



Regular Meeting Agenda

Minutes

Monday, February 5, 2024 at 6:00 pm

621 11th Street, Fortuna CA

**Zoom Option: 1-669-900-9128 Meeting ID: 894 9490 5497 Password:
364980**

- We May Disagree, But We Will Be Respectful of One Another
- All Comments Will Be Directed to the Issue at Hand, and Addressed to the City Council
- Personal Attacks are Unacceptable
- The City Council May Take Action on any Item on this Agenda.

1. CALL TO ORDER / FLAG SALUTE / ROLL CALL

Minutes:

Mayor Trent called the public meeting to order at 6:00 p.m. and led the flag salute. ROLL CALL: Council Member Conley - Present, Council Member Losey - Present, Council Member Mobley - Present, Mayor Pro Tem Johnson - Present, Mayor Trent - Present

2. PRESENTATIONS / PROCLAMATIONS

a. Introduction of Community Development Director, Shari Meads

Minutes:

City Manager Merritt Perry introduced Shari Meads, the new Community Development Director

b. Introduction of Utility Worker II, Daniel Rockholt

Minutes:

General Services Superintendent Bob Natt introduced Daniel Rockholt, the new Utility Worker II.

c. Introduction of Park Maintenance Worker II, John Pachak

Minutes:

City Manager Merritt Perry introduced John Pachak, the new Park Maintenance Worker II.

d. Measure E Annual Report, Presented by Measure E Chair

Minutes:

Measure E Committee Chair, Sue Long, provided Measure E Annual Report.

3. DISCUSSION ITEM

a. Mark Thurmond - Measure A

Minutes:

Mark Thurmond provided a presentation in support of Measure A. PUBLIC COMMENTS: Ross Gordon, Policy Director for Humboldt Grower's Alliance - explained there was a diverse coalition against measure A – spoke about the elected officials in support of No on Measure A. Commented that legal growers are already highly regulated by various government and oversight agencies. This is about setting a precedent for land use. Spoke in opposition to Measure A.

Dillon Mattole – Farmer from Honeydew – President of Humboldt Grower's Alliance – commented on how frustrating it is to listen to proponents of Measure A as if they have an understanding. They speak to the land use ordinance only as the guiding document but there are various agencies that come out and inspect no less than twice year. Spoke in opposition of Measure A.

Andy Griggs – small grower - spoke in opposition of Measure A.

Walt Wilson – Fortuna resident – stated him and his wife have been trying to figure out how to vote on Measure A and stated the questions, how can Mr. Thurmond be a proponent if the Sheriff is not in support? He also stated that he and his wife have to vote against it if they can't understand it.

Craig Johnson – Farm and Homestead Owner – stated that proponents might have had good intentions, but this is not relevant. Maybe it would have been 10 years ago. This is our life and jobs we're fighting for. He showed a map with green dots, used as part of the Measure E campaign, to demonstrate that there are not really as many farms as Measure A would have us believe. Not good policy moving forward. Would appreciate a No on Measure A. Spoke in opposition of Measure A.

Nik Erikson – Full Moon Farms, Owner –Local Fire Department volunteer and Board Member of Humboldt Grower's Alliance – Purchased land to help preserve the Mattole water shed. Stated there's a reason there are so many against Measure A and that approval of Measure A would have a direct hit on local economy and tax base, and negatively affect future land use and property rights. He commented that any landowner should be concerned about this type of land use policy and requested the Council stand with their community and county and formally oppose Measure A. Spoke in opposition of Measure A.

Polly Kinsinger – Resident and owner of a permitted cannabis farm along Highway 36 on Buck Mountain – informed the Council her family have been on their 80-acre parcel for 111 years. Her family has cleaned up trespass grows out there and then used proceeds to purchase adjacent properties to restore them to their pre-grow glory. She stated there is an ordinance in the County that works. Adding more regulation in an already highly regulated process, will not bring positive change. Many cultivators are gone; the green rush is over.

She implored the Council to help those of us who are left to stay and continue to live in and support local economy and continue to provide environmental stewardship. Spoke in opposition of Measure A.

