



# City of Fort Bragg

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

## 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**

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Tuesday, October 10, 2023

6:00 PM

Town Hall, 363 N. Main Street and Via Video  
Conference

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### COUNCILMEMBERS PLEASE TAKE NOTICE

*Councilmembers are reminded that pursuant to the Council policy regarding use of electronic devices during public meetings adopted on November 28, 2022, all cell phones are to be turned off and there shall be no electronic communications during the meeting. All e-communications such as texts or emails from members of the public received during a meeting are to be forwarded to the City Clerk after the meeting is adjourned.*

### ZOOM WEBINAR INVITATION

*This meeting is being presented in a hybrid format, both in person at Town Hall and via Zoom.*

*You are invited to a Zoom webinar.*

*When: Oct 10, 2023 06:00 PM Pacific Time (US and Canada)*

*Topic: City Council Meeting*

*Please click the link below to join the webinar:*

*<https://us06web.zoom.us/j/81278043596>*

*Webinar ID: 812 7804 3596*

*To speak during public comment portions of the agenda via zoom, please join the meeting and use the raise hand feature when the Mayor or Acting Mayor calls for public comment on the item you wish to address.*

### AGENDA REVIEW

#### 1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

- 1A. [23-309](#) Presentation of Proclamation Declaring October 2023 as Domestic Violence Awareness Month

**Attachments:** [11-Domestic Violence Awareness Month](#)

- 1B. [23-314](#) Presentation of Proclamation Declaring October 9, 2023 as Indigenous Peoples Day  
*Attachments:* [12- Indigenous Peoples Day](#)
- 1C. [23-332](#) Presentation of Proclamation In Loving Memory of City Clerk June Lemos  
*Attachments:* [13-Recognizing City Clerk June Lemos](#)
- 1D. [23-333](#) Presentation of Proclamation in Loving Memory of Dannie Orsi  
*Attachments:* [14- Recognizing Dannie Orsi](#)

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

*MANNER OF ADDRESSING THE CITY COUNCIL: All remarks and questions shall be addressed to the City Council; no discussion or action will be taken pursuant to the Brown Act. No person shall speak without being recognized by the Mayor or Acting Mayor. Public comments are restricted to three (3) minutes per speaker.*

*TIME ALLOTMENT FOR PUBLIC COMMENT ON NON-AGENDA ITEMS: Thirty (30) minutes shall be allotted to receiving public comments. If necessary, the Mayor or Acting Mayor may allot an additional 30 minutes to public comments after Conduct of Business to allow those who have not yet spoken to do so. 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 number of persons wishing to speak 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: The Brown Act does not allow action or discussion on items not on the agenda (subject to narrow exceptions). This will limit the Council's response to questions and requests made during this comment period.*

*WRITTEN PUBLIC COMMENTS: Written public comments received after agenda publication are forwarded to the Councilmembers as soon as possible after receipt and are available for inspection at City Hall, 416 N. Franklin Street, Fort Bragg, during normal business hours. All comments will become a permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible, except comments that are in an unrecognized file type or too large to be uploaded to the City's agenda software application. Public comments may be submitted to City Clerk, [cityclerk@fortbragg.com](mailto:cityclerk@fortbragg.com).*

## **3. STAFF COMMENTS**

## **4. MATTERS FROM COUNCILMEMBERS**

## **5. 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.*

- 5A. [23-312](#) Accept Certificate of Completion for Corp Yard Roof Project and Direct City Clerk to File Notice of Completion  
**Attachments:** [Notice of Completion - PWP-00128](#)  
[Att 1 - Exhibit A - Certificate of Completion](#)
- 5B. [23-315](#) Adopt City Council Resolution Authorizing the City Manager to Execute Contract Amendment with Miller Marine Science & Consulting for the Preparation of a Mitigated Negative Declaration for the Oneka Desalination Buoy Project (Amount Not to Exceed \$50,000, Account 651-6129-0731)  
**Attachments:** [RESO Miller Marine Sciences CEQA](#)
- 5C. [23-316](#) Adopt City Council Resolution Approving Contract Amendment with Burke, Williams & Sorensen, LPP for Legal Counsel in Filing of Eminent Domain Proceedings for Reconstruction of the City's Raw Water Line, Increasing the Amount Not to Exceed \$60,000 and Approve Budget Amendment 2023/24-07 (Account No. 651-6007-0310)  
**Attachments:** [RESO BWS Law Offices Amendment 2](#)  
[Budget Amendment 2023-24-07](#)
- 5D. [23-317](#) Adopt City Council Resolution of Summarily Vacating a Right of Way Located at Property Adjacent to 31400 Sherwood Road that is not Needed for Public Purposes and Making a Determination that the Project is Exempt from CEQA  
**Attachments:** [RESO Vacation of Right of Way](#)  
[Exhibit A R/W Description](#)  
[Exhibit B AP Map](#)  
[Public Comment Item 5D](#)
- 5E. [23-318](#) Adopt City Council Resolution Designating Director and Alternate Director to Represent the City of Fort Bragg on the California Intergovernmental Risk Authority (CIRA) Board of Directors  
**Attachments:** [RESO CIRA Representatives](#)
- 5F. [23-326](#) Approve Letter of Support for Noyo Harbor District's Grant Application  
**Attachments:** [10102023 Letter of Support Noyo Harbor](#)
- 5G. [23-329](#) Approve Minutes of August 14, 2023  
**Attachments:** [CCM20230814](#)
- 5H. [23-331](#) Approve Minutes of September 25, 2023  
**Attachments:** [CCM20230925](#)

