTY BOARD OF SUPERVISORS
APPOINTMENT OF INTEREST APPLICATION

Committee Name: NOYO HARBOR DISTRICT **Date:** OCT. 14, 2016

Representational Category: HARBOR COMMISSIONER

Name: STEVE BRADLEY **Phone:** 707-964-8466 707-489-5515

Address (Per Voter Registration): 19500 BENSON LN. FORT BRAGG CA. 95437

Address (Mailing): SAME AS ABOVE **E-mail:** JOELLE.MARIE AT COMCAST.NET

Availability to Attend Meetings:

Night Meetings _____ **Day Meetings** _____

Ukiah Only _____ **Other** ANYTIME NEEDED

Special Expertise, Experience, or Interest in This Area:

I WAS BORN AND RAISED IN FORT BRAGG AND AM A 3RD GENERATION COMMERCIAL FISHERMAN. BEING A 24 YEAR SLIP HOLDER I HAVE SEEN THE HARBOR DETERIORATING OVER THOSE YEARS. I WANT TO BE A PART OF CLEANING UP, REBUILDING AND MAKING THIS HARBOR A PLACE WE ALL CAN BE PROUD OF.

I hereby certify that I am a registered voter in the State of California, County of Mendocino, a citizen of the United States, and will be at least 18 years of age at the time of the next election. I am not imprisoned or on parole for the conviction of a felony. I certify under penalty of perjury, under the laws of the State of California, that the information on this application is true and correct.

I understand that assuming this public responsibility could result in public knowledge of my background and/or qualifications, including financial interests.

Applications will be kept on file for one year.

Signature: _____ **Dated:** OCT. 14, 2016

For Clerk's Use Only

Date Appointed: _____ **Term:** _____

Return completed application to:
The Mendocino County Clerk of the Board's Office
501 Low Gap Road, Room 1010
Ukiah, CA 95482
or Fax to (707) 463-7237

NOYO HARBOR COMMISSION

APPLICATION FOR APPOINTMENT

INFORMATION:

The Noyo Harbor Commission, consisting of five members, is the governing body of the Noyo Harbor District; a special public district and political subdivision of the State of California organized under §6200, et seq. of the California Harbors and Navigation Code. The Commission has the ultimate authority of and directs all phases of operations of the Noyo Mooring Basin at Noyo Harbor; plans for the future use and development of Harbor District property and facilities; represents the Noyo Harbor District in contacts with Federal, State, County, City and other public and private agencies; supervises the preparation of and adopts the annual budget. The Commissioners are not compensated for their service to the Harbor District. The Commission meets regularly on the second Thursday of the month.

INSTRUCTIONS:

Please provide the information requested and any additional information you feel would be useful to the City Council in making their selection.

NAME: JAY COAKLEY

RESIDENT ADDRESS: 32230 N HARBOR DR FB

MAILING ADDRESS: 32230 N HARBOR DR FB

HOME PHONE: 707 813 7074 BUSINESS PHONE: 707 813 7074

BUSINESS ADDRESS: 32200 N HARBOR DR FB

OCCUPATION: OLH BAY FRONT RESORT

E-MAIL ADDRESS: JMCOAKLEY @ HOTMAIL.COM

Brief statement:

1. Why are you interested in serving as one of the two City of Fort Bragg representatives on the Noyo Harbor District Board?

I BELIEVE WITH MY KNOWLEDGE OF WORKING WITH 3 PAST HARBOR DISTRICTS, ARB STATE LAND COMMISSION, CALIF COASTAL COMMISSION, ARMY CORE OF ENGINEERS I CAN HELP CM

2. List property owned, businesses owned or other financial interest you may have in the Noyo Harbor District area.

32200 N HARBOR DR (THIS IS JIM CLAPPING'S OLD TRAILER PARK) NOW IT IS BAY FRONT RESORT

NOTE: If appointed, commissioners are required to complete Fair Political Practices Commission (FPPC) financial disclosure forms.

COMPLETED APPLICATIONS SHOULD BE RETURNED BY 5:00 PM, October 18, 2016 TO:

June Lemos, City Clerk
CITY OF FORT BRAGG
416 North Franklin Street
Fort Bragg, California 95437

RECEIVED

OCT 17 2016

CITY OF FORT BRAGG
CITY CLERK

EDUCATION AND TRAINING

HIGH SCHOOL	LOCATION
DEL CAMPO	FAIR OAKS CA.

NAMES OF COLLEGES/UNIVERSITIES ATTENDED:	Dates Attended	Course of Study/Major	Degree Awarded	Type of Degree	Date Degree Completed
1. AMERICAN RIVER COLL	68-70	GENERAL	AA		1970
2.					
3.					

OTHER RELEVANT COURSES AND TRAINING	Names/Locations of Institution	Length of Course	Date
1. BANKING	AMERICAN RIVER	1 YR	1980
2.			
3.			
4.			

PROFESSIONAL LICENSE OR CERTIFICATE(s)	Serial No.	Date Issued	Expiration Date
1.			
2.			
3.			

COMMUNITY SERVICE/Organization(s):
1. MOYO HARBOR ADVISORY BACK IN 1989-1990
2.
3.
4.
5.

EMPLOYMENT HISTORY (You may wish to attach a resume or other relevant documents to further describe your qualifications.)

Mo. Yr. / TO: Mo. Yr.	Employer (Business or Agency Name)	Title of your position
3/84 TO: 5/04	SALMON INN	OWNER
Describe the responsibilities you performed and/or the skills you acquired which may relate to this Committee or Board position	BUSSINESS WAS HERE IN MOYO HARBOR HAD STORE SOLD SMOKE FISH WORKED WITH FISHERMEN	
Mo. Yr. 4/98 TO: Mo. Yr. 4/04	Employer (Business or Agency Name) COURTLAND ROCKS	Title of your position OWNER
Describe the responsibilities you performed and/or the skills you acquired which may relate to this Committee or Board position	REBUILT MARINA WORK WITH ARMY CORE ENGINEERS SACRAMENT COUNTRY	
Mo. Yr. 4/03 TO: Mo. Yr. 3/13	Employer (Business or Agency Name) BAY FRONT MARINA	Title of your position OWNER
Describe the responsibilities you performed and/or the skills you acquired which may relate to this Committee or Board position	THIS WAS IN MORRO BAY REBUILT THE MARINA AND WORKED WITH HARBOR DIST	
Mo. Yr. 3/13 TO: Mo. Yr. PRESENT	Employer (Business or Agency Name) BAY FRONT RESORT	Title of your position
Describe the responsibilities you performed and/or the skills you acquired which may relate to this Committee or Board position	CLEANED UP THE PARK HERE IN HARBOR	

RECEIVED
MAY 03 2016
CITY OF FORT BRAGG
CITY CLERK

NOYO HARBOR COMMISSION

APPLICATION FOR APPOINTMENT

INFORMATION:

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INSTRUCTIONS:

Please provide the information requested and any additional information you feel would be useful to the City Council in making their selection.

NAME: __William C. Forkner _____

RESIDENT ADDRESS: 19141 Olsen lane, Fort Bragg, California 95437 _____

MAILING ADDRESS: __Same_____

HOME PHONE: 707-964-7064_____ BUSINESS PHONE: 707-357-2455 ___

BUSINESS ADDRESS: _19141 Olsen lane, Fort Bragg Ca _____

OCCUPATION: _Commercial Fisherman _____

E-MAIL ADDRESS: bforkner54@gmail.com _____

Brief statement:

1. Why are you interested in serving as one of the two City of Fort Bragg representatives on the Noyo Harbor District Board?

_I have lived and worked in Noyo harbor since 1965, during which time I have seen many changes, some good, some not so good. I also have traveled the west coast from San Diego to the Berring Sea and have been in most of the harbors in between. I think I could share some good ideas with the other commissioners on ways to make improvements to help move Noyo harbor in a positive direction for the future _____

_____

2. List property owned, businesses owned or other financial interest you may have in the Noyo Harbor District area.

_I own the F/V Shirley mored at C-dock in Noyo harbor I also own a home and gear yard 1 mile up highway 20 from the harbor

---

NOTE: If appointed, commissioners are required to complete Fair Political Practices Commission (FPPC) financial disclosure forms.

COMPLETED APPLICATIONS SHOULD BE RETURNED BY 5:00 PM, October 31, 2016 TO:

June Lemos, City Clerk

CITY OF FORT BRAGG

416 North Franklin Street

Fort Bragg, California 95437

LOCATION

EDUCATION AND
TRAINING HIGH SCHOOL

EDUCATION AND TRAINING

HIGH SCHOOL Fort Bragg

LOCATION Fort Bragg, Ca.

NAMES OF COLLEGES/UNIVERSITIES ATTENDED:

Dates

Attended

Course of Study/Major

Degree Awarded

Type of Degree

Date Degree Completed

1.

2.

3.

OTHER RELEVANT COURSES AND TRAINING

Names/Locations of Institution

Length of Course

Date

1.

2.

3.

4.

PROFESSIONAL LICENSE OR CERTIFICATE(s)

Serial No.

Date Issued

Expiration Date

1.

2.

3.

COMMUNITY SERVICE/Organization(s):

1. Board member FMA draggers assoc.

2. Vice president STMA

3. Current president of STMA fishermans group of Noyo

4.

5.

EMPLOYMENT HISTORY (You may wish to attach a resume or other relevant documents to further describe your qualifications.)

Mo. Yr. 1972

TO: Mo. Yr. current

Employer (Business or Agency Name) self employed

Title of your position owner operator

Describe the responsibilities you performed and/or the skills you acquired which may relate to this Committee or Board position

I am very familiar with the workings of Noyo and have a lot of experience working with others to solve problems

Mo. Yr.

TO: Mo. Yr.

Employer (Business or Agency Name)

Title of your position

Describe the responsibilities you performed and/or the skills you acquired which may relate to this Committee or Board position

Mo. Yr.

TO: Mo. Yr.

Employer (Business or Agency Name)

Title of your position

Describe the responsibilities you performed and/or the skills you acquired which may relate to this Committee or Board position

Mo. Yr.

TO: Mo. Yr.

Employer (Business or Agency Name)

Title of your position

Describe the responsibilities you performed and/or the skills you acquired which may relate to this Committee or Board position

NOYO HARBOR COMMISSION

APPLICATION FOR APPOINTMENT

INFORMATION:

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INSTRUCTIONS:

Please provide the information requested and any additional information you feel would be useful to the City Council in making their selection.

NAME: Joe Caito

RESIDENT ADDRESS: 240 Dennison Lane Fort Bragg, CA

MAILING ADDRESS: SAME AS ABOVE

HOME PHONE: 964-3091 BUSINESS PHONE: 964-6368

BUSINESS ADDRESS: 19400 South Harbor Drive Fort Bragg, CA

OCCUPATION: Seafood Processor

E-MAIL ADDRESS: CaitoFSH@mcn.org

Brief statement:

1. Why are you interested in serving as one of the two City of Fort Bragg representatives on the Noyo Harbor District Board?

   I have been serving since 12-1-1981 and currently I'm Vice-Chairman, The Chairman is leaving the Board as of 10-31-2016 and I would like to become the Chairman

2. List property owned, businesses owned or other financial interest you may have in the Noyo Harbor District area.

   Caito Fisheries, Inc

NOTE: If appointed, commissioners are required to complete Fair Political Practices Commission (FPPC) financial disclosure forms.

COMPLETED APPLICATIONS SHOULD BE RETURNED BY 5:00 PM, October 18, 2016 TO:

June Lemos, City Clerk
CITY OF FORT BRAGG
416 North Franklin Street
Fort Bragg, California 95437

RECEIVED

OCT 12 2016

CITY OF FORT BRAGG
CITY CLERK

EDUCATION AND TRAINING

HIGH SCHOOL	LOCATION
Redwood High School	Larkspur, CA.

NAMES OF COLLEGES/UNIVERSITIES ATTENDED:	Dates Attended	Course of Study/Major	Degree Awarded	Type of Degree	Date Degree Completed
1. College of Marin	1970-1972	General	AA	AA	1972
2. Chico State	1972-1973	Business			
3.					

OTHER RELEVANT COURSES AND TRAINING	Names/Locations of Institution	Length of Course	Date
1.			
2.			
3.			
4.			

PROFESSIONAL LICENSE OR CERTIFICATE(s)	Serial No.	Date Issued	Expiration Date
1.			
2.			
3.			

COMMUNITY SERVICE/Organization(s):
1. Noyo Harbor District
2.
3.
4.
5.

EMPLOYMENT HISTORY (You may wish to attach a resume or other relevant documents to further describe your qualifications.)

Mo. Yr.	TO: Mo. Yr.	Employer (Business or Agency Name)	Title of your position
Aug 1975	Present	CA. Top Fisheries Inc	Pres. and CFO
Describe the responsibilities you performed and/or the skills you acquired which may relate to this Committee or Board position		Manage Banking, all insurance renewals, over see quarterly financial statements, plant and truck maintenance, and all equipment purchases and Sales.	
Mo. Yr.	TO: Mo. Yr.	Employer (Business or Agency Name)	Title of your position
Describe the responsibilities you performed and/or the skills you acquired which may relate to this Committee or Board position			
Mo. Yr.	TO: Mo. Yr.	Employer (Business or Agency Name)	Title of your position
Describe the responsibilities you performed and/or the skills you acquired which may relate to this Committee or Board position			
Mo. Yr.	TO: Mo. Yr.	Employer (Business or Agency Name)	Title of your position
Describe the responsibilities you performed and/or the skills you acquired which may relate to this Committee or Board position			

MENDOCINO COUNTY BOARD OF SUPERVISORS
APPOINTMENT OF INTEREST APPLICATION

Committee Name: Noyo HARBOR District Date: 10/12/16

Representational Category: JOINT APPOINTMENT FOR CHAIRMAN

Name: JOE CAITO Phone: 707-964-6368

Address (Per Voter Registration): 240 DENNISON LANE FORT BRAGG, CA 95437

Address (Mailing): SAME AS ABOVE E-mail: CAITOFSH@MCN.ORG

Availability to Attend Meetings:

Night Meetings _____ Day Meetings _____

Ukiah Only _____ Other _____

Special Expertise, Experience, or Interest in This Area:

CURRENTLY VICE-CHAIRMAN AND BEEN SERVING AS COMMISSIONER SINCE 12-1-1981

I hereby certify that I am a registered voter in the State of California, County of Mendocino, a citizen of the United States, and will be at least 18 years of age at the time of the next election. I am not imprisoned or on parole for the conviction of a felony. I certify under penalty of perjury, under the laws of the State of California, that the information on this application is true and correct.

I understand that assuming this public responsibility could result in public knowledge of my background and/or qualifications, including financial interests.

Applications will be kept on file for one year.

Signature: _____ Dated: 10/12/16

For Clerk's Use Only

Date Appointed: _____ Term: _____

Return completed application to:
The Mendocino County Clerk of the Board's Office
501 Low Gap Road, Room 1010
Ukiah, CA 95482
or Fax to (707) 463-7237

REC'D OCT 19 2016

NOYO PORT DISTRICT
NOYO HARBOR DISTRICT

19101 S. Harbor Drive
Fort Bragg, CA 95437
(707) 964-4719

October 14, 2016

Fort Bragg City Council
416 N. Franklin Street
Fort Bragg, CA 95437

Dear Council Members,

The term of Bill Forkner, as a Commissioner of the Noyo Harbor District, will expire on October 31, 2016. Mr. Forkner has fulfilled the term of Mr. Ancona for the past several months and has interest in serving another term of office.

At their regular meeting of October 13, 2016, the NHD Commissioners voted to support Commissioner Forkner's request to be reappointed to his position.

Sincerely,

Janette Gallegos

Janette Gallegos
Secretary/Treasurer
Noyo Harbor Commission

John C. McDonell
24750 Park Drive
Fort Bragg, California 95437
707 964-7933

October 16, 2016

City of Fort Bragg
City Hall
416 N Franklin
Fort Bragg, CA 95437

To the members of the Fort Bragg City Council:

RE: Steven Bradley for Noyo Harbor Commissioner

My name is John McDonell, Captain of the F/V SCANDIA. I have fished out of Noyo Harbor for 47 years from Alaska to Southern California. I have known Steven Bradley for most of my life and have worked side by side with him.

I am recommending Steven Bradley for the next vacancy on the Noyo Harbor District Board of Commissioners.

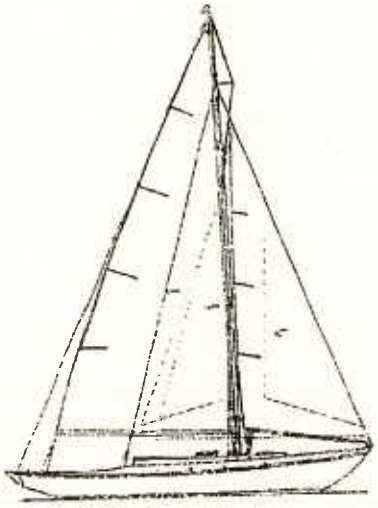
Steven is a third generation local fisherman and vessel owner with a long history of experiences with all aspects of Noyo Harbor. He is well known and respected by the fishing community in Northern California and the West Coast.

His varied fishing experiences along the West Coast have given him an insight and vision to make improvements that will move the Noyo Harbor District forward into the future.

Thank you for your consideration.

John C. McDonell
Captain, F/V SCANDIA
24750 Park Drive
Fort Bragg, CA 95437

RECEIVED
OCT 17 2016
CITY OF FORT BRAGG
CITY CLERK



REC'D OCT 12 2016

MAKELA BOATWORKS

19280 South Harbor Drive, Fort Bragg, CA 95437
(707) 964-3963 / work
(707) 964-7741 / home

October 10, 2016

To Whom I May Concern,

My name is Howard Makela. I own and operate Makela Boatworks at 19280 South Harbor Drive, which is located on the south side of the Noyo river.
I would like to recommend Steve Bradley as a commissioner to fill the vacant seat on the Noyo Harbor District Board. Steve is a successful third generation commercial fisherman and has owned and operated a commercial fishing vessel most of his thirty-plus year fishing career.
I think Steve would work well under the constraints of a limited harbor district budget. He is familiar with the boat basin and understands its shortcomings and what should be done in the future [budget permitting] to remedy the problems. I think Steve would work well with the other board members and give some fresh insight to the issues facing the Noyo Harbor District.