Natalynne Delapp, Executive Director of the Humboldt County Grower's Alliance – Told the Council she realized their time was valuable, and if the Council desired, they could skip on the presentation at the upcoming Council meeting on February 20, 2024, and they could make a motion tonight in opposition of Measure A.

Cody King – Fortuna Resident- Grower – 2016 was a turning point and come out of the shadows and make a career what we've been doing for years. He informed the Council he has a mega-grow. He stated he was frustrated hearing Mr. Thurmond and that some of the comments were not true. He explained that they use rain catchment devices, and none of their spill or runoff goes back into the ground. He claimed that not only are they taking care of the land their five-year plan includes expansion –a 10,000 square foot canopy is not fair to those trying to build a brand to get shelf space. He requested the Council vote no on Measure A. Spoke in opposition of Measure A.

Jeanna McClendon – Fortuna Resident, Business Owner – Thanked all of the legal business owners and thanked the Vote Yes group for their input and thought both groups deserved recognition. She commented that ordinances should be flexible and easily adaptable and that rigid regulatory framework hinders the ability to respond to the industry effectively. She spoke in opposition of Measure A.

Nicole Genaro – Hydesville Resident – Fortuna business owner for over 20 years. Commented that she felt it was most important to think about the impact in the economy. – to take the money away from the one industry we have in Humboldt County right now would be a huge disservice. She spoke in opposition of Measure A.

Micheal (Zoom Attendee) – Small Farm Owner in Southern Humboldt County – Commented that is was frustrating listening to the proponents and they were not there to sign his permit, that John Ford did, and that's who he answers to. He explained what he couldn't stand were the proponents trying to manipulate people as a means to reach their goals. He thought it was disingenuous to say you support small farms and a few moments later compare it to leprosy. Spoke in opposition to Measure A.

Michelle Bushnell – 2nd District Supervisor – Explained to the Council she had met with Natalie Arroyo, Mark and Betsy on an ad hoc committee to try and work with and address the issues. She explained there was lots of conversation and yet were unable to come to and understanding that was satisfactory. She urged the Council to go to a cultivation site and urged them to seek out the agencies that regulate the permitted grows. She urged the Council to do their own investigations – contact agencies and question Measure A. Spoke in opposition of Measure A.

Rex Bohn – 3rd District Supervisor –Commented that there's subliminal part of this proposition that is so encompassing, its why there's 38 pages, and that that is not where it's going to stop. He felt it would 1 encompass timber, other agriculture and that commented dairies kept coming up. He explained that 38 pages seems to indicate there is more than just cannabis and commented on the proposition being difficult to understand. Felt this would drive a lot of now legally permitted grows back the other way. Spoke in opposition of

Measure A.

Betsy - Measure A Proponent – Commented that she wanted to address what Measure A really was and explained that it protected the vested rights of the farmers that exist now. She also explained that their proposition had to be “added” to the pre-existing ordinance that is why it is 38 pages. The existing ordinance is the basis of Measure A, they just added the consensus they found in the 2017 DIR comments, many of which came from Fortuna. She continued to explained the Measure was intended to stop the next green rush and that the 2017 ordinance did not have teeth in it and the Measure gives it some teeth by not allowing grows to expand beyond 10,000 square feet, basically a ¼ acre and that that is appropriate for our local eco-system. She finished by explaining they didn’t make this stuff up... just took it from the pre-existing EIR and ordinance. She spoke in support of Measure A.

There being no additional public comments, Mayor Trent closed the public comment section.

4. ORAL COMMENTS FROM THE PUBLIC

Minutes:

There being no public comments, Mayor Trent closed the public comment section.

5. CONSENT CALENDAR

Minutes:

PUBLIC COMMENTS: There being no public comments, Mayor Trent closed the public comment section. Council Member Losey pulled item f. to comment on the Parks and Recreation Directors start date. Council Member Losey moved, seconded by Council Member Conley to approve Consent Calendar items a - f. AYES: Council Members Conley, Losey, Mobley, Mayor Pro Tem Johnson, Mayor Trent NOES: None ABSTAIN: None ABSENT: None MOTION CARRIED: 5/0