Regards,

Howard Makela

Howard Makela

OCEAN FRESH, LLC

350 North Main Street
Fort Bragg, CA 95437

Plant: (707) 964-1389
Fax: (707) 961-5428
Email: oceanfreshllc@mcn.org

Office: (707) 964-1394
Fax: (707) 964-2099
Email: sskunk@mcn.org

October 10, 2016

RECEIVED
OCT 11 2016
CITY OF FORT BRAGG
CITY CLERK

To: June Lemos
Fort Bragg City Council

I have known Steve Bradley for over twenty years as a self-motivated third generation commercial fisherman who is a true professional in his class.

As a property and seafood processing business owner in the Noyo Fishing Village, I am certain that Mr. Bradley has extensive knowledge of and similar interests in the operations of the real "working" harbor that we mutually depend. He would make a competent harbor commissioner and I fully endorse him.

Sincerely,

Robert S. Juntz, Jr.

Robert S. Juntz, Jr.

RECEIVED
SEP 30 2016
CITY OF FORT BRAGG
CITY CLERK

City of Fort Bragg
Fort Bragg City Council
RE: Noyo Harbor District

September 18, 2016

Greetings:

My name is Jerry Wall and I am writing this letter to show support for Steve Bradley who has indicated an interest in serving on the Noyo Harbor District. I have been involved in this community and the fishing industry for over 40 years: as a commercial fisherman, fish buyer, Hatchery manager and resident. I fully support his interest in serving as a Director and I know he has all the qualifications necessary to become an active member of the Harbor District. These are a particular set of qualifications that are presently missing from the District. The decline of the physical status is clearly a result of the lack of qualifications and action. Additionally, as the sole safe harbor between Eureka and Bodega Bay. Noyo Harbor offers commercial fishing vessels, recreational boats and the entire fishing industry a safe place to dock vessels. This fact alone shows the importance of Noyo Harbor to the west coast and this important user group needs increased representation.

Steve Bradley has been a resident of Fort Bragg his entire life. Additionally, and perhaps of more importance is that he has been integrally involved in the fishing industry working out of this Harbor. As a fisherman and Captain of the F/V Sound Adventure he has direct first hand experience and concern over the decline of the condition of the Harbor. He has expressed an interest and commitment in seeing that the Harbor conditions improve or suggests that Noyo Harbor will not be safe to fish out of much longer and he fears he will have to find another port to dock his boat. Steve has fished up and down the entire west coast and he has seen and comments on the lack of maintenance in Noyo Harbor compared to many other ports on the coast. He expresses concern over the future of

Noyo since little has been done, over the past few years, to keep the Harbor in good maintenance and the physical condition is declining.

As a now retired commercial fisherman I have personally witnessed Steve's positive work ethic judged by the condition and maintenance of his fishing vessel and his operation is first class. He deserves a seat on the Harbor District. His experience as well as the positive energy would bring positive change to this floundering District and this is becoming more and more critical if the Harbor maintenance continues to be neglected. He will additionally bring ideas and the ability for communication from other District players including communication with fisherman who have a vested interest in Noyo He will and can work with all parties involved or connected to the Harbor.

There are presently many difficult issues facing the district that have NOT been addressed and desperately need to be addressed. Steve can communicate with the players involved in the Harbor and work with other District representatives. The Harbor is in dire physical condition and needs a remedy immediately. Should we have a heavy winter with hard rains and winds bringing surges and destruction where vessels and the port itself is in jeopardy from lack of basic maintenance and needed major repairs. Please take a walk around the Harbor with Steve and you will be surprised by the lack of basic upkeep in the Harbor he can identify. There are some cost effective repairs that could save money if someone will take action.

I highly recommend Steve Bradley for a seat on the Noyo Harbor District. He will bring desperately needed ideas and action to the District.

Sincerely,

Jerry Wall

Jerry Wall
964-0329

SHORELINE
PROPERTIES
REAL ESTATE SALES

REC'D SEP 23 2016

City of Fort Bragg/
Mayor Dave Turner
416 N. Franklin Street
Fort Bragg, CA 95437

September 19, 2016

Dear Mayor Turner,

Regretfully, I am informing you that I will be resigning from the Noyo Harbor Commission on my next renewal date of October 31, 2016.

I have enjoyed my commitment for the past 36 years. It is only some small health issues that prevents me from continuing as Chairman on the NHD Commission. My position on the Board was appointed by the City of Fort Bragg. In leaving the board, I sincerely hope you will consider an excellent choice for the Commission in Steve (Huck) Bradley.

Sincerely,

Robert Armitage

REC'D SEP 2 0 2016

September 19, 2016

Dave Turner, Mayor
and Members of the Fort Bragg City Council
416 N. Franklin Street
Fort Bragg, CA 95437

RE: Noyo Harbor Commission – Steve Bradley

Dear Mayor Turner and Members of the City Council:

I encourage you to appoint Steve Bradley to the Noyo Harbor Commission. Mr. Bradley is a 3rd generation fisherman who has many years of experience commercial fishing from Noyo Harbor.

The Noyo Harbor Commission needs someone who knows the working side of the marina.

As the owner and operator of Noyo Fish Company LLC- I ask that you appoint Steve Bradley.

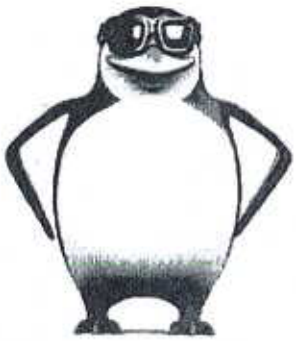
Thank you,

Scott Hockett

Scott Hockett

32440 N Harbor Drive – Fort Bragg, CA 95437 --707-962-0204

REC'D SEP 20 2016



Noyo Ice LLC

September 19, 2016

Dave Turner, Mayor
and Members of the Fort Bragg City Council
416 N. Franklin Street
Fort Bragg, CA 95437

Dear Mayor Turner and Members of the City Council:

I hope you will appoint Steve Bradley as the newest member of the Noyo Harbor Commission. Mr. Bradley is native of Fort Bragg, a family man, and a 3rd generation commercial fisherman. Mr. Bradley knows first hand the areas of the Noyo Harbor that need attention.

Four of the individuals seated on the Noyo Harbor Commission for the past few years have been land owners within the Noyo Harbor District. At this time it's important to broaden the view of the commission and acknowledge the needs of the fishing fleet itself.

Please appoint Steve Bradley to the Noyo Harbor Commission.

Thank you,

Allen F. Gibney Jr.

9/20/2016

REC'D SEP 16 2016 fcb

NOYO WOMEN FOR FISHERIES

POST OFFICE BOX 1087 · FORT BRAGG, CA 95437

cc: CM & Council
cc Candidates

Fort Bragg City Council

416 N. Franklin

Fort Bragg, CA 95437

September 12, 2016

Dear Members of Fort Bragg City Council;

Noyo Women For Fisheries is a local organization of women connected to and concerned about the Fort Bragg commercial fishing industry. Our members represent the many commercial fishing families based out of our Noyo Harbor, Fort Bragg.

We urge you to approve the appointment of Steve Bradley to the Noyo Harbor Commission. Essentially, Noyo Harbor is a working harbor and commercial fishing interests must be taken into account in all decisions affecting the harbor. Every commerical vessel in the harbor represents a fishing family who pays mooring fees and county "mud" taxes just to make that our family business address. We would like to have some "hands-on" representation on the Harbor Commission.

Steve Bradley was born and raised in Fort Bragg and is a third generation Fort Bragg commercial fisherman. Steve has been commercial fishing since he was 13 years old and is currently captain of the F/V Sound Adventure, docked on A-Dock at Noyo Harbor. Steve fishes for Salmon, Black Cod and Crab and often brings harvest back into the Fort Bragg economy. During the course of his career, he has had the opportunity to travel to other ports and has experienced the variety of services that can enhance a harbor operation. When not working at sea, Steve spends his time working on this boat in the harbor and can read the pulse of that operation. Steve has the drive and the experience to bring "hands-on" representation to our Harbor Commission.

We applaud Steve's energy and commitment to serve on the Noyo Harbor Commission and urge you to approve his appointment.

On behalf of Fort Bragg Commercial Fishing Families and Noyo Women for Fisheries,

Sincerely,

Printha Worthen

Printha Worthen

Secretary

SHORELINE
PROPERTIES
REAL ESTATE SALES

REC'D OCT 24 2016

City of Fort Bragg/
Mayor Dave Turner
416 N. Franklin Street
Fort Bragg, CA 95437

October 20, 2016

Dear Mayor Turner,

As you may recall, I will be resigning from the Noyo Harbor Commission on my next renewal date of October 31, 2016. This leaves my Commission seat as Chairman (which both is a City and County joint appointment) available. I would like to personally and respectfully request that you consider Joe Caito to be the next Chairman of the NHD Commission. Joe has many, many years of experience with the Noyo Harbor Commission and I feel he would do a great job. Thank you in advance for your consideration!

Sincerely,

Robert Armitage

Robert Armitage

PROPOSED LIST OF QUESTIONS FOR APPLICANTS
TO THE NOYO HARBOR COMMISSION

1. Why are you interested in serving on the Noyo Harbor Commission?

2. Describe your involvement in community activities in Fort Bragg or elsewhere.

3. What qualifications, background, experience, and expertise would you bring to the Harbor Commission?

4. What activities and issues do you believe the Commission should focus on?

5. What do you believe are the most important issues facing Noyo Harbor?

6. Do you have any commitments which would limit your availability for regular Harbor Commission meetings?

7. Do you have any questions or information you would like to add?

City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 16-403

Agenda Date: 10/24/2016 **Version:** 1 **Status:** Business

In Control: City Council **File Type:** Ordinance

Agenda Number: 6B.

Receive Report and Consider Introduction, by Title Only, and Waive Further Reading of Ordinance 927-2016 Adding Chapter 9.33 (Cannabis Manufacturing) to Title 9 (Public Peace, Safety and Morals) of the Fort Bragg Municipal Code

AGENCY:	**City Council**
MEETING DATE:	**October 24, 2016**
DEPARTMENT:	**Community Development**
PRESENTED BY:	**S. Perkins**

AGENDA ITEM SUMMARY

TITLE:
RECEIVE REPORT AND CONSIDER INTRODUCTION, BY TITLE ONLY, AND WAIVE FURTHER READING OF ORDINANCE 927-2016 ADDING CHAPTER 9.33 (CANNABIS MANUFACTURING) TO TITLE 9 (PUBLIC PEACE, SAFETY AND MORALS) OF THE FORT BRAGG MUNICIPAL CODE

ISSUE:
On September 12, 2016, City Council received a report regarding the proposed adoption of a Cannabis Manufacturing Ordinance that would regulate cannabis manufacturing uses in the City of Fort Bragg. The Public Safety Committee recommended various policies for the ordinance for City Council review. The Council provided explicit direction to staff and the City Attorney regarding the scope and content of such an ordinance. The ordinance is now brought forward for Council consideration and for introduction.

RECOMMENDED ACTION:
Introduce, by title only, and waive further reading of Ordinance 927-2016 adding Chapter 9.33 (Cannabis Manufacturing) to Title 9 (Public Peace, Safety and Morals) of the Fort Bragg Municipal Code.

ALTERNATIVE ACTION(S):
Provide direction to staff regarding further revisions to the Cannabis Manufacturing Ordinance.

ANALYSIS:
At the September 12, 2016 City Council meeting, staff presented a draft Cannabis Manufacturing Ordinance for Council review. The Cannabis Manufacturing Ordinance relied on Council's direction at their August 22, 2016 meeting, where Council discussed the various policy options that would frame the ordinance.

After reviewing the draft ordinance, Council recommended one change: modifying the definition of "cannabis" to exclude reference to specific California Health and Safety Codes. At the recommendation of Council and the City Attorney, the cannabis definition now reads:

> ***CANNABIS.*** Shall have the same definition as defined by State law.

In addition to this revision, the term "cannabis manufacturing use" replaces the term "dispensary" in Section 19.33.120(D) and (F). The term "dispensary" is inaccurate in these instances, and the correct term is now in place. Otherwise, the ordinance introduced for adoption is identical to the draft that Council reviewed on September 12, 2016.

This ordinance also requires an update to the Inland Land Use and Development Code (ILUDC) to allow cannabis manufacturing in the Heavy Industrial and Light Industrial zoning districts with an approved Use Permit. The City recently received an application to amend the ILUDC for this specific purpose. As a result, staff will prepare an ILUDC amendment and associated environmental review to update the Land Use Tables (Article 2), Standards for Specific Land Uses

(Article 4) and Definitions (Article 10) allowing and regulating cannabis manufacturing uses for Council's review.

FISCAL IMPACT:
If Council adopts the Cannabis Manufacturing Ordinance, Council will then need to establish appropriate fees to offset costs associated with the permitting process and any subsequent inspections or enforcement activities. Additionally, Council may choose to discuss options for taxation of cannabis manufacturing uses at some future date. If permitted, cannabis manufacturing would create new jobs. As a point of reference, RootOne Botanicals' business plan anticipates hiring as many as 20 employees once running at full capacity.

IMPLEMENTATION/TIMEFRAMES:
If the ordinance is introduced on October 24, 2016 and adopted on November 14, 2016, it would become effective on December 14, 2016.

ATTACHMENTS:
1. Ordinance 927-2016, Cannabis Manufacturing Ordinance

NOTIFICATION:
1. Jon McColley, RootOne Botanicals

City Clerk's Office Use Only

Agency Action ☐ Approved ☐ Denied ☐ Approved as Amended

Resolution No.: _____ Ordinance No.: _____

Moved by: _____ Seconded by: _____

Vote: _____

☐ Deferred/Continued to meeting of: _____

☐ Referred to: _____

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE ADDING CHAPTER 9.33 (CANNABIS MANUFACTURING) TO TITLE 9 (PUBLIC PEACE, SAFETY AND MORALS) OF THE FORT BRAGG MUNICIPAL CODE

ORDINANCE NO. 927-2016

WHEREAS, the City of Fort Bragg ("City") does not currently allow cannabis manufacturing within City limits; and

WHEREAS, the State of California has adopted Assembly Bill (AB) 243, AB 266 and Senate Bill (SB) 643, jointly referred to as the Medical Marijuana Regulation and Safety Act (MMRSA); and

WHEREAS, the State of California will not issue licenses under MMRSA until January 2018; and

WHEREAS, local governments may choose to adopt new ordinances to permit or license local cannabis businesses in preparation for state licensing; and

WHEREAS, on May 9, 2016, City Council of the City of Fort Bragg ("City Council") sought to establish rules and regulation by which cannabis manufacturing may be permitted; and

WHEREAS, through multiple public meetings, the Public Safety Committee, Fort Bragg Police Department and City staff have received input from citizens and discussed various options for permitting cannabis manufacturing, and

WHEREAS, a new set of regulations has been prepared for cannabis manufacturing that would allow cannabis manufacturing uses to operate in the Light Industrial and Heavy Industrial zoning districts with an approved Use Permit; and

WHEREAS, on September 12, 2016, City Council reviewed a draft cannabis manufacturing ordinance; and

WHEREAS, City Council has determined that Chapter 9.33 Cannabis Manufacturing Ordinance should be added to the Municipal Code, and that such changes will not possibly have a significant effect on the environment.

NOW, THEREFORE, the City Council ordains as follows:

Section 1. **Legislative Findings.** The City Council hereby finds as follows:

1. The foregoing recitals are true and correct and are made a part of this resolution.
2. Adding Chapter 9.33 to the Municipal Code in the manner described will ensure that cannabis manufacturing uses are effectively regulated so that they will not be detrimental to the public interest, health, safety, convenience or welfare of the City.

3. There is no possibility that the adoption of this ordinance will have a significant impact on the environment, and therefore, the adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section 15061(b)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

Section 2.

TITLE 9 – PUBLIC PEACE, SAFETY AND MORALS

Chapter 9.33 entitled **CANNABIS MANUFACTURING** is hereby added as follows:

CHAPTER 9.33: CANNABIS MANUFACTURING

Section

9.33.010 Purpose and intent
9.33.020 Definitions
9.33.030 Permit required
9.33.040 Applications
9.33.050 Time limit for filing application for permit
9.33.060 Term of permits and renewals
9.33.070 Fees
9.33.080 Investigation and action on application
9.33.090 Grounds for rejection of cannabis manufacturing use permit application
9.33.100 Appeal from Chief of Police decision to reject application
9.33.110 Processing of cannabis manufacturing use permit
9.33.120 Operating requirements
9.33.130 Minors
9.33.140 Display of permit
9.33.150 Registration of new employees
9.33.160 Transfer of permits
9.33.170 Suspension and revocation — notice
9.33.180 Suspension and revocation — grounds
9.33.190 Suspension and revocation — appeals
9.33.200 Suspension or revocation without hearing
9.33.210 Separate offense for each day
9.33.220 Public nuisance
9.33.230 Criminal penalties
9.33.240 Civil injunction
9.33.250 Administrative remedies
9.33.270 Severability

§ 9.33.010 PURPOSE AND INTENT.

It is the purpose and intent of this ordinance to regulate Cannabis Manufacturing in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City.

§ 9.33.020 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words or phrases not specifically defined in this code shall have the meaning ascribed to them as defined in the following sources: Compassionate Use Act of 1996 (California Health and Safety Code Section 11362.5); Medical Marijuana Program Act (California Health and Safety Code Section 11362.7 through 11362.83); and Medical Marijuana Regulation and Safety Act of 2015 (enacted by Assembly Bill (AB) 243, AB 266 and Senate Bill 643).

APPLICANT. A person who is required to file an application for a permit under this chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of a cannabis manufacturing use.

CHIEF OF POLICE. The Chief of Police of the City of Fort Bragg or the authorized representatives thereof.

CHURCH. A structure or leased portion of a structure which is used primarily for religious worship and related religious activities.

CONTROLLED SUBSTANCES. A drug, substance, or immediate precursor which is listed in any schedule in Cal. Health and Safety Code §§ 11054, 11055, 11056, 11057, or 11058.

DRUG PARAPHERNALIA. Shall have the same definition as Cal. Health and Safety Code § 11364.5, and as may be amended.

CANNABIS. Shall have the same definition as defined by State law.

CANNABIS MANUFACTURING. A process where cannabis is transformed into a product (such as food, medicine, oil, clothing, textile, etc.), and the production, preparation, propagation, or compounding of cannabis or cannabis products, directly or indirectly.

PERMITTEE. The person to whom a cannabis manufacturing permit is issued.

PERSON WITH AN IDENTIFICATION CARD. Shall have the same definition as Cal. Health and Safety Code § 11362.7, and as may be amended.

PRIMARY CAREGIVER. Shall have the same definition as Cal. Health and Safety Code §§ 11362.5 and 11362.7, and as may be amended.

QUALIFIED PATIENT. Shall have the same definition as Cal. Health and Safety Code §§ 11362.5 and 11362.7, and as may be amended.

SCHOOL. An institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any child or day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

§ 9.33.030 PERMIT REQUIRED.

It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City the operation of a cannabis manufacturing use unless the person first obtains and continues to maintain in full force and effect a cannabis manufacturing permit from the City as herein required.

§ 9.33.040 APPLICATIONS.

A. All applications for cannabis manufacturing permits shall be filed with the Chief of Police. The application shall be made under penalty of perjury.

B. Any application for a cannabis manufacturing permit shall include the following information:

1. The full name, present address, and telephone number of the applicant;
2. The address to which notice of action on the application and all other notices are to be mailed;
3. Previous addresses for the past five years immediately prior to the present address of the applicant;
4. Written proof that the applicant is over 21 years of age;
5. Photographs for identification purposes (photographs shall be taken by the Police Department);
6. The cannabis business history of the applicant, including whether the person, in previously operating in any city, county, or state under permit, has had a permit revoked or suspended and, if so, the reason therefor;

7. The name or names of the person or persons having the management or supervision of applicant's business;

8. Whether the person or persons having the management or supervision of applicant's business have been convicted of a crime(s), the nature of the offense(s), and the sentence(s) received therefor;

9. The names of all employees, independent contractors, and other persons who will work at the cannabis manufacturing use;

10. A security plan ensuring the safety of employees and visitors from criminal activity, including theft and unauthorized entry;

11. A sketch or diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the cannabis manufacturing use and the purpose and security of each room or area of operation;

12. A diagram illustrating the use and coverage of security cameras, security lighting, and necessary access restrictions;

13. Security measures ensuring the safety of employees and visitors from criminal activity, including theft and unauthorized entry;

14. Detailed operating procedures, which shall include the following:

a. Proposed hours of operation;

b. How the business will comply with applicable State regulations;

c. Product safety and quality assurances;

d. Record keeping procedures;

e. Product recall procedures;

f. A solid waste disposal plan, with certification that waste transport entities and disposal facilities have agreed to haul and receive solid waste produced by the cannabis manufacturing use.

g. Product supply chain information (cultivation, testing, transportation, packaging and labeling);

h. An odor prevention plan, illustrating how the use will be consistent with §17.30.080(J) and/or §18.30.080(J). The odor prevention plan may include an odor absorbing ventilation and exhaust system or other measures to ensure the use does not produce odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public; and

i. Other information as required by the Chief of Police as necessary to ensure the project's compliance with local, state and federal regulations.

14. Authorization for the City, its agents and employees to seek verification of the information contained within the application; and

15. A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.

C. If the applicant has completed the application improperly, or if the application is incomplete, the Chief of Police shall, within ten (10) days of receipt of the original application, notify the applicant of the fact and, on request of the applicant, grant the applicant an extension of time of ten (10) days or more to submit a complete application.

D. The fact that an applicant possesses other types of state or City permits or licenses does not necessarily exempt the applicant from the requirement of obtaining a cannabis manufacturing permit.

§ 9.33.050 TIME LIMIT FOR FILING APPLICATION FOR PERMIT.

All persons who possess an outstanding business license heretofore issued for cannabis manufacturing must apply for and obtain a cannabis manufacturing permit within 90 days of the effective date of this ordinance. Continued operation of a cannabis manufacturing use without a permit more than 90 days after the effective date of this ordinance shall constitute a violation of this chapter.

§ 9.33.060 TERM OF PERMITS AND RENEWALS.

Cannabis manufacturing permits issued under this chapter shall expire one year following their issuance. Cannabis manufacturing permits may be renewed by the Chief of Police for additional one-year periods upon application by the permittee, unless the permit is suspended or revoked subject to § 9.33.180. Applications for renewal shall be made at least 45 days before the expiration date of the permit and shall be accompanied by the nonrefundable fee referenced in § 9.33.070. When made less than 45 days before the expiration date, the expiration of the permit will not be stayed. Applications for renewal shall be acted on as provided herein for action upon applications for permits. The Chief of Police may deny an application for renewal based on any of the grounds referenced in §§ 9.33.090 and 9.33.180. An applicant aggrieved by the Chief of Police's decision to deny a renewal of a cannabis manufacturing permit may appeal pursuant to § 9.33.100.

§ 9.33.070 FEES.

Every application for a cannabis manufacturing permit or renewal shall be accompanied by a nonrefundable fee, as established by resolution adopted by the City Council from time to time. This application or renewal fee is in addition to fingerprinting, photographing, and background check costs and shall be in addition to any other permit fee imposed by this code or other governmental agencies. Fingerprinting, photographing, and background check fees will be as established by resolution adopted by the City Council from time to time.

§ 9.33.080 INVESTIGATION AND ACTION ON APPLICATION.

After the making and filing of the application for the cannabis manufacturing permit and the payment of the fees, the Chief of Police shall conduct a background check of the applicant and all employees and conduct an investigation of the application. After the background checks and investigation are complete, the Chief of Police shall either formally accept or reject the application in accordance with the provisions of this chapter.

§ 9.33.090 GROUNDS FOR REJECTION OF CANNABIS MANUFACTURING PERMIT APPLICATION.

The grounds for rejection of a cannabis manufacturing permit application shall be one or more of the following:

A. The business or conduct of the business at a particular location is prohibited by any local or state law, statute, rule, or regulation;

B. The applicant has violated any local or state law, statute, rule, or regulation respecting a cannabis business;

C. The applicant has knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit;

D. The applicant, his or her agent or employees, or any person who is exercising managerial authority on behalf of the applicant has been convicted of a felony, or of a misdemeanor involving moral turpitude, or the illegal use, possession, transportation, distribution, or similar activities related to controlled substances, with the exception of marijuana related offenses for which the conviction occurred prior to passage of Proposition 215. A conviction within the meaning of this section means a guilty plea or verdict or a conviction following a plea of nolo contendere;

E. The applicant has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices;

F. The applicant is under 21 years of age;

G. The cannabis manufacturing use does not comply with Title 18 (Land Use and Development Code); and/or

H. The required application or renewal fees have not been paid.

(Ord. 850, passed 6-13-2005)

§ 9.33.100 APPEAL FROM CHIEF OF POLICE DECISION TO REJECT APPLICATION.

The Chief of Police shall cause a written notice of his or her decision to reject a cannabis manufacturing permit application to be mailed to the applicant by certified U.S. mail, postage prepaid, return receipt requested, to the address provided by the applicant for sending of notices. An applicant aggrieved by the Chief of Police's decision to reject an application may appeal the decision in accordance with the procedures described in Chapter 1.08. If an appeal is not taken within such time, the Chief of Police's decision shall be final.
(Ord. 900, § 11, passed 12-12-2011)

§ 9.33.110 PROCESSING OF CANNABIS MANUFACTURING PERMIT.

If an application is not rejected by the Chief of Police, it shall be forwarded to the Community Development Department for processing using the same permit process and requirements for a Use Permit as defined in Title 17 (Coastal Land Use and Development Code) and Title 18 (Land Use and Development Code).

§ 9.33.120 OPERATING REQUIREMENTS.

A cannabis manufacturing use shall meet the following operating requirements for the duration of the use.

A. The design, location, size and operating characteristics of the cannabis manufacturing use shall comply with the findings and conditions of the Use Permit.

B. A cannabis manufacturing use shall maintain a current register of the names of all employees currently employed by the use.

C. The building entrance to a cannabis manufacturing use shall be clearly and legibly posted with a notice indicating that persons under the age of 21 are precluded from entering the premises unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or legal guardian.

D. No cannabis or cannabis product shall be smoked, ingested, or otherwise consumed on the project site. The term "project site" includes the actual building, as well as any accessory structures, parking areas, or other immediate surroundings. The building entrance to a cannabis manufacturing use shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming marijuana on the premises or in the vicinity of the cannabis manufacturing use is prohibited.

E. No marijuana shall be grown or cultivated on the premises of the cannabis manufacturing use.

F. No cannabis manufacturing use shall hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of the cannabis manufacturing use.

G. No cannabis manufacturing use shall conduct or engage in the commercial sale of any product, goods or service. The term "commercial sale" does not include the provision of cannabis on terms and conditions consistent with this chapter and applicable law.

H. No accessory uses shall be permitted in conjunction with a cannabis manufacturing use.

I. No cannabis manufacturing use shall sell or display any drug paraphernalia or any implement that may be used to administer cannabis.

J. A cannabis manufacturing use shall provide adequate security on the premises, including lighting and alarms, to ensure the safety of employees and visitors from criminal activity, including theft and unauthorized entry.

K. A cannabis manufacturing use shall provide the Chief of Police with the name, phone number, and email of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the cannabis manufacturing use.

L. A cannabis manufacturing use shall meet all the operating criteria for the manufacturing of cannabis as is required pursuant to state law.

§ 9.33.130 MINORS.

A. It shall be unlawful for any permittee, operator, or other person in charge of any cannabis manufacturing use to employ any person who is not at least 21 years of age.

B. Persons under the age of 21 shall not be allowed on the premises of a cannabis manufacturing use unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or legal guardian.

§ 9.33.140 DISPLAY OF PERMIT.

Every cannabis manufacturing use shall display at all times during business hours the permit issued pursuant to the provisions of this chapter for cannabis manufacturing in a conspicuous place so that the same may be readily seen by all persons entering the cannabis manufacturing use.

§ 9.33.150 REGISTRATION OF NEW EMPLOYEES.

A. As a further condition of approval of every cannabis manufacturing permit issued pursuant to this chapter, every owner or operator shall register every employee with the Police Department within five business days of the commencement of the employee's period of employment at the cannabis manufacturing use, in order to provide necessary information to conduct background checks.

B. Each employee shall be required to provide two recent color passport-quality photographs and, at the discretion of the Chief of Police, shall allow himself or herself to be fingerprinted by the Police Department for purposes of identification.

C. Failure to register each new employee within five days of the commencement of employment or to maintain a current register of the names of all employees shall be deemed a violation of the conditions of the permit and may be considered grounds for suspension or revocation of the permit.

§ 9.33.160 TRANSFER OF PERMITS.

A. A permittee shall not operate a cannabis manufacturing use under the authority of a cannabis manufacturing permit at any place other than the address of the cannabis manufacturing use stated in the application for the permit.

B. A permittee shall not transfer ownership or control of a cannabis manufacturing use or transfer a cannabis manufacturing permit to another person unless and until the transferee obtains an amendment to the permit from the Chief of Police stating that the transferee is now the permittee. The amendment may be obtained only if the transferee files an application with the Chief of Police in accordance with § 9.33.040, accompanies the application with a transfer fee in an amount set by resolution of the City Council, and the Chief of Police determines in accordance with § 9.33.090 that the transferee would be entitled to the issuance of an original permit.

C. No permit may be transferred when the Chief of Police has notified the permittee that the permit has been or may be suspended or revoked.

D. Any attempt to transfer a permit either directly or indirectly in violation of this section is hereby declared void, and the permit shall be deemed revoked.

§ 9.33.170 SUSPENSION AND REVOCATION — NOTICE.

A. Any permit issued under the terms of this chapter may be suspended or revoked by the Chief of Police when it appears to him or her that the permittee has committed any one or more of the acts or omissions constituting the grounds for suspension or revocation under this chapter.

B. No permit shall be revoked or suspended by virtue of this section until a hearing has been held by the Chief of Police. Written notice of the time and place of the hearing shall be served upon the person to whom the permit was granted at least five days prior to the date set for the hearing. The

notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending the permit. Notice may be given either by personal delivery to the permittee or by depositing it in the U.S. mail in a sealed envelope, postage prepaid, addressed to the permittee at the address provided by the permittee for sending of notices.

§ 9.33.180 SUSPENSION AND REVOCATION — GROUNDS.

It shall be a ground for suspension or revocation of a permit if any permittee or person, his or her agent, or employee:

A. Does any act which violates any of the grounds set forth in § 9.33.090, which sets forth the grounds for rejection of an application for a permit for the cannabis manufacturing use;

B. Violates any other provision of this chapter or any local or state law, statute, rule, or regulation relating to his or her permitted activity;

C. Conducts the permitted business in a manner contrary to the peace, health, or safety of the public;

D. Fails to take reasonable measures to control the establishment's patrons' conduct resulting in disturbances, vandalism, or crowd control problems occurring inside of or outside the premises, traffic-control problems, or creation of a public or private nuisance, or obstruction of the business operation of another business;

E. Violates any provision of Title 15 of this code; or

F. Violates or fails to comply with the terms and conditions of the Use Permit.

§ 9.33.190 SUSPENSION AND REVOCATION — APPEALS.

Any permittee aggrieved by the decision of the Chief of Police in suspending or revoking a permit may, within 10 calendar days, appeal the decision in accordance with the procedures described in Chapter 1.08. If a decision of the Chief of Police to suspend or revoke a permit is not appealed within ten (10) calendar days, the decision of the Chief of Police shall be final.

§ 9.33.200 SUSPENSION OR REVOCATION WITHOUT HEARING.

If any person holding a permit or acting under the authority of the permit under this article is convicted of a misdemeanor in any court for the violation of any law which relates to his or her permit, the Chief of Police shall revoke the permit forthwith without any further action thereof, other than giving notice of revocation to the permittee. If a permit is summarily revoked pursuant to the provisions of this section, a permittee may, within ten (10) calendar days, appeal the revocation in accordance with the procedures described in Chapter 1.08. During the pendency of the appeal, the permit shall be deemed suspended. If the appeal is not taken within ten (10) days, the decision of the Chief of Police shall be final.

§ 9.33.210 SEPARATE OFFENSE FOR EACH DAY.

Any person that violates any provision of this chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly.

§ 9.33.220 PUBLIC NUISANCE.

Any use or condition caused or permitted to exist in violation of any of the provisions of this chapter shall be and is hereby declared a public nuisance and may be abated by the City pursuant to Chapter 6.12 of the Fort Bragg Municipal Code.

§ 9.33.230 CRIMINAL PENALTIES.

Any person who violates, causes, or permits another person to violate any provision of this chapter commits a misdemeanor.

§ 9.33.240 CIVIL INJUNCTION.

The violation of any provision of this chapter shall be and is hereby declared to be a public nuisance and contrary to the public interest and shall, at the discretion of City, create a cause of action for injunctive relief.

§ 9.33.250 ADMINISTRATIVE REMEDIES.

In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this chapter may be subject to administrative remedies, as set forth by City ordinance.

§ 9.33.270 SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the ordinance. The City Council of the City hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that one (1) or more sections, subsections, sentences, clauses, or phrases may be held invalid or unconstitutional.

Section 3. **Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 4. **Effective Date and Publication.** This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember _____ at a regular meeting of the City Council of the City of Fort Bragg held on October 24, 2016, and adopted at a regular meeting of the City of Fort Bragg held on November 14, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Dave Turner,
Mayor

ATTEST:

_____
June Lemos
City Clerk

PUBLISH: **October 27, 2016 and November 23, 2016 (by summary).**
EFFECTIVE DATE: **December 14, 2016.**

City of Fort Bragg

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Text File

File Number: 16-419

Agenda Date: 10/24/2016 **Version:** 1 **Status:** Business

In Control: City Council **File Type:** Staff Report

Agenda Number: 6C.

Receive Report and Provide Direction to Staff Regarding Follow Up on Proposed Amendments to Article 2 of the Inland Land Use and Development Code & Vacancy Tax

AGENCY:	**City Council**
MEETING DATE:	**October 24, 2016**
DEPARTMENT:	**CDD**
PRESENTED BY:	**M. Jones**

AGENDA ITEM SUMMARY REPORT

TITLE:
RECEIVE REPORT AND PROVIDE DIRECTION TO STAFF REGARDING PROPOSED AMENDMENTS TO ARTICLE 2 AND ARTICLE 10 OF THE FORT BRAGG MUNICIPAL CODE TITLE 18, INLAND LAND USE AND DEVELOPMENT CODE (ILUDC)

ISSUE:
Every few years, the City updates the Inland Land Use and Development Code (ILUDC) to fix identified problems and to ensure that the ILUDC implements the policy goals of the City Council. On the morning and evening of June 16, 2016, the Community Development Department held two Zoning Code Update Workshops where community members were invited to contribute their ordinance update ideas and concerns. Additionally, the Council's Community Development Committee reviewed the ILUDC's "use tables" to identify uses that could potentially be allowed to provide more flexibility with regard to permitted and conditionally permitted uses within zoning districts. On October 11th City Council reviewed and provided direction to staff about most of the proposed amendments to Article 2 and Article 10 of the ILUDC. During that meeting the Council directed staff to return to council with additional information about the following undecided topics for the ILUDC update:

1. Pros and Cons of allowing Condominium Conversions in the high density zoning districts for projects converting more than 3 units.
2. Revise the required findings for the Use Permit and Minor Use Permit in the Central Business District to allow for more flexibility for non-pedestrian oriented uses.
3. Rework the definition of Emergency Shelter and rename the definition as Homeless Shelter
4. Rework Service Animal definition

Additionally, City Council directed staff to come back with a brief discussion of the pros and cons of a vacancy tax, in order to decide if Staff should create a detailed analysis of this approach for City Council consideration.