- a. **City Council Minutes – January 16, 2024 (Regular Meeting)**
- b. **City Council Minutes – January 29, 2024 (Special Budget Workshop)**
- c. **Report of Disbursements**
- d. **Approval of a Contract with Mercer-Fraser Company for a Minor Street Paving Maintenance and Repair Project; Resolution 2024-02**
- e. **Council Review and Approval of Commission/Committee Applications and Mayor’s Appointment of Seats**
- f. **Approve Selection of Parks and Recreation Director**

6. CITY COUNCIL BUSINESS

- a. **Second Reading and Adoption of Ordinance 2024-767 EV Charging Station**

Minutes:

STAFF REPORT: City Manager Merritt Perry provided staff report on Ordinance 2024-767, Amending title 15 of the City of Fortuna Municipal code by streamlining the permit process for electric vehicle charging stations. PUBLIC COMMENTS: There being no public comments, Mayor Trent closed the public comment section. CITY COUNCIL ACTION: Council Member Mobley moved, seconded by Mayor Pro Tem Johnson to adopt Ordinance 2024-767, "An Ordinance of the City Council of the City of Fortuna Adding Chapter 15.65 to Article 15 of the Fortuna Municipal Code to Provide Procedures for Expediting Permitting

Processing for Electric Vehicle Charging Systems and Determining the Ordinance to be Exempt from CEQA". Roll Call Vote. AYES: Council Member Conley, Losey, Mobley, Mayor Pro Tem Johnson, Mayor Trent NOES: None ABSTAIN: None ABSENT: None MOTION CARRIED: 5/0

b. Second Reading and Adoption of Ordinance 2024-768 Solar Streamline

Minutes:

STAFF REPORT: City Manager Merritt Perry provided staff report on Ordinance 2024-768, Amending title 15 of the City of Fortuna Municipal code by streamlining the permit process for small residential rooftop solar energy systems. PUBLIC COMMENTS: There being no public comments, Mayor Trent closed the public comment section. CITY COUNCIL ACTION: Mayor Pro Tem Johnson moved, seconded by Council Member Conley to adopt Ordinance 2024-768, "An Ordinance of the City Council of the City of Fortuna Adding Chapter 15.67 to Article 15 of the Fortuna Municipal Code to Provide for Expediting Permitting Processing for Small Residential Rooftop Solar Systems and Determining the Ordinance to be Exempt from CEQA". Roll Call Vote. AYES: Council Member Conley, Losey, Mobley, Mayor Pro Tem Johnson, Mayor Trent NOES: None ABSTAIN: None ABSENT: None MOTION CARRIED: 5/0

7. CITY MANAGER'S REPORT

Minutes:

City Manager Merritt Perry provided a verbal report.

8. FUTURE AGENDA ITEMS

9. CITY COUNCIL REPORTS AND COMMENTS

- a. Council Member Kyle Conley
- b. Council Member Mike Losey
- c. Council Member Kris Mobley
- d. Mayor Pro Tem Mike Johnson
- e. Mayor Tami Trent

10. ADJOURN TO CLOSED SESSION

Minutes:

Mayor Pro Tem Johnson moved, seconded by Council Member Losey to adjourn to closed session at 7:47 p.m. Voice vote. MOTION CARRIED 5/0

- a. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Section 54956.8 of the Government Code; Vacant Land at 624 Main Street, Fortuna CA; Negotiating Parties: City Manager Merritt Perry for the City of Fortuna and Ray Chisum as Negotiating Parties; Under Negotiation: Price and Terms of payment.**

Minutes:

COUNCIL ACTION: Provided direction to staff.

- b. **CONFERENCE WITH LABOR NEGOTIATORS, City Negotiator: City Manager Merritt Perry, Employee Organizations: Fortuna Police Employees Association, Fortuna Employees Association, and the Unrepresented/Management group in accordance with Section 54957.6 of the Government Code.**

Minutes:

COUNCIL ACTION: Provided direction to staff.

11. REPORT OUT ADJOURN

Minutes:

CITY COUNCIL ACTION: Council Member Conley moved, seconded by Mayor Pro Tem Johnson to adjourn the meeting at 8:17 pm. MOTION CARRIED 5/0

Contact: Siana L. Emmons, City Clerk (semmons@ci.fortuna.ca.us 707-725-1409)