RECOMMENDED ACTION:
Provide direction to staff regarding proposed amendments to Article 2 and Article 10 of Fort Bragg Municipal Code, Title 18, Inland Land Use and Development Code (ILUDC).

ALTERNATIVE ACTION(S):

1. No action. Under this alternative, no further actions would be taken to update the ILUDC.
2. Continue action on the matter and request additional information and/or analysis by staff.

ANALYSIS:

1. Condominium Conversions
Issue: Should the City allow Condominium Conversions in the high density zoning districts for conversion projects of more than 3 units?

A condominium conversion is the process of converting multiple-unit rental property held in a single ownership to a form in which the units may be individually sold. All condominium conversions are

subject to the Subdivision Map Act (see Gov. Code, § 66424). They are processed like any other subdivision. The conversion of an existing structure to condominiums is exempt from CEQA (per 15301k).

Condominium conversion arise when the conditions in the real estate market make selling condominiums significantly more profitable than renting or leasing individual units and when there is demographic/market demand for this type of affordable home ownership option. Some pros and cons for condo conversion include:

- Condos are typically purchased by couples, looking for an affordable housing option, or by retired folks, looking to downsize.
- Conversion provides an opportunity for landlords to sell their properties for substantial gains.
- Condos provide an affordable home ownership option for a first time home and one's last home.
- Conversion displaces existing tenants who do not want or cannot afford to buy units in the converted building.
- Each conversion reduces the amount of available rental housing, resulting over time in an upward pressure on area rents.

Under California law, a "condominium" is "an estate in real property that consists of an undivided interest in common in a portion of real property coupled with a separate interest in a space called a unit." (Civ. Code, § 1351, subd. (f).) A condominium is created by following the process required by Civil Code section 1352. It states that a condominium is created when:

i. A declaration of conditions, covenants and restrictions is recorded;
ii. A subdivision or parcel map for condominium purposes is recorded;
iii. A condominium plan is recorded; and
iv. A unit is conveyed.

Cities have broad police power authority to enact restrictions on condominium conversions or to allow them through a Use Permit process. The often expressed public purpose for regulating condominium conversions is the preservation of rental housing. The City of Fort Bragg ordinance limits the number of conversions to 3 units for any given project. As a practical matter this makes conversions unlikely. Conversions are unlikely because there are not many three unit projects which could be converted and because of the considerable legal costs to take a three unit rental property through the conversion process. The City has not processed a single condominium conversion in the past ten years. The City did approve a five unit condominium on Whipple Street in 2006, which was later rented out by the property owner, and is now for sale as the real estate market has recovered.

A formal condominium conversion ordinance seems unnecessary for the City of Fort Bragg, as staff has not entertained any inquiries over the past ten years from property owners looking to convert their multi-family rental properties. However, should council want to establish a condominium conversion ordinance, such ordinances typically limit the total number of units that may be converted each year, rather than the number of units in a project. Alternatively, the definition qualifier that limits the number of units to be converted could be removed from the use table of the ILUDC. Or the 3 unit limitation can be left as it. Staff has no recommendation.

2. Findings for a Use Permit and Minor Use Permit in the Central Business District

Issue: how best to provide flexibility in zoning approvals in the Central Business District without eroding the pedestrian oriented qualities of the downtown core, which are essential for retail success.

The revised use tables allow many new uses in the CBD with a Minor Use Permit or a Use Permit. The ILUDC currently includes the following finding for approval of a use within this district:

> **C. Findings for Use Permit or Minor Use Permit approval**. The approval of a Use Permit or Minor Use Permit for a project within a commercial district shall require that the Review Authority first make the following findings for the zoning district applicable to the site, in addition to the findings required by Section 18.71.060 (Use Permit and Minor Use Permit).
>
> 3. CBD (Central Business District) district. The use complements the intense pedestrian and regionally oriented shopping areas of the CBD, and will not detract physically from the basically pedestrian nature of the CBD.

Staff recommends the following rewording for the required finding to allow for more flexibility in the approval of non-pedestrian friendly uses in the downtown and to facilitate the filling of empty storefronts.

> 3. CBD (Central Business District) district. The use complements the local, regional and tourist serving retail, office and services functions of CBD, and will not detract from this basic purpose of the CBD. Uses proposed for the pedestrian orientated retail shopping areas of the CDB (the 100 block of E and W Laurel Street, the 300 block of Franklin Street, the 100 and 200 block of E Redwood Street, and the 300 block of Main Street) should avoid detracting from the pedestrian oriented nature of this core area.

Additionally the ILUDC includes the following language limiting the location of non-pedestrian uses to upper floors, see below:

> B. **Limitation on the location of allowable land uses.** Each land use shall be located as follows.
>
> 1. The ground floor of each non-residential structure shall be limited to the uses allowed on the ground floor by Section 18.22.020, Table 2-6, to enhance the pedestrian orientation of downtown streets. Examples of the pedestrian-oriented uses allowed by Table 2-6 include walk-in uses such as restaurants, retail stores, health/fitness facilities, personal services, community service organizations, and similar uses. The Review Authority may modify the Table 2-6 limitations on ground floor uses when existing structures are re-occupied by different tenants or uses, or when this requirement is determined by the Review Authority to be infeasible because of excessive storefront vacancies.
>
> 2. Ground floor, street fronting business/service offices may be approved if the Review Authority first determines that the use will not impair the pedestrian character of the street, provided that:
>
> a. Parcels on the block occupied by office uses that are not pedestrian oriented constitute less than 50 percent of the block frontage;
>
> b. The remainder of the block is characterized primarily by retail and/or restaurant uses; and
>
> c. The facade design of the structure that accommodates the office contributes to the visual interest of the street and conspicuously expresses the nature of the use.

Staff recommends that this section be revised as follows (proposed changes in *red italics*):

> B. **Limitation on the location of allowable land uses.** Each land use shall be located as follows.
>
> 1. The ground floor of each non-residential structure*, located in the downtown core,* shall be limited to the uses allowed on the ground floor by Section 18.22.020, Table 2-6, to enhance the pedestrian orientation of *the* downtown *core*

~~streets~~. *(The downtown core is defined as the 100 block of E and W Laurel Street, the 300 block of Franklin Street, the 100 and 200 block of E Redwood Street, and the 300 block of Main Street).* Examples of the pedestrian-oriented uses allowed by Table 2-6 include walk-in uses such as restaurants, retail stores, health/fitness facilities, personal services, community service organizations, and similar uses. The Review Authority may relax the *pedestrian oriented* ~~modify the Table 2-6~~ limitation on ground floor uses when ~~existing structures are re-occupied by different tenants or uses, or when~~ this requirement is determined by the Review Authority to be infeasible because of excessive storefront vacancies.

~~*2. Ground floor, street fronting business/service offices may be approved if the Review Authority first determines that the use will not impair the pedestrian character of the street, provided that:*~~

~~*a. Parcels on the block occupied by office uses that are not pedestrian oriented constitute less than 50 percent of the block frontage;*~~

~~*b. The remainder of the block is characterized primarily by retail and/or restaurant uses; and*~~

~~*c. The facade design of the structure that accommodates the office contributes to the visual interest of the street and conspicuously expresses the nature of the use.*~~

3. Emergency Shelter Definition

The State of California (Health and Safety Code Section 50801(e)) provides the following zoning definition of a Homeless Shelter:

- **Homeless Shelter** – housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person (or homeless family).

Staff recommends that this definition be used in the ILUDC.

4. Service Animal definition

The ADA national network provides the following zoning definition of a Service Animal:

- **Service Animal** - A service animal is any dog (or miniature horse) that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals.

Staff recommends that this definition be used in the ILUDC.

5. Vacancy Tax

Issue: The proper vehicle for the imposition of a vacancy tax would be an amendment to the Municipal Code, rather than the Land Use and Development Code. However, since this issue was identified as part of the ILUDC update and could impact the Central Business District, staff has prepared the following brief analysis of the purposes of a vacancy tax and the pros and cons of establishing one.

To understand if a vacancy tax would be an effective policy solution to the issue of empty store fronts, it is important first to understand the extent of empty storefronts and the possible causes of

empty storefronts. On October 6th staff completed an inventory of all empty storefronts in the Central Business District. Seventeen empty storefronts were identified, including three that are already leased but not yet occupied. Map 1 illustrates the parcels with vacant storefronts, along with the building condition. Staff counted 194 stores located in the downtown core, so the downtown has a vacancy rate of 8.7%, which is perhaps higher than we would like, but not unhealthy. Unfortunately many of these vacancies are located in the core on Franklin Street, which concentrates the problem in a critical area.

Staff took a good look at the empty storefronts in downtown Fort Bragg to develop a deeper understanding of the challenge:

- A number of vacant properties in the downtown have been the subject of multiple code enforcement actions for violations of the municipal code, and the property owners have been unwilling or unable to address these code violations. These properties appear to be vacant primarily due to the physical state of the properties and/or because the landlord have has a poor reputation and there are plenty of other rental options. The Huber family owns a number of the most visible and worst condition vacant storefronts on Franklin Street for example. These properties have been and continue to be the effort of multiple code enforcement efforts, to little avail. See Attachment 2.
- Some properties are vacant due to their location. They are located in areas that are isolated from other stores. Destination retailers would be the only successful renters of these properties. These buildings have a history of high turn-over and vacancy as businesses have attempt to make a go of it, and then either failed or moved to a better location.
- Some storefronts are vacant because they have recently lost their tenants (to closure or relocation) and they are either actively being marketed for rent or are already released (three stores). These storefronts don't appear to have any issues in terms of location, maintenance, rental rates etc. Typically retailers don't open up new stores in the winter due to the relative lack of customers, so some of these storefronts may remain vacant until the spring. See Attachment 3.
- Some storefronts are vacant because the buildings are for sale and the property owner prefers to sell the building un-encumbered by a tenant or lease agreement.
- Some buildings are vacant and are not actively being marketed for rent. Some like the Fort Bragg bakery are being used for non-store purposes (wholesale baking for example). See attachment 3.
- Some storefronts may be vacant because the asking rent is too high and not supported by the market. This is difficult to determine, because property owners do not generally provide a rental rate and instead negotiate based on the tenant.

Some corollary questions worth asking include: 1) why have some retail stores closed and 2) why is there churning of new stores in the Fort Bragg retail market? Many stores have closed due to the fundamental shift in retail shopping towards internet-based shopping and shopping at larger discount outlets for items such as clothing, electronics, furniture, household supplies, etc. This has left the downtown with a smaller core of specialty retail, which serves the impulse buying needs of visiting tourists; and basic retail which serves local needs for harder to ship items such as appliances. Additionally, during the recession, the City's tourism market experienced a precipitous decline. The net result is that there are simply not enough retail dollars churning through our stores to create a market for more stores or in some cases to successfully sustain the stores that currently exist. More recently, since the economic recovery and the opening of the Noyo headlands Park and the Fort Bragg Coastal Trail, the tourism economy has significantly recovered. Hotel revenues are up by 17% over the past two years. Going forward, one of the best ways to reduce vacancy will

be to increase promotional spending and increase the number of tourist activities and events in Fort Bragg to attract more visitors. Additional visitation will increase retail expenditures and help fill up storefronts.

As there are many "causes" of vacancy, it is simplistic to assume that a Vacancy Tax will make this multi-faceted problem go away. It is difficult to adopt a "registration tax" as it would require a Proposition 218 process or going to the voters. A fee is most easily justified and can be used to cover costs of maintenance and security around vacant store fronts. Many cities have established vacancy fees, only one (Vancouver, Canada) has a vacancy tax. Many cities in California charge a vacancy registration fee ranging from $75 to $ 603 (though most seem to be in the range of $150) (see attachment 4). Most are geared to addressing the problem of vacant residential properties and the fee is meant to raise money for maintenance in order to ensure that the properties do not become blighted.

Staff does not have a recommendation regarding establishment of a Vacancy Registration fee. If a vacancy fee is established, Municipal Code Section 6.12 Nuisances would need to be amended to include a vacancy of more than six months as a nuisance condition and a fee for this type of violation would be added to our Code Enforcement Fee schedule.

FISCAL IMPACT:
Most development projects and changes of use require permits, and fees are collected to recover the cost to process those permits. The City collects a General Plan Maintenance fee on most building permits and that revenue funds staff time associated with General Plan and LUDC updates. The City also collects revenue through sales and use taxes and business licenses fees. To the extent that revisions to the ILUDC either encourage more business activity or displace sales tax revenue generating businesses, the ILUDC update could affect overall revenues collected by the City.

IMPLEMENTATION/TIMEFRAMES:
Processing the ILUDC amendments, its associated environmental review and required public hearings will take a few months to complete. It is expected to be completed in early 2017.

The fee schedule will be updated in November of 2016. The Muni Code will be updated in the Spring.

The Coastal Land Use and Development Code (CLUDC), which regulates development within the coastal zone, will also be updated following the ILUDC update, so that the two ordinances are as similar as possible. The CLUDC is updated at less frequent intervals than the ILUDC because the process with the Coastal Commission is time-intensive and lengthy. The last update was in 2008. Staff will come back to City Council for direction this fall/winter regarding the applicability of ILUDC changes made in 2014 and 2016 to the CLUDC and will submit one Local Coastal Program Amendment to the Coastal Commission which includes all approved changes. The CLUDC update will come forward to the City Council within the next few months and will take approximately 12 months to process with the Coastal Commission.

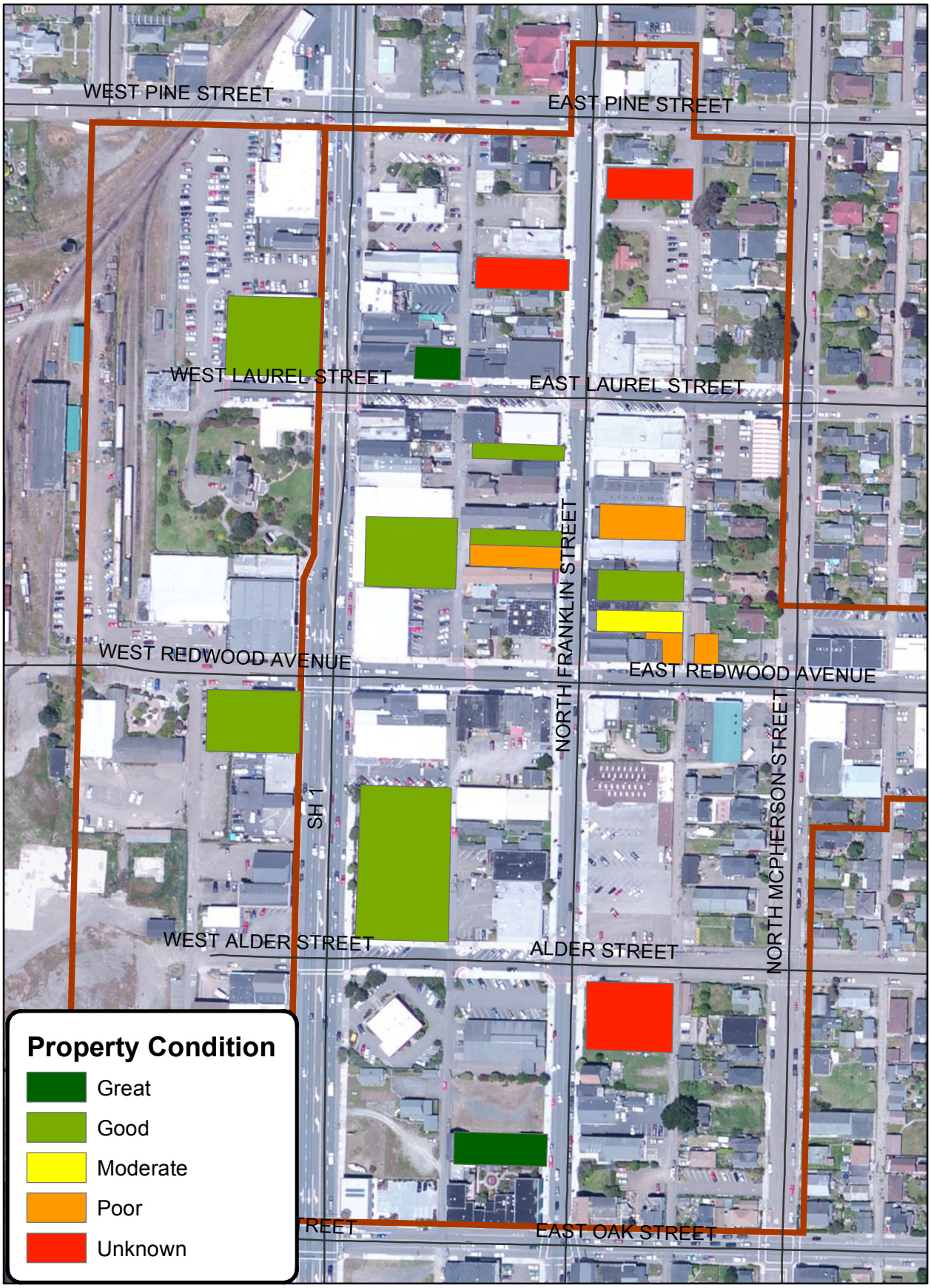
ATTACHMENTS:
1. Attachment 1 – Vacant Storefront Building Condition
2. Attachment 2 – Vacant Storefronts Ownership
3. Attachment 3 – Vacant Storefronts Marketing Status
4. Attachment 4 – Vacancy Registration Fees

NOTIFICATIONS:
None.

City Clerk's Office Use Only

Agency Action ☐ Approved ☐ Denied ☐ Approved as Amended
Resolution No.: _____ Ordinance No.: _____
Moved by: _____ Seconded by: _____
Vote: _____
☐ Deferred/Continued to meeting of: _____
☐ Referred to: _____

Current Vacancies



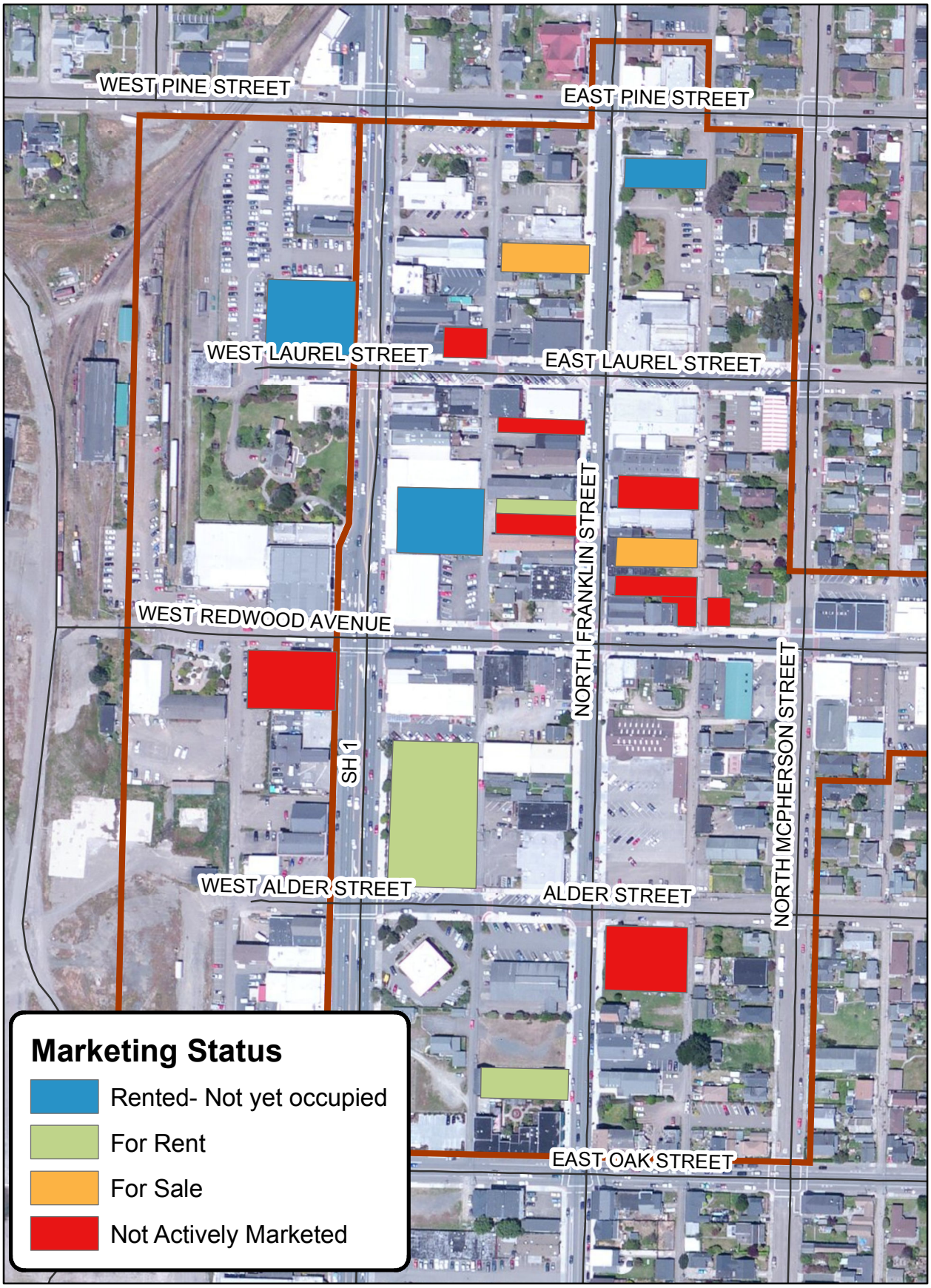
October 2016

Vacant Storefronts Ownership

N

October 2016

Vacant Storefronts Marketing Status



N

October 2016

Attachment 2: Vacancy Registration Fees

City/County	Fees	Enacted	Reg. Timeframe
Alameda	$ 603		90 days
Baldwin Park	$ 90	4/15/2009	10 days
Banning	$ 75	9/9/2008	10 days
Beaumont	$ 150	8/7/2008	10 days
Benicia	$ 157		10 days
Blythe	$ 100	10/28/2008	10 days
California City	$ 40	8/4/2009	10 days
Calimesa	$ 150	6/16/2008	30 days
Canyon Lake	$ 130	4/9/2009	15 days
Cathedral City	$ 70	5/28/2008	10 days
Chowchilla	$ 150	8/7/2007	10 days
Chula Vista	$ 70		10 days
Claremont	$ 70	1/1/2009	10 days
Cloverdale	$ 120		10 days
Coachella	$ 65	6/1/2009	10 days
Coalinga	$ 150		10 days following vacancy
Colton	$ 150	5/19/2009	10 days
Compton	$ 35	7/22/2010	10 days
Covina	$ 100	9/2/2008	10 days
Desert Hot Springs	$ 60	12/16/2008	10 days
East Palo Alto	$ 300	5/4/2010	10 days
El Monte	$ 398	7/20/2010	10 days following the filing of N.O.D.
Elk Grove	$ 10		10 days
Fairfield	$ 171	7/15/2008	10 days
Garden Grove	$ 150	12/25/2008	10 days
Glendora	$ 180		10 days
Gonzales	$ 107		10 days
Greenfield	$ 50	9/23/2008	10 days
Hanford	$ 200	12/1/2008	10 days
Highland	$ 65	10/13/2009	10 days
Hollister	$ 265		Upon Notice
Imperial	$ 50	9/3/2008	10 days
Indio	$ 150	4/4/2008	10 days
Inglewood	$ 150	1/1/2011	10 days
Ione	$ 50	6/1/2009	10 days
Kerman	$ 50	9/3/2008	10 days
Kingsburg	$ 50	12/3/2008	10 days
La Mirada	$ 100	2/24/2009	30 days
La Puente	$ 100	11/17/2009	10 days
Lake Elsinore	$ 71	4/25/2008	10 days
Long Beach	$ 155	1/4/2011	30 days following vacancy
Los Angeles	$ 155	7/8/2010	10 days
Lynwood	$ 250	4/21/2009	10 days
Madera	$ 55	10/15/2008	10 days
Menifee	$ 125		0
Montebello	$ 120	5/1/2009	10 days
Murrieta	$ 70	3/4/2008	10 days
Oakland	$ 568		30 days
Oakley	$ 65	6/24/2010	10 days
Ojai	$ 90	9/22/2009	10 days
Ontario	$ 110	5/5/2009	10 days
Pacific Grove	$ 116	4/16/2011	10 days following vacancy
Palm Springs	$ 216	7/30/2008	10 days
Palmdale	$ 110	2/6/2008	10 days
Pasadena	$ 356		30 days
Patterson	$ 90	12/1/2008	10 days
Perris	$ 130	9/14/2008	10 days
Placentia	$ 50	10/7/2008	10 days
Redlands	$ 82		10 days
Rialto	$ 106	6/17/2008	10 days
San Bruno	$ 150	1/10/2009	30 days
San Francisco	$ 765	8/18/2009	30 days
San Jose	$ 1,840	12/18/2007	Upon notice from city.
Santee	$ 190	11/1/2007	10 day
Seaside	$ 50	3/17/2011	10 days
Selma	$ 200	8/4/2008	10 days
Soledad	$ 150		10 days
South San Francisco	$ 125	3/1/2009	10 days
Suisun City	$ 50	3/17/2009	10 days
Tulare	$ 70	6/16/2008	10 days
Vacaville	$ 550	7/22/2008	30 days
Waterford	$ 160		60 days from vacancy/ boarding
Watsonville	$ 50	10/10/2008	10 days
Wildomar	$ 100		10 days
	$ 171		

City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 16-424

Agenda Date: 10/24/2016 **Version:** 1 **Status:** Business

In Control: City Council **File Type:** Ordinance

Agenda Number: 6D.

Receive Report and Consider Introduction, by Title Only, and Waive Further Reading of Ordinance 926-2016 Amending Chapter 6.14 (Licensing of Tobacco Sellers) and Chapter 6.18 (Smoking Pollution Control and Health Protection Regulations) of the Fort Bragg Municipal Code

AGENCY:	**City Council**
MEETING DATE:	**October 24, 2016**
DEPARTMENT:	**Admin Services**
PRESENTED BY:	**S. Schneider**

AGENDA ITEM SUMMARY REPORT

TITLE:
RECEIVE REPORT AND CONSIDER INTRODUCTION, BY TITLE ONLY, AND WAIVE FURTHER READING OF ORDINANCE 926-2016 AMENDING CHAPTER 6.14 (LICENSING OF TOBACCO SELLERS) AND CHAPTER 6.18 (SMOKING POLLUTION CONTROL AND HEALTH PROTECTION REGULATIONS) OF THE FORT BRAGG MUNICIPAL CODE

ISSUE:

On May 4, 2016, Governor Jerry Brown signed into law SBX2-7, which increases the legal age for tobacco use from 18 to 21 effective June 9, 2016. Also signed into law was SBX2-5 which classifies electronic smoking devices as tobacco products and bans their use anywhere tobacco is currently prohibited.

Chapters 6.14 and 6.18 of the Fort Bragg Municipal Code do not currently include the definition of electronic smoking devices and related terminology. This proposed Ordinance provides the necessary additions to bring the current Ordinance into compliance with California law.

The Finance and Administration Committee reviewed and discussed the draft Ordinance at its September 8, 2016 meeting and recommended that the item be brought forward for Council consideration.

The City Council considered the draft Ordinance at its October 11, 2016 meeting and directed staff to prepare an Ordinance for introduction at the meeting of October 24, 2016.

RECOMMENDED ACTION:

Introduce, by title only, and waive further reading of Ordinance No. 926-2016 Amending Chapter 6.14 (Licensing of Tobacco Sellers) and Chapter 6.18 (Smoking Pollution Control and Health Protection Regulations) of the Fort Bragg Municipal Code.

ALTERNATIVE ACTION(S):

1. Provide further direction to staff regarding modifications to the ordinance that should be made prior to bringing it forward for introduction.

ANALYSIS:

The Fort Bragg Municipal Code should be updated to remove any reference to the legal age of 18 for tobacco use and to include language classifying electronic smoking devices and related terminology as “tobacco” and “tobacco products.”

Rather than defining the legal age for tobacco use as 21, a section has been added titled “Performance Standards; Deemed Approved Activities” (Section 6.14.022B) stating that tobacco products cannot be sold to a “person under the minimum age for purchase pursuant to state and federal laws.”

Furthermore, Chapter 6.18.050D has been revised to state “smoking is prohibited in all public parks and facilities.” Currently, the chapter identifies specific parks throughout the City where smoking is prohibited but does not include the recently opened Noyo Headlands Park. This change

allows for the addition of any future “public parks and facilities” to be included in this chapter in order to prohibit smoking of any tobacco products.

The remaining changes in the Ordinance deal directly with the addition of electronic cigarettes and related terminology as defined in Chapters 6.14.101 and 6.18.030 “Definitions.”

FISCAL IMPACT:
This action will not have a fiscal impact on the City or its residents.

CONSISTENCY:
The Ordinance would provide consistency with new State laws surrounding Tobacco and Tobacco Sellers.

IMPLEMENTATION/TIMEFRAMES:
If the ordinance is introduced by the Council on October 24, 2016 and adopted on November 14, 2016 it would become effective on December 14, 2016.

ATTACHMENTS:
Attachment 1 - Ordinance 926-2016

City Clerk’s Office Use Only

Agency Action ☐ Approved ☐ Denied ☐ Approved as Amended
Resolution No.: _____ Ordinance No.: _____
Moved by: _____ Seconded by: _____
Vote: _____
☐ Deferred/Continued to meeting of: _____
☐ Referred to: _____

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE AMENDING CHAPTER 6.14 (LICENSING OF TOBACCO SELLERS) AND CHAPTER 6.18 (SMOKING POLLUTION CONTROL AND HEALTH PROTECTION REGULATIONS) OF THE FORT BRAGG MUNICIPAL CODE TO MODIFY TOBACCO RETAILER LICENSING REGULATIONS AND SMOKING PROHIBITIONS TO INCLUDE ELECTRONIC SMOKING DEVICES	**ORDINANCE NO. 926-2016**

WHEREAS, the hazards related to exposure to secondhand smoke are well documented and have been determined to be detrimental to human health even in the open air; and

WHEREAS, the US Surgeon General warns that there is no risk-free level of exposure to secondhand smoke; and

WHEREAS, Governor Jerry Brown signed SBX2-7 into law effectively raising the legal age permitting the use of tobacco and tobacco related products from 18 to 21 effective June 9, 2016; and

WHEREAS, Governor Jerry Brown signed SBX2-75 into law effectively including electronic smoking devices, such as electronic cigarettes ("e-cigarettes"), that deliver nicotine or other vaporized liquids, under the "tobacco" and "tobacco products" definitions; and

WHEREAS, laws restricting the use of electronic smoking devices have benefits to the public as evidenced by the following:

- Research has found at least ten chemicals known to the State of California to cause cancer, birth defects, or other reproductive harm, such as formaldehyde, acetaldehyde, lead, nickel, and toluene associated with electronic smoking devices; and
- More than one study has concluded that exposure to vapor from electronic smoking devices may cause passive or second hand vaping; and
- The use of electronic smoking devices in smoke-free locations threatens to undermine compliance with smoking regulations and reverse the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment; and

WHEREAS, the State of California's Tobacco Education and Research Oversight Committee "opposes the use of e-cigarettes in all areas where other tobacco products are banned;" and

WHEREAS, in order to protect the public health, the City Council of the City of Fort Bragg desires to amend its existing ordinances addressing tobacco licensing, sales, and use to include the licensing, sales and use of electronic smoking devices;

NOW, THEREFORE, the City Council of the City of Fort Bragg ordains as follows:

Section 1. Legislative Findings. The City Council hereby finds as follows:

1. Numerous studies have established that tobacco smoke is a major contributor to indoor air pollution and that breathing secondhand smoke is a cause of disease in nonsmokers.
2. Numerous studies have established electronic smoking devices are designed to be used in the similar manner to conventional lighted tobacco products with the user exhaling a smoke-like aerosol that mimics the exhaled smoke from lighted conventional tobacco products. Because electronic smoking devices may contain (and thus emit) nicotine, tobacco and/or other particulates, their use undermines the City's smoke-free air laws and hazardously exposes the public to secondhand aerosols that have not been scientifically proven as safe.
3. The purpose of the ordinance codified in this chapter is to protect the public health and welfare by prohibiting or regulating smoking in certain places; to guarantee the right of nonsmokers to breathe smoke-free air; and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.
4. There is no possibility that the adoption of this ordinance will have a significant impact on the environment, and therefore, the adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section 15061(b)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

Section 2.

TITLE 6 – HEALTH AND SANITATION

Chapter 6.14: Licensing of Tobacco Sellers

Section 6.14.010 entitled **Definitions** is hereby amended by the following:

6.14.010 DEFINITIONS.

The definition of ***TOBACCO PRODUCT*** is amended to read as follows:

TOBACCO PRODUCT. Means any of the following:

A. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff;
B. Any electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.
C. Any component, part, or accessory of a tobacco product, whether or not sold separately.
D. "Tobacco product" does not include a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for an approved purpose.

The definition of ***TOBACCO SELLER*** is amended to read as follows:

TOBACCO SELLER. Any person who sells, offers for sale, or offers to exchange, tobacco products, as defined in this section, for any form of consideration. "Tobacco selling" shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco or tobacco products sold, offered for sale, exchanged, or offered for exchange.

Section 6.14.020 entitled **Requirement for Tobacco Seller's License** is amended as follows:

6.14.020 REQUIREMENT FOR TOBACCO SELLER'S LICENSE.

A. It shall be unlawful for any person to act as a tobacco seller without first obtaining and maintaining a valid Tobacco Seller's license pursuant to this Chapter for each location at which that activity is to occur. No license may be issued to authorize tobacco selling at other than a fixed location. For example, tobacco selling by persons on foot or from vehicles are prohibited.

B. The term of a license is one year from the date of issuance, unless earlier suspended, terminated or revoked pursuant to Section 6.14.090. Each licensed tobacco seller shall apply for the renewal of his or her Tobacco Seller's license no later than thirty (30) days prior to its expiration.

C. Nothing in this Chapter shall be construed to grant any person obtaining and maintaining a Tobacco Seller's license any status or right other than the right to act as a tobacco seller at the location in the City identified on the face of the license. For example, nothing in this Chapter shall be construed to render inapplicable, supersede, or apply in lieu of any other provision of applicable law, including, without limitation, any condition or limitation on smoking in enclosed places of employment made applicable to business establishments by Cal. Labor Code §6404.5.

D. It is the responsibility of each licensed tobacco seller to be informed regarding all laws applicable to tobacco selling, including those laws affecting the issuance of a tobacco and E-cigarette seller's license. No licensed tobacco seller may rely on the issuance of a license as a determination by the City that the tobacco seller has complied with all laws applicable to tobacco selling.

Section 6.14.022 is hereby added to Chapter 6.14 as follows:

6.14.022 PERFORMANCE STANDARDS; DEEMED APPROVED ACTIVITIES

An activity shall retain its 'deemed approved' status only if it conforms to all of the following deemed approved performance standards:

A. The tobacco seller does not offer illegal paraphernalia for sale. The offering of sale of such items shall result in immediate suspension of a Tobacco Seller's license;

B. The tobacco seller does not sell tobacco products to a person under the minimum age for purchase pursuant to state and federal laws;

C. The tobacco seller does not adversely affect the peace or safety of persons residing or working in the surrounding area;

D. The tobacco seller's activities do not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, harassment of passersby, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, curfew violations, or police detentions and arrests;

E. The tobacco seller's activities do not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute;

F. The tobacco seller's upkeep and operating characteristics are compatible with and will not adversely affect the livability or appropriate development of the surrounding neighborhood.

Section 3.

TITLE 6 – HEALTH AND SANITATION

Chapter 6.18: Smoking Pollution Control and Health Protection Regulations

Section 6.18.030 entitled **Definitions** is hereby amended as follows:

6.18.030 DEFINITIONS.

The following definition is added to this section:

ELECTRONIC SMOKING DEVICE. An electronic and/or battery-operated device, the use of which may resemble traditional smoking and that can be used to deliver an inhaled dose of nicotine or other substances including any component, part, or accessory of such a device, whether or not sold separately. The term includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an e-cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, an electronic vape or vaping pen, or any other product name or descriptor that is used for the purpose of circumventing the prohibition of smoking. The term does not include any inhaler prescribed by a licensed doctor.

The definition of ***SMOKING*** is amended to read as follows:

SMOKING. Inhaling, exhaling, burning, or the carrying, holding or operating, of any lighted or heated tobacco product intended for inhalation, whether natural or synthetic, in any manner or form. Smoking also means the use of an electronic smoking device that creates an aerosol or vapor, in any manner or any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

Section 6.18.050D is amended to read as follows:

6.18.050 PROHIBITION OF SMOKING IN PUBLIC PLACES.

D. *Public Parks and Facilities*.

Smoking shall be prohibited in all public parks and facilities in the City of Fort Bragg.

Section 4. **Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 5. **Effective Date and Publication.** This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember _____ at a regular meeting of the City Council of the City of Fort Bragg held on October

24, 2016, and adopted at a regular meeting of the City of Fort Bragg held on November 14, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

_____
Dave Turner
Mayor

ATTEST:

_____
June Lemos
City Clerk

PUBLISH: **October 27, 2016 and November 23, 2016 (by summary).**
EFFECTIVE DATE: **December 14, 2016.**

City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
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Text File

File Number: 16-427

Agenda Date: 10/24/2016 **Version:** 1 **Status:** Business

In Control: City Council **File Type:** Staff Report

Agenda Number: 6E.

Receive Report and Provide Direction to Staff on Modifications to City Council, Council Committee, and Planning Commission Meeting Minutes Format

AGENCY:	**City Council**
MEETING DATE:	**October 24, 2016**
DEPARTMENT:	**Admin Services**
PRESENTED BY:	**J. Lemos**

AGENDA ITEM SUMMARY REPORT

TITLE:
RECEIVE REPORT AND PROVIDE DIRECTION TO STAFF ON MODIFICATIONS TO CITY COUNCIL, COUNCIL COMMITTEE, AND PLANNING COMMISSION MEETING MINUTES FORMAT

ISSUE:
Beginning in July 2016, brief summary minutes have been used to record the actions taken at City Council, Planning Commission and Standing Council Committee meetings. The City Council directed this transition from long-form minutes be undertaken on a three-month trial basis. At the conclusion of the trial period, the Council is to make a determination as to whether the City should utilize brief summary minutes to record meetings on a permanent basis.

RECOMMENDED ACTION:
Staff recommends that the City Council approve the permanent use of brief summary minutes for all City Council, Planning Commission and Standing Council Committee meetings.

ALTERNATIVE ACTION(S):
1. Make no modifications to the minute-taking format and revert to the long-form style of minutes in use prior to July 2016.
2. Provide further direction to staff regarding modifications to the meeting minutes format.

ANALYSIS:
On June 1, 2016, the Finance & Administration Committee discussed the way minutes are maintained by the City of Fort Bragg. The City Clerks Association of California (CCAC) has published its Guidelines for Preparing Minutes Attachment 3) and recommends that municipalities consider adopting guidelines that call for either brief summary or action style minutes. Attachment 1 is a chart describing the features and benefits of both brief summary and action style minutes.

For many years, the City has prepared long-form style minutes, as opposed to brief summary or action minutes. Long-form (also called “verbatim style”) minutes provide a very detailed account of the meeting, covering major points, speaker comments (both legislative body and public), and the flow of the discussion. In past years, this style of minutes served a necessary purpose, since the public had limited access to live streaming, audio/video recordings, and electronic copies of agenda reports and supporting materials. Today, the majority of public records requests related to legislative body meetings are for recordings, electronic copies of supporting documents, and occasionally minute excerpts. Few requests are received for the official minutes.

Most California cities have transitioned from long-form minutes to brief summary or action minutes, as these provide a more efficient, succinct, and cost-effective manner of preparing a record of City Council, Council Committee, and Planning Commission actions. Auditors, judicial officers, the public, and other stakeholders rely on minutes to accurately reflect the final decisions of the body. Transitioning to brief summary or action style minutes removes the ambiguity and misdirection that is unintentionally created by long-form minutes when the flow of the conversation is included in the written record.

Additionally, verbatim minutes are unnecessary in light of the permanent online retention of audio/video recordings of all meetings which are readily available to the public. In case someone wishes to review the discussion leading up to the Council's final decision, audio/video recordings of the Council's proceedings, as well as agenda packets, are permanently maintained pursuant to the City's records retention policy.

On June 13, 2016, the City Council received the Finance and Administration Committee's recommendation that meeting minutes be modified to the brief summary format. The Councilmembers agreed to a three-month trial of brief summary minutes for all meetings, beginning July 1, 2016. Council directed that all Standing Committee meetings be moved to Town Hall and live-streamed, with video recordings maintained on the City's website for later viewing. Staff was ordered to report back to the Council in October to revisit the matter and determine if the new minute format seems to be working for Council, the public, and staff.

The general consensus of Councilmembers, Planning Commissioners and City staff is that brief summary minutes save time, are more succinct and easier to read, and continue to provide an accurate recording of the proceedings of the various legislative bodies. No negative comments or concerns have been received from the public.

It is recommended that the City Council direct the City Clerk to make a permanent transition from long-form style minutes to brief summary minutes, following the CCAC guidelines (Attachment 2) for all City Council, Council Committee and Planning Commission Meeting Minutes. The CCAC Guidelines specifically state, "Verbatim style minutes should not be used, because verbatim or lengthy summary minutes do not serve the intent of the Government Code, which is to record the proceedings of the *legislative body*."

Long-form minutes should continue to be prepared for quasi-judicial public hearings and administrative hearings which involve the taking of evidence and result in the rendering of a written decision and adoption of findings.

FISCAL IMPACT:
Streamlining to brief summary minutes reduces the amount of staff time spent in minute preparation. Additional cost savings result from a reduction in materials (pages, books) used for preserving archival minutes.

CONSISTENCY:
Brief summary minutes as recommended by the CCAC are consistent with the California Government Code (specific sections listed in Attachment 2).

IMPLEMENTATION/TIMEFRAMES:
The new format for minutes can be implemented immediately.

ATTACHMENTS:
1. Features and Benefits of Action and Brief Summary Style Minutes
2. CCAC Guidelines for Preparing Minutes

NOTIFICATION:
None.

City Clerk's Office Use Only

Agency Action ☐ Approved ☐ Denied ☐ Approved as Amended
Resolution No.: _____ Ordinance No.: _____
Moved by: _____ Seconded by: _____
Vote: _____
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FEATURES AND BENEFITS OF ACTION AND BRIEF SUMMARY STYLE MINUTES

Features of Action Style Minutes
• Records Final Decisions Made • For Public Hearings – Lists Speaker's Name and Position on Each Issue Raised (i.e. Supported or Opposed)

Features of Brief Summary Style Minutes
• Records Final Decisions Made • For Public Hearings – Lists Speaker's Name and Position on Each Issue Raised (i.e. Supported or Opposed) • Summarizes Only Main Points that Lead to a Final Decision • Records Only Fully Developed Points in Final Form • Consolidates Points Made by Several Speakers Into One Sentence or Short Paragraph • Attributes Views and Points to the Collective City Council, Not Individual Persons • Records the Thought Process of the Entire City Council as a Body, Not Individuals' Thoughts • May Record Key Advice Given to the Council in Making the Final Decision • May Note Brief Reason for Dissention of One or More Members • For Oral Communications/Public Comments – Lists Speaker's Name, Overall Topic, Stance/Position • For Ceremonial Presentations, Announcements, Non-Business Items – Lists Subject Matter

Benefits of Both Action and Brief Summary Style Minutes
• Provides Brevity and Clarity for Audits & Judicial Review • Reduces Staff Time • Removes Staff Interpretation of Statements and Determination of What Comments Should Be Included • Eliminates Ambiguity by Omitting Discussion Not Relevant to Final Decision • Eliminates Single-Member Opinions • Places Emphasis on a Collective City Council, Not Individual Persons

CITY CLERKS ASSOCIATION OF CALIFORNIA
GUIDELINES FOR
PREPARING MINUTES FOR GOVERNMENTAL AGENCIES

PURPOSE

The City Clerks Association of California issues these guidelines as a tool for government agencies to transition to minutes styles that are efficient, succinct, cost-effective for staff to prepare, and more appropriately aligned with the intent of the Government Code.

FINDINGS

- Legislative bodies must act, and must be *seen* to act, within the laws of the State of California and local charters, if applicable. Being *seen* to act within the law is important, because the legislative body's decisions may be subject to external scrutiny by the public, auditors, or judicial inquiry. Minutes *testify* that the correct procedures for decision-making were followed.
- Legislative body minutes shall be prepared in a manner consistent with the intent of the Government Code. Relevant Government Codes are as follows:

  - Government Code 40801. The city clerk shall keep an accurate record of the proceeding of the legislative body and the board of equalization in books bearing appropriate titles and devoted exclusively to such purposes, respectively. The books shall have a comprehensive general index.

  - Government Code 36814. The council shall cause the clerk to keep a correct record of its proceedings. At the request of a member, the city clerk shall enter the ayes and noes in the journal.

  - Government Code 54953(c)(2). The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

  - Government Code 53232.3(d). Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

- All components of minutes shall be for the primary purpose of memorializing decisions made by the *legislative body*. Any minute component that does not serve this primary purpose should be minimized or eliminated; this includes comments made by *individual* body members and members of the *public*.

GUIDELINES

- Minutes should provide a record of a) when and where a meeting took place, and who was present (including member absences, late arrivals, departures, adjournment time); b) type of meeting (Regular/Special/Adjourned Regular); c) what was considered; d) what was decided; and e) agreed upon follow-up action. Pursuant to Government Code 54953(c)(2), minutes shall report any action taken and the vote or abstention on that action of each member present for the action.

- Appropriate styles are *action* minutes or *brief summary* minutes. Verbatim style minutes should not be used, because verbatim or lengthy summary minutes do not serve the intent of the Government Code, which is to record the proceedings of the *legislative body*.
- *Action* minutes merely record final decisions made.
- *Brief summary* minutes, at a minimum, record the final decisions made; and, at a maximum, may record what advice the body was given to enable it to make its decisions, the body's thought process in making the decision, and the final decisions made. Emphasis is given on the body's thought process, not individual members' thought processes. The minutes should summarize only the main points which arose in discussion if and only if they are relevant to the decision.
- Comments made by members such as "for the record" or "for the minutes" have no bearing on the content of minutes and are given no greater and no lesser consideration than other comments made at the public meeting. Members seeking to memorialize comments should incorporate such verbiage into the language of the motion. As an alternative, members may submit written statements to be retained with the agenda item.
- Since the main purpose of minutes is to record the legislative body's decision, summary minutes should be brief. By concentrating on the legislative body's decision, brief summary minutes will provide only a select recording of what was discussed at the meeting. Brief summary minutes should not attempt to reproduce, however summarily, what every speaker said. It should only record the essence of the discussion and include the main threads that lead to the body's conclusion.
- To the fullest extent possible, brief summary minutes should be impersonal and should not attribute views to individual persons. Only the positions and decisions taken by the whole legislative body are relevant, not those of individual members. The passive voice is favored i.e. "It was suggested that…," "It was generally felt that...," "It was questioned whether…," "During discussion, it was clarified…"
- There are reasons for not attributing comments to specific speakers. First, it makes for brevity--a point can be recorded more concisely in impersonal form. Second, a point raised by one speaker will often be further developed by others—in impersonal brief summary minutes, only the fully-developed point is recorded in its final form. Third, points by several speakers can be consolidated into a single paragraph. Fourth, the impersonal style averts future corrections to minutes.
- While the primary purpose of minutes is to memorialize decisions made by the legislative body as a whole, under limited circumstances it is necessary and/or appropriate to attribute comments to individual members including:
- Individual member's reports pursuant to Government Code 53232.3(d) (enacted by AB 1234, 2005). The minute record shall include the type of meeting attended at the expense of the local agency and the subject matter.
- Individual member's reports on intergovernmental agencies. Brief summary minutes should include the type of meeting at a minimum, and, at the maximum, include the subject matter.
- Individuals speaking under public comment. Brief summary minutes shall, at a minimum, list the public member's name (if provided); and, at a maximum, include the overall topic and stance/position. Such as Mr. Jones spoke in opposition to the Project X. Being mindful that the minutes are recordings of the legislative body's proceedings, it is not appropriate to include detail of individual comments. There is an exception for public testimony provided during public hearings, for which the minutes shall include the speaker's name (if provided) and a summary position of the speaker (i.e., supported or opposed).

- For purposes of meeting Government Code 36814 and/or 54953(c)(2), the city clerk should enter the ayes and noes in the minutes. For informal consensus (i.e. providing staff direction), it is appropriate to note the dissention of one or more members by, at a minimum, stating the dissenting member's name and dissention, such as "Mr. Jones dissented," and at a maximum to also include a brief reason, such as "Mr. Jones dissented citing budget concerns."
- While the primary purpose of legislative body meetings is for the legislative body to take legislative action and make decisions to advance agency business, it is acknowledged that agency meetings also serve as platforms for ceremonial presentations and reports on social and community events. At a minimum, brief summary minutes should identify that presentations were made and event reports were given; and, at a maximum, report only the subject matter of the presentation or event.
- For community workshops and town hall meetings subject to the Brown Act, brief summary minutes, at a maximum, record the overall topic, provided that no legislative actions were taken. It is advisable to note in the minutes that no legislative action was taken.
- The guidelines contained herein are applicable to committees and commissions subject to the Brown Act. It is acknowledged that many boards and commissions take few legislative actions, and the tendency is to include more detail in the minutes on event reports and planning. At a maximum, brief summary minutes may include key points of the final reports or determinations, and all comments shall be attributable to the entire body and not attributable to individual members.
- Brief summary minutes shall serve to clarify decisions taken and who is expected to execute the decisions. It is not necessary to write down all action points or all tasks identified. Minutes shall not serve as a substitute for task lists, and the focus shall remain on the final decisions made by the *legislative body*.
- The language of brief summary minutes should be relatively restrained and neutral, however impassioned the discussion. Brief summary minutes will record the substance of the point in an intemperate way.
- To the fullest extent possible, minutes should be self-contained to be intelligible without reference to other documents.
- As a general rule, individual member comments are not identified in the brief summary minutes of discussions, and minutes should concentrate on the collective body's thought process and the collective decisions made by the majority, not individuals.
- Brief summary minutes should concentrate on central issues germane to the final decision. The record of the discussion should be presented in a logical sequence, rather than reproduced in the actual order they were made in discussion.
- The legislative body may wish to choose more substantive (summary) minutes if there's no archival audio/video backup recording available of its proceedings. If audio/video recording is available for future reference, minute notations can be more limited (action).

City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
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Text File

File Number: 16-423

Agenda Date: 10/24/2016 **Version:** 1 **Status:** Consent Agenda

In Control: City Council **File Type:** Resolution

Agenda Number: 7A.

Adopt Resolution Confirming the Continued Existence of a Local Drought Emergency in the City of Fort Bragg

RESOLUTION NO. ____*-2016*

RESOLUTION OF THE FORT BRAGG CITY COUNCIL CONFIRMING THE CONTINUED EXISTENCE OF A LOCAL DROUGHT EMERGENCY IN THE CITY OF FORT BRAGG

WHEREAS, California Government Code section 8630 empowers the Fort Bragg City Council to proclaim the existence of a local emergency when the City is threatened or likely to be threatened by the conditions of extreme peril to the safety of persons and property that are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City; and

WHEREAS, California Government Code section 8558(c) states that a "local emergency" means the duly proclaimed existence of conditions of extreme peril to the safety of persons and property within the territorial limits of the City, including conditions caused by the drought; and

WHEREAS, on August 10, 2015, the Fort Bragg City Council adopted Resolution No. 3837-2015 declaring a Stage 1 Water Emergency and calling for immediate implementation of water conservation measures; and

WHEREAS, on September 30, 2015, the Fort Bragg City Council conducted an emergency meeting at which the City Manager reported that the City's Noyo River diversion was not reliably providing water due to low flows and high salinity content, thus critically impairing the City's ability to replenish water; and

WHEREAS, based on the aforementioned circumstances, the Fort Bragg City Council adopted Resolution No. 3856-2015, by which it declared a Stage 3 Water Emergency and instituted mandatory water conservation measures intended to reduce water use by 30% from the same period in the previous year as described in Title 14, Section 14.06 of the City of Fort Bragg Municipal Code; and

WHEREAS, at a regular meeting on October 13, 2015, the Fort Bragg City Council adopted Resolution No. 3857-2015, by which it reaffirmed Resolution No. 3856-2015 and its declaration of a Stage 3 Water Emergency; and

WHEREAS, at a regular meeting on October 13, 2015, the Fort Bragg City Council adopted Resolution No. 3858-2015, declaring a local drought emergency in the City of Fort Bragg; and

WHEREAS, at a regular meeting on November 9, 2015, the City Council of the City of Fort Bragg adopted Resolution No. 3865-2015, by which it continued the local drought emergency for an additional 30 days in accordance with California Government Code section 8630(c); and

WHEREAS, at a regular meeting on December 14, 2015, the City Council of the City of Fort Bragg adopted Resolution No. 3875-2015, by which it continued the local drought emergency for an additional 30 days in accordance with California Government Code section 8630(c); and

WHEREAS, at a regular meeting on December 14, 2015, the Fort Bragg City Council unanimously voted to reduce the Stage 3 Water Emergency to a Stage 1 Water Emergency; and

WHEREAS, at a regular meeting on January 11, 2016, the City Council of the City of Fort Bragg adopted Resolution No. 3883-2016, by which it continued the local drought emergency for an additional 30 days in accordance with California Government Code section 8630(c); and

WHEREAS, at a regular meeting on February 8, 2016, the City Council of the City of Fort Bragg adopted Resolution No. 3887-2016, by which it continued the local drought emergency for an additional 30 days in accordance with California Government Code section 8630(c); and

WHEREAS, at a regular meeting on March 14, 2016, the City Council of the City of Fort Bragg adopted Resolution No. 3890-2016, by which it continued the local drought emergency for an additional 30 days in accordance with California Government Code section 8630(c); and

WHEREAS, at a regular meeting on April 11, 2016, the City Council of the City of Fort Bragg adopted Resolution No. 3893-2016, by which it continued the local drought emergency for an additional 30 days in accordance with California Government Code section 8630(c); and

WHEREAS, at a regular meeting on May 9, 2016, the City Council of the City of Fort Bragg adopted Resolution No. 3900-2016, by which it continued the local drought emergency for an additional 30 days in accordance with California Government Code section 8630(c); and

WHEREAS, at a regular meeting on June 13, 2016, the City Council of the City of Fort Bragg adopted Resolution No. 3905-2016, by which it continued the local drought emergency for an additional 30 days in accordance with California Government Code section 8630(c); and

WHEREAS, at a regular meeting on July 11, 2016, the City Council of the City of Fort Bragg adopted Resolution No. 3918-2016, by which it continued the local drought emergency for an additional 30 days in accordance with California Government Code section 8630(c); and

WHEREAS, at a regular meeting on July 25, 2016, the City Council of the City of Fort Bragg adopted Resolution No. 3924-2016, by which it continued the local drought emergency for an additional 30 days in accordance with California Government Code section 8630(c); and

WHEREAS, at a regular meeting on August 22, 2016, the City Council of the City of Fort Bragg adopted Resolution No. 3924-2016, by which it continued the local drought emergency for an additional 30 days in accordance with California Government Code section 8630(c); and

WHEREAS, at a regular meeting on September 26, 2016, the City Council of the City of Fort Bragg adopted Resolution 3936-2016, declaring a Stage 2 Water

Emergency and calling for immediate implementation of water conservation measures; and

WHEREAS, at a regular meeting on September 26, 2016, the City Council of the City of Fort Bragg adopted Resolution No. 3942-2016, by which it continued the local drought emergency for an additional 30 days in accordance with California Government Code section 8630(c); and

WHEREAS, while the immediate threat to the Noyo River diversion has receded as a result of recent precipitation, the City of Fort Bragg's water system remains imperiled unless and until the Summers Lane Reservoir is constructed, filled, and capable of providing supplemental water during periods of extreme low flows in the Noyo River;

NOW, THEREFORE, BE IT RESOLVED AND PROCLAIMED by the City Council of the City of Fort Bragg that for reasons set forth herein, said local emergency shall be deemed to continue to exist until the City Council of the City of Fort Bragg, State of California, proclaims its termination; and

BE IT FURTHER RESOLVED that the City Council of the City of Fort Bragg will review the need for continuing the local drought emergency at least once every 30 days until the City Council terminates the local drought emergency; and

BE IT FURTHER RESOLVED that this resolution confirming the continued existence of a local drought emergency shall be forwarded to the Director of the Governor's Office of Emergency Services and the Governor of the State of California, as well as the Mendocino County Office of Emergency Services.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 24th day of October 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

_____
DAVE TURNER
Mayor

ATTEST:

_____
June Lemos
City Clerk

City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 16-425

Agenda Date: 10/24/2016 **Version:** 1 **Status:** Consent Agenda

In Control: City Council **File Type:** Resolution

Agenda Number: 7B.

Adopt City Council Resolution Establishing City Council Rules of Procedure for Conduct of City Council Business

The Finance and Administration Committee met on September 8, 2016 to discuss a suggestion from the public that City Council agendas be reordered to move the Consent Calendar to an earlier position in the agenda order. After a lengthy discussion, the Committee requested input of the full Council. On October 11, 2016, the City Council reviewed, discussed, and deliberated on the matter, making the following determinations:

1. The order of items on the agenda will be changed as follows:
   Call to Order
   Pledge of Allegiance
   Roll Call
   Agenda Review
   Mayor's Recognitions and Announcements
   Public Comments on Non-Agenda, Consent Calendar and Closed Session Items (30 minutes)
   Staff Comments
   Matters from Councilmembers
   Consent Calendar
   Public Hearing
   Conduct of Business
   Public Comments on Non-Agenda, Consent Calendar and Closed Session Items (additional 30 minutes, if necessary)
   Closed Session
   Adjournment

2. If any matters are removed from the Consent Calendar, the Mayor will determine whether those items are heard immediately following the rest of the Consent Calendar or following the regular Conduct of Business agenda items. Comments from the public on pulled consent calendar items will be allowed during the Council's consideration of that item and are not restricted to the comments received during the Public Comment period.

3. The Public Comment period that was split into two 30-minute sessions on a trial basis in February of 2015 is to be formalized by this resolution. The agenda wording will be modified to clarify that the second 30-minute Public Comment period will only occur if there was not sufficient time in the first 30-minute period to allow all persons wishing to speak to do so.

This Resolution is brought forward on the Consent Calendar solely to modify the agenda order (Article I, Section 3.1 of Attachment A). All other rules of procedure for conduct of City Council business remain unchanged from the last resolution adopted in July of 2012.

RESOLUTION NO. ____*-2016*

RESOLUTION OF THE FORT BRAGG CITY COUNCIL ESTABLISHING CITY COUNCIL RULES OF PROCEDURE FOR CONDUCT OF CITY COUNCIL BUSINESS

WHEREAS, certain rules of procedure for the conduct of City Council business have been included in Chapter 2.04 of the Fort Bragg Municipal Code ("Chapter 2.04"); and

WHEREAS, Chapter 2.04 has now been amended to remove certain procedural provisions relating to the conduct of the City Council's business; and

WHEREAS, the procedural provisions that have been removed from Chapter 2.04 can be updated more flexibly and efficiently if those provisions are formalized in a resolution; and

WHEREAS, it is the recommendation of the City Council that the removed provisions of Chapter 2.04 and prior resolutions that established guidelines for certain City Council activities be consolidated into one comprehensive resolution governing the rules of procedure for conduct of City Council business; and

WHEREAS, resolutions establishing the order of business and guidelines for the conduct of City Council meetings have been adopted in the past; and

NOW, THEREFORE, BE IT RESOLVED that Fort Bragg City Council Resolution 3556-2012 adopted on July 9, 2012 is hereby rescinded and revoked and shall no longer be in effect;

BE IT FURTHER RESOLVED that the City Council of the City of Fort Bragg does hereby adopt the Rules of Procedures for conduct of City Council business, a copy of which is attached hereto and incorporated herein as Exhibit A.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 24th day of October, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

_____
DAVE TURNER,
Mayor

ATTEST:

_____
June Lemos
City Clerk

EXHIBIT A

ARTICLE I – MEETINGS

Section 1. Regular Meetings

Regular meetings of the City Council shall be as established in Fort Bragg Municipal Code Sections 2.04.010 and 2.04.020.

Section 2. Special Meetings

2.1 A special meeting of the City Council may be called at any time by the Mayor or, in the Mayor's absence, by the Vice Mayor, or by a majority of the members of the City Council, by providing written notice in accordance with applicable laws to each member of the City Council and to each local newspaper of general circulation, radio or television station requesting notice in writing.

2.2 The notice described in Section 2.1, above, at least 24 hours before the time of the meeting as specified in the notice shall be posted in a location that is freely accessible to members of the public.

2.3 The call and notice shall specify the time and place of the special meeting and the business to be transacted.

2.4 No other business shall be considered at the special meeting by the City Council.

2.4 The written notice may be dispensed with as to any member of the City Council who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice of the meeting. The waiver may also be given by, telephone, fax or e-mail and, further, may be dispensed with as to any member of the City Council who is actually present at the meeting at the time it convenes.

Section 3. Order of Business

3.1 Agenda: The order of business of each meeting shall be as contained in the Agenda prepared by the City Clerk. The Agenda shall be a listing by topic of the subjects which shall be taken up for consideration in the following order:

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
AGENDA REVIEW
MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS
PUBLIC COMMENTS ON NON-AGENDA, CONSENT CALENDAR AND CLOSED SESSION ITEMS (30 Minutes)
STAFF COMMENTS
MATTERS FROM COUNCILMEMBERS
CONSENT CALENDAR
PUBLIC HEARING
CONDUCT OF BUSINESS
PUBLIC COMMENTS ON NON-AGENDA, CONSENT CALENDAR AND CLOSED SESSION ITEMS (Additional 30 Minutes, if first Public Comment session was not sufficient to allow all persons wishing to speak to do so)
CLOSED SESSION
ADJOURNMENT

3.2 Urgency Items: Urgency items can be handled at any meeting of the City Council upon proper notice and/or action by the City Council, in accordance with the provisions of Government Code section 54954.2, as amended from time to time.

3.3 Conduct of Business / Public Hearings:

a. All speakers before the City Council shall proceed to the podium and wait to be recognized by the Presiding Officer. Additional information regarding addressing the City Council is found in Section 5 below.

b. Questions to staff from the public and staff response should be directed through the Mayor.

c. When a public hearing has been underway for a period of sixty (60) minutes, the Council shall vote on whether to continue to proceed with the hearing at that meeting or to continue the hearing to another meeting.

d. The City Manager may schedule special meetings for public hearings which are expected to be well attended.

3.4 Public Comments: The Council welcomes input from the public. However, the Council cannot take action or deliberate on matters brought before them under Public Comments. Additional information regarding addressing the City Council is found in Section 5 below.

3.5 Council Committees: The Council will make greater utilization of standing committees before matters appear on the agenda.

3.6 Adjournment: The adjournment time for all Council meetings shall be 10:00 p.m. If the Council is still in session at 10:00 p.m., the Council may continue the meeting upon majority vote. Further, if it appears that the meeting will adjourn, the Council shall vote upon which items are to be continued to a future meeting.

Section 4. Rules, Decorum and Order

4.1 Questions of Order: The Mayor shall decide all questions of order.

4.2 Interruption during discussion: No member of the City Council shall be permitted to interrupt another during debate or discussion of any subject.

Section 5. Addressing the City Council

5.1 Manner of Addressing the City Council: Any member of the public desiring to address the City Council shall proceed to the podium and wait to be recognized by the Presiding Officer.

All remarks and questions shall be addressed to the Mayor or acting Mayor and not to any individual Councilmember, staff member or other person. No person shall enter into any discussion without being recognized by the Mayor or acting Mayor.

5.2 Time Limitation: Any citizen, after being recognized by the Mayor or acting Mayor may speak on any topic that may be a proper subject for discussion before the City Council for such period of time as the Mayor or acting Mayor may determine is appropriate under the circumstances of the particular meeting, including but not limited to, the number of persons wishing to speak on a particular topic or at a particular meeting, or the complexity of a particular topic. Time limitations shall be set without regard to a speaker's point of view or the content of the speech, as long as the speaker's comments are not disruptive of the meeting.

Section 6. Motions

6.1 Motions - Generally: All motions shall be reduced to writing, if any member of the City Council requires it, and when a motion has once been made and carried or lost, it shall be in order for a member voting in the majority, to move for a reconsideration; provided, that no more than one motion for reconsideration shall be entertained.

6.2 Motions – Action: After a motion has been made and seconded, regarding any thing or matter concerning and upon which the City Council has the right to act, then it shall be entertained by the City Council and shall be debatable, each member having the right to talk on the subject five (5) minutes, or more, except a motion to adjourn which is not debatable.

6.3 Voting:

a. Every member of the City Council present, shall give his or her vote on every question or matter when put, except if he or she is disqualified from voting by operation of law, or unless the City Council for special reasons entered in the minutes, excuses him or her from voting on a particular matter then under consideration. If a member abstains from voting, he or she shall state the reason for abstaining. The reason shall be recorded in the minutes of the meeting.

b. For votes taken on any ordinance, resolution, or amendment of any ordinance or resolution, and for all motions or resolutions for the payment of money, or ordering the doing of any act or thing that will result in the payment of money, the ayes and noes shall be taken and entered in the minutes, and at the desire of any member of the City Council, the ayes and noes shall be taken and entered in the minutes.

ARTICLE II – COMMITTEES

1. Duties of Standing Committees: The standing committees named in Fort Bragg Municipal Code Section 2.04.045 shall each do and perform the duties as set forth below:

   a. Community Development Committee: Exercises oversight for planning and community development functions. Reviews and makes recommendations concerning grant applications, annexation, and development review procedures. Liaison with other community development agencies and, for administrative purposes, with the Planning Commission.

      Primary staff support to this committee shall be the Community Development Director.

   b. Finance and Administration Committee: The functions of this committee include: Reviews and approves warrants (bills); exercises oversight for administrative and finance staff functions, reviews and makes recommendations concerning debt financing, budgetary control, business licenses, investment policies, administrative procedures, public information, intergovernmental relations, personnel, cable television franchise agreement, records management, insurance, data processing, employee salary and benefit programs, purchasing, accounting, utility rates, and related matters. Reviews proposed legislation and makes recommendations for Council policy consideration.

      Primary staff support to this committee shall be the City Manager and Finance Director.

   c. Public Safety Committee: Exercises oversight for police, fire, building safety and disaster preparedness functions. Reviews and makes recommendations concerning departmental staffing levels, parking regulations, traffic safety (stop signs, etc.) and

building code. Liaison with Rural Fire District and volunteer fire department. Reviews proposed legislation and makes recommendations for Council policy consideration.

In addition to the duties as set forth, the two Councilmembers appointed to this committee shall be designated as the City's representatives to the Fort Bragg Fire Protection Authority.

Primary staff support to this committee shall be the Chief of Police.

d. Public Works and Facilities Committee: Exercises oversight for public works functions including street maintenance, parks, drainage, water and sewer. Reviews and makes recommendations concerning departmental staffing, use and maintenance of public buildings, prioritization of public works improvements, service extensions, engineering services and solid waste. Liaison with private utility companies. Reviewed proposed legislation and makes recommendations for Council policy consideration.

   In addition to the duties as set forth the two Councilmembers appointed to this committee are hereby designated as the City's representatives to:

   1) The County-City Coordinating Committee; and
   2) The Mendocino County Solid Waste Joint Powers Authority (MSWMA), with one Councilmember designated as the MSWMA Board appointee and the second Councilmember designated as the alternate appointee to the MSWMA Board.

   Primary staff support to this committee shall be the Public Works Director.

2. Reports of Committees: It shall be the duty of any committee of the City Council, to whom any subject or matter may be referred, to report thereon by providing a copy of the approved committee minutes at the next regular meeting of the City Council after approval.

City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
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Text File

File Number: 16-426

Agenda Date: 10/24/2016 **Version:** 1 **Status:** Consent Agenda

In Control: City Council **File Type:** Resolution

Agenda Number: 7C.

Adopt City Council Resolution Amending the Schedule for Standing Committee Meetings
On September 12, 2016, the City Council adopted Resolution 3933-2016 establishing a schedule for the four standing City Council Committees: Community Development Committee, Finance and Administration Committee, Public Safety Committee and Public Works and Facilities Committee. The resolution specified that as the availability of Committee Members changed, this schedule could be modified by adoption of a new resolution. Due to conflicts with Mendocino Council of Governments and Mendocino Transit Authority meetings, the Committee Members requested that staff change the dates for the Public Safety and Public Works and Facilities Committee meetings. The new schedule attached as "Exhibit A" to this proposed Resolution has been approved by all parties.

RESOLUTION NO. _____*-2016*

RESOLUTION OF THE FORT BRAGG CITY COUNCIL AMENDING SCHEDULE FOR STANDING COMMITTEE MEETINGS

WHEREAS, Fort Bragg Municipal Code Section 2.04.045 entitled "Standing Committees Designated," establishes four standing committees of the Fort Bragg City Council, i.e., Community Development Committee, Finance and Administration Committee, Public Safety Committee and Public Works and Facilities Committee; and

WHEREAS, Resolution 3556-2012, Exhibit A, Article II, sets forth the duties to be performed by each of the Standing Committees; and

WHEREAS, on September 12, 2016, the Fort Bragg City Council adopted Resolution 3933-2016 establishing a regular schedule of dates, times, and locations for these standing committees; and

WHEREAS, the standing committee schedule can be updated by resolution from time to time as availability of committee members changes; and

WHEREAS, the schedule needs to be amended to allow for changing schedules of the Committee Members of the Public Safety Committee and Public Works and Facilities Committee;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby adopt the Schedule of Council Standing Committees, a copy of which is attached hereto and incorporated herein as Exhibit "A."

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 24th day of October, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

_____
DAVE TURNER
Mayor

ATTEST:

_____
June Lemos
City Clerk

EXHIBIT "A"

SCHEDULE OF COUNCIL STANDING COMMITTEES

Committee	Meeting Date	Time	Location
Community Development Committee	4th Tuesday of the month	3:00 PM	Town Hall
Finance & Administration Committee	1st Wednesday of the month	3:00 PM	Town Hall
Public Safety Committee	3rd Wednesday of the month	3:00 PM	Town Hall
Public Works & Facilities Committee	2nd Wednesday of the month	3:00 PM	Town Hall

City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 16-429

Agenda Date: 10/24/2016 **Version:** 1 **Status:** Consent Agenda

In Control: City Council **File Type:** Resolution

Agenda Number: 7D.

Adopt City Council Resolution Declaring Surplus Property (Road Grader)
City staff is requesting the road grader be declared as surplus property. This piece of equipment has not been used enough to justify the ongoing expenses. Over the past 11 years there have been 41 hours of run time. The majority of those hours were from allowing the machine to run during scheduled maintenance. Staff has found a local business that will allow rental of a grader when needed. Because of the anticipated costs of ongoing maintenance, disposal of the vehicle is a more cost-effective procedure, and therefore disposal is for the benefit of the City. Staff will surplus the piece of equipment via an advertised bid process. Approximate value of the grader is $22,000.

RESOLUTION NO. _____*-2016*

RESOLUTION OF THE FORT BRAGG CITY COUNCIL DECLARING SURPLUS PROPERTY (ROAD GRADER)

WHEREAS, the City of Fort Bragg wishes to surplus a John Deere Road Grader (Model # 670; Serial # 0587T); and

WHEREAS, the City Council finds and declares that the Road Grader described in Exhibit "A" is not necessary for municipal purposes and is in fact, surplus property; and

WHEREAS, the City has the authority to dispose of such surplus property pursuant to Government Code Sections 37350-37351 when disposal is for the benefit of the City.

WHEREAS, based on all the evidence presented, the City Council finds as follows:

1. That said vehicle is not necessary for municipal purposes on a daily basis as it has not been used sufficiently to warrant ongoing maintenance and operation costs and is in fact, surplus property.
2. That disposal of the grader is of benefit to the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fort Bragg that the City Clerk is directed to advertise the Road Grader in the local newspaper for sale using a bid process.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 24th day of October, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

_____
DAVE TURNER,
Mayor

ATTEST:

_____
June Lemos
City Clerk

EXHIBIT “A”

No.	Item	Approx. Value
1.	John Deere Road Grader, Model # 670, Serial # 0587T	$22,000

City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 16-428

Agenda Date: 10/24/2016 **Version:** 1 **Status:** Consent Agenda

In Control: City Council **File Type:** Minutes

Agenda Number: 7E.

Approve Minutes of Special Joint City Council/Board of Supervisors Meeting of September 19, 2016

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

City of Fort Bragg

Meeting Minutes

Special 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, September 19, 2016 | **10:00 AM** | **Town Hall, 363 N Main Street**

Special Joint City Council/Board of Supervisors Meeting

MEETING CALLED TO ORDER

Chair Dan Gjerde called the meeting to order at 10:07 AM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Others Present: Supervisor Carre Brown, Supervisor John McCowen, Chair Dan Gjerde, and Supervisor Dan Hamburg. Supervisor Woodhouse absent by pre-arrangement.

Present: 5 - Vice Mayor Lindy Peters, Councilmember Michael Cimolino, Councilmember Scott Deitz, Councilmember Doug Hammerstrom and Mayor Dave Turner

1. PUBLIC HEARING

1A. 16-371 Receive Report, Conduct Public Hearing, and Consider Adoption of City Council Resolution Certifying the Environmental Impact Report for the Central Coast Transfer Station Project, Adopting Findings of Fact, Adopting a Mitigation Monitoring Program, and Approving the Implementation of the Project

The City Council of the City of Fort Bragg incorporates the following excerpt from the Minutes of the Mendocino County Board of Supervisors for the meeting of September 19, 2016:

MENDOCINO COUNTY BOARD OF SUPERVISORS
Action Minutes - September 19, 2016
JOINT MEETING
WITH THE FORT BRAGG CITY COUNCIL
BEFORE THE BOARD OF SUPERVISORS
COUNTY OF MENDOCINO - STATE OF CALIFORNIA
FAIR STATEMENT OF PROCEEDINGS
(PURSUANT TO CALIFORNIA GOVERNMENT CODE §25150)

THE BOARD OF SUPERVISORS CONVENED AS A JOINT MEETING WITH THE FORT BRAGG CITY COUNCIL AT 10:07 A.M.

Agenda 5B - NOTICED PUBLIC HEARING - Consideration and Possible Action to Adopt Resolution Certifying the Environmental Impact Report (EIR) for the Central Coast Transfer

Station, Adoption of Findings of Fact, Adoption of a Mitigation Monitoring Program, and Approval of the Implementation of the Project (Joint Meeting with the Fort Bragg City Council) - Sponsor: Solid Waste

Presenter/s: Mr. Mike Sweeney, Manager, Mendocino Solid Waste Management Authority

Public Comment: Ms. Rixanne Wehren; Mr. Erik Thorbecke; Ms. Charla Thorbecke; Mr. Joshua Lowell; Ms. Angela Liebenberg; Ms. Sheila Tracy; Ms. Anne Rennacker; Ms. Char Flum; Mr. John Fremont; Mr. Rick Childs; Mr. David Gurney; Mr. Rex Gresset; Ms. Meg Courtney; and Mr. Mickey Zeekley.

BOARD RECESS: 12:15 P.M. - 12:25 P.M.

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor Brown, IT IS ORDERED that the Board of Supervisors adopts Resolution certifying the Central Coast Transfer Station EIR, adopts Findings of Fact, adopts a Mitigation Monitoring Program, approves the implementation of the project; and authorizes Chair to sign same. The motion carried by the following vote:

Aye: 4 - Supervisor Brown, Supervisor McCowen, Chair Gjerde, and Supervisor Hamburg

Absent: 1 - Supervisor Woodhouse

County Enactment No: Resolution 16-120

City Enactment No: Resolution 3934-2016

A motion was made by Councilmember Hammerstrom, seconded by Councilmember Deitz, that this resolution be adopted. The motion carried by the following vote:

Aye: 3 - Councilmember Deitz, Councilmember Hammerstrom and Mayor Turner

No: 2 - Vice Mayor Peters and Councilmember Cimolino

2. CONDUCT OF BUSINESS

2A. 16-372 Receive Report and Consider Adoption of City Council Resolution Approving First Amendment to the Joint Powers Agreement Between the County of Mendocino and the City of Fort Bragg for the Caspar Landfill and Solid Waste Transfer Station and Authorizing City Manager to Execute Same

The City Council of the City of Fort Bragg incorporates the following excerpt from the Minutes of the Mendocino County Board of Supervisors for the meeting of September 19, 2016:

Agenda 5C - Discussion and Possible Adoption of Resolution Authorizing the First Amendment to Caspar Joint Powers Agreement (Joint Meeting with the Fort Bragg City Council) - Sponsor County Council

Presenter/s: Mr. Mike Sweeney, Manager, Mendocino Solid Waste Management Authority.

Public Comment: None.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Hamburg, IT IS ORDERED that the Board of Supervisors adopts Resolution authorizing the First Amendment to the Caspar Joint Powers Agreement; and authorizes Chair to sign same. The motion carried by the following vote:

Aye: 4 - Supervisor Brown, Supervisor McCowen, Chair Gjerde, and Supervisor Hamburg

Absent: 1 - Supervisor Woodhouse

County Enactment No: Resolution 16-121
City Enactment No: Resolution 3935-2016

A motion was made by Councilmember Hammerstrom, seconded by Mayor Turner, that this resolution be adopted. The motion carried by the following vote:

Aye: 4 - Councilmember Cimolino, Councilmember Deitz, Councilmember Hammerstrom and Mayor Turner

No: 1 - Vice Mayor Peters

ADJOURNMENT

The meeting adjourned at 12:57 PM

_____

DAVE TURNER, MAYOR

_____

June Lemos, City Clerk

IMAGED (_____)

City of Fort Bragg

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Text File

File Number: 16-422

Agenda Date: 10/24/2016 **Version:** 1 **Status:** Consent Agenda

In Control: City Council **File Type:** Minutes

Agenda Number: 7F.

Approve Minutes of October 11, 2016

416 N Franklin Street
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City of Fort Bragg

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

Tuesday, October 11, 2016 | **6:00 PM** | **Town Hall, 363 N. Main Street**

MEETING CALLED TO ORDER

Mayor Turner called the meeting to order at 6:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: 4 - Vice Mayor Lindy Peters, Councilmember Michael Cimolino, Councilmember Scott Deitz and Mayor Dave Turner

Absent: 1 - Councilmember Doug Hammerstrom

AGENDA REVIEW

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

1A. 16-405 Introduction of Fort Bragg Police Department's New Police Canine, Takoda

Officer McGregor introduced Police K-9 Takoda who finished his training in April of this year. Chief Lizarraga presented Takoda with Badge No. K-1 and remarked how proud the Police Department is to have Takoda on the team.

1B. 16-418 Receive Demonstration from Finance Technician Jenny Hanzlik Showing How to Use the City's Website to Review Up to 10 Years of Past Water Usage Data for a Customer Account

Finance Director Damiani presented an online demonstration about how to obtain ten years' worth of water bill records using the City's official website, city.fortbragg.com.

2. STAFF COMMENTS

City Clerk Lemos spoke about the November election and how to register to vote. Chief Lizarraga commented on the new Police Cadet program and the upcominig Neighborhood Watch meeting. City Manager Ruffing stated that Friday is an In-Service day and City Hall will be closed.

3. MATTERS FROM COUNCILMEMBERS

Mayor Turner reported that the Noyo Harbor Commission has two openings available, one City appointed position and one position, the Chair of the Commission, jointly appointed by the City Council and the Board of Supervisors. The Mayor formed an ad hoc committee consisting of

Councilmember Cimolino and Mayor Turner to work with the County in recommending an appointee for the joint chair position. He also appointed an ad hoc committee regarding Skunk Train matters. Those members will be Vice Mayor Peters and Mayor Turner.

Vice Mayor Peters reported on his recent attendance at the League of California Cities annual convention. He also spoke about new Mendocino Transit Authority routes and the world championship abalone cook-off in Noyo Harbor.

Councilmember Deitz spoke about a letter from a local business owner he recently received. He read a statement regarding the Mendocino Coast Hospitality Center, saying that it is time to heal the wounds and work together for the good of the community.

4A. PUBLIC COMMENTS ON NON-AGENDA, CONSENT CALENDAR & CLOSED SESSION ITEMS (30 Minutes)

- Annemarie Weibel made comments on the Hare Creek Center project and the Environmental Impact Report.
- Ann Rennacker requested that Item 7A on the Consent Calendar be pulled for further discussion.
- Rex Gressett spoke against the operation of the Mendocino Coast Hospitality Center.

5. PUBLIC HEARING

6. CONDUCT OF BUSINESS

6A. 16-407 Receive Annual Report from Mendocino Coast Humane Society Executive Director Chuck Tourtillott Regarding Animal Shelter Operations

Humane Society Executive Director Chuck Tourtillott gave a FY 15/16 Animal Shelter report.
Public Comment on this item was received from: An unidentified woman, Rex Gressett, and Simon Smith.

This Report was accepted.

6B. 16-410 Receive Report and Consider Adoption of City Council Resolution Endorsing Measures AA and AB to Increase Fort Bragg's Transient Occupancy Tax

City Manager Ruffing presented the staff report on this agenda item, recounted its history, and itemized what would be accomplished with the additional tax monies received from the increase, should the voters approve this measure in November.
Public Comment on this item was received from:
- Peter O'Donohue, Sue Boecker, Ann Rennacker and Simon Smith spoke in support of the Measures.

Discussion: The Council was unanimous in its support for Measures AA and AB, noting that it will benefit the entire community.
Mayor Turner recessed the meeting at 7:24 PM; the meeting was reconvened at 7:31 PM.

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

Aye: 4 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Deitz and Mayor Turner

Absent: 1 - Councilmember Hammerstrom

Enactment No: RES 3943-2016

6C. 16-411 Receive Report Regarding Possible Modifications to the Order of City Council Agendas and Provide Direction to Staff

Administrative Services Director Schneider gave the staff report on this agenda item.
Public Comment was received from:
• Ed Oberweiser, Annemarie Weibel, David Gurney, Rex Gressett, and Sue Boecker spoke in support of moving the Consent Calendar to the beginning of the agenda.
• Simon Smith was in favor of leaving the Consent Calendar where it is.
Discussion: The Councilmembers were in general agreement that moving the Consent Calendar forward in the agenda would be a benefit to members of the community who wanted to comment on Consent items earlier in the evening instead of waiting until the end of the Council meeting. For items that are removed from the Consent Calendar, the consensus was that the Mayor would have the discretion as to whether these matters would be heard immediately following the rest of the Consent Calendar or removed to the end of the Conduct of Business agenda. The Council requested that new agenda wording be drafted that would make it clearer to the public that the second Public Comment period would only be held if the first thirty-minute Public Comment period was not sufficiently long enough for everyone who wished to speak to do so.

Council directed staff to prepare a Resolution regarding a new agenda order as follows: Call to Order, Pledge of Allegiance, Roll Call, Agenda Review, Mayor's Recognitions and Announcements, Public Comments on Non-Agenda, Consent Calendar, and Closed Session Items (30 Minutes), Staff Comments, Matters from Councilmembers, Consent Calendar, Public Hearing, Conduct of Business, Public Comment (30 minutes, if necessary), Closed Session, Adjournment.

6D. 16-406 Receive Report Regarding Draft Ordinance to Modify Chapter 6.14 [Licensing of Tobacco Sellers] and Chapter 6.18 [Smoking Pollution Control and Health Protection Regulations] of the Fort Bragg Municipal Code and Provide Direction to Staff

Administrative Services Director Schneider summarized the staff report, stating that this ordinance would update Fort Bragg's tobacco regulations to reflect new California laws.
Public Comment was received from Sue Boecker.
Discussion: The Council supported updating the tobacco regulations and instructed staff to return with an ordinance for introduction at the next City Council meeting.

This matter was referred to staff to prepare an Ordinance for introduction at the Council meeting of October 24, 2016.

6E. 16-385 Receive Report and Provide Direction to Staff Regarding Proposed Amendments to Article 2 and Article 10 of the Fort Bragg Municipal Code Title 18, Inland Land Use and Development Code (ILUDC)

Community Development Director Jones and Associate Planner Perkins jointly presented the staff report on this agenda item to the Council.
Public Comment on this item was received from Annemarie Weibel, Rex Gressett, Lynelle Johnson, Scott Menzies, Simon Smith, Ann Rennacker, and Carol White.
Discussion: After much discussion on the many changes to the Inland Land Use and Development Code (ILUDC), the Council gave staff directions for modifications to the land use tables and the

definitions section of the ILUDC. Staff was directed to have the City Attorney review these changes and to bring this agenda item back for further discussion once the changes were made. The topic of vacancy taxes for empty storefronts in the Central Business District was referred to the Community Development Committee.

This matter was referred to staff for further modifications before returning to Council for discussion.

4B. PUBLIC COMMENTS ON NON-AGENDA, CONSENT CALENDAR & CLOSED SESSION ITEMS (30 Minutes, If Necessary)

7. CONSENT CALENDAR

Vice Mayor Peters asked that Item 7A be removed from the Consent Calendar for further discussion.

It was moved by Vice Mayor Peters, seconded by Mayor Turner, to continue the meeting past 10:00 PM. The motion carried by a unanimous vote.

Approval of the Consent Calendar

A motion was made by Vice Mayor Peters, seconded by Councilmember Deitz, to approve the Consent Calendar with the exception of Item 7A. The motion carried by the following vote:

Aye: 4 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Deitz and Mayor Turner

Absent: 1 - Councilmember Hammerstrom

7B. 16-408 Adopt by Title Only and Waive Reading of Ordinance No. 925-2016 Authorizing the Implementation of a Community Choice Aggregation Program

This Ordinance was adopted on the Consent Calendar.

Enactment No: ORD 925-2016

7C. 16-399 Approve Minutes of Special Meeting of September 12, 2016

These Minutes were approved on the Consent Calendar.

7D. 16-415 Approve Minutes of September 12, 2016

These Minutes were approved on the Consent Calendar.

7E. 16-401 Approve Minutes of Special Meeting of September 19, 2016

These Minutes were approved on the Consent Calendar.

7F. 16-404 Approve Minutes of September 26, 2016

These Minutes were approved on the Consent Calendar.

ITEMS REMOVED FROM CONSENT CALENDAR

7A. 16-414 Adopt City Council Resolution Modifying Authorized Positions in FY 2016/17 Budget to Remove Water Projects Coordinator Position and Add Associate City Engineer Position

Public Works Director Varga explained to the Council that the Water Projects Coordinator had given notice that she would be leaving the City at the end of the month. Rather than recruiting to fill this part-time position, the City can save money by hiring an Associate City Engineer or Engineering Technician instead of contracting out the engineering work to outside agencies. This was not brought forward as a budget amendment because the City would be saving money.
Public Comment on this agenda item was received from Ann Rennacker.
Discussion: After a brief discussion, the Councilmembers were in agreement that the City would benefit from doing engineering projects in-house and that this resolution should be adopted.

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

Aye: 4 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Deitz and Mayor Turner

Absent: 1 - Councilmember Hammerstrom

Enactment No: RES 3944-2016

8. CLOSED SESSION

Mayor Turner recessed the meeting at 10:12 PM; the meeting reconvened to Closed Session at 10:22 PM.

A. 16-417 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION; Initiation of litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9; Number of potential cases: One (1)

Mayor Turner reconvened the meeting to Open Session at 10:52 PM and reported that no reportable action was taken in Closed Session.

ADJOURNMENT

Mayor Turner adjourned the meeting at 10:52 PM.

_____
DAVE TURNER, MAYOR

_____
June Lemos, City Clerk

IMAGED (_____)