## **6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS**

## **7. 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.*

## **8. CONDUCT OF BUSINESS**

- 8A. [23-247](#)** Receive Report and Consider Adoption of City Council Resolution Approving Cooperative Agreement with Housing Mendocino Coast

**Attachments:** [10102023 HMC Staff Report](#)  
[Att 1 - HMC Strategic Plan](#)  
[Att 2 - PLHA 5-Year Plan](#)  
[Att 3 - Articles of Incorporation](#)  
[Att 4 - Cooperative Agreement](#)  
[Att 5 - Resolution](#)

- 8B. [23-325](#)** Receive Report and Consider Adoption of City Council Resolution Approving Contract Amendment With HDR Engineering Inc. for the Water Treatment Plant Rehabilitation Project for Bid and Construction Services, Project NO. WTR-00017, Increasing the Amount of the Design Contract With HDR Engineering, Inc., and Authorizing City Manager to Execute Same (Amount Not to Exceed \$576,513); (Account 615-6006-0731)

**Attachments:** [10102023 Water Treatment Plant Design Amendment Staff Report](#)  
[Att 1 - RESO HDR Water Treatment Rehabilitation Project](#)  
[Att 2 - Budget Amendment 2023-XX - HDR](#)  
[HDR Scope of Work](#)

## **9. CLOSED SESSION**

- 9A. [23-321](#)** CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION  
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Gov't Code Section 54956.9: (one case)

- 9B. [23-322](#)** PUBLIC EMPLOYMENT. Gov't Code Section 54957 (b). Title: City Manager

**Attachments:** [Public Comment Item 9B](#)  
[public comment item 9B](#)

- 9C. [23-323](#)** PUBLIC EMPLOYMENT. Gov't Code Section 54957 (b). Title: City Clerk

**Attachments:** [Public Comment -- 10\\_10\\_23 CC Mtg., Item No. 9C...](#)

- 9D. [23-324](#)** CONFERENCE WITH LEGAL COUNSEL--Existing Litigation Pursuant to Paragraph (1) of Subdivision (d) of Gov. Code Section 54956.9. City of Fort Bragg v. Mendocino Railroad



**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, October 23, 2023**

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 5, 2023.

\_\_\_\_\_  
Cristal Munoz,  
Acting City Clerk

**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 upon making reasonable arrangements with the City Clerk for viewing same during normal business hours.*
- *Such documents are also available on the City of Fort Bragg’s website at <https://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.*

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



# City of Fort Bragg

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## Text File

File Number: 23-309

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**Agenda Date:** 10/10/2023

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Proclamation

**Agenda Number:** 1A.

Presentation of Proclamation Declaring October 2023 as Domestic Violence Awareness Month

# Proclamation

## DECLARING OCTOBER 2023 AS DOMESTIC VIOLENCE AWARENESS MONTH

**WHEREAS**, October is annually recognized as National Domestic Violence Awareness Month; and

**WHEREAS**, policymakers and communities must work together to transform the conditions that cause domestic violence and support survivor-centered solutions; and

**WHEREAS**, domestic violence programs in California provide essential, lifesaving services for survivors, their children, and communities; and

**WHEREAS**, there is a need to support and amplify prevention programs and community-based strategies to create healthy environments and decrease the likelihood or perpetration, thereby stopping domestic violence from occurring in the first place; and

**WHEREAS**, all survivors deserve access to culturally responsive programs and services to increase their safety self-sufficiency; and

**WHEREAS**, the marginalization of certain groups in society, including undocumented individuals, transgender individuals, and people living with disabilities, increases their vulnerability to domestic violence; and

**WHEREAS**, 54% of transgender and gender non-conforming people have experienced domestic violence in their lifetime; and [1]

**WHEREAS**, approximately 35% of California women and 31% of California men experience physical intimate partner violence in their lifetimes; and

**WHEREAS**, there were 84 domestic violence-related homicides in California in 2023, of which 63 of the fatalities were female, and 21 were male; and [2]

**WHEREAS**, domestic violence is the third leading cause of homelessness among families in the United States; and [3]

**WHEREAS**, children exposed to domestic violence can experience long-term consequences including difficulty at school, substance abuse, behavioral problems in adolescence, and serious adult health problems; and [4]

**WHEREAS**, in Fiscal Year 2022-23, domestic violence shelter programs served 13,370 individuals in shelters and served 54,521 individuals through non-shelter supportive services; and [5]

**WHEREAS**, Project Sanctuary's mission is to provide trauma informed, supportive services, by offering a 24-hour hotline to victims/survivors, responding to emergency calls, offering support, and empowering those impacted by domestic violence to chart their own journey for healing.

**NOW THEREFORE BE IT RESOLVED**, I, Bernie Norvell, Mayor of the City of Fort Bragg, join Project Sanctuary in the belief that all community members must be part of the solution to end sexual violence. Along with the United States Government and State of California, I do hereby proclaim October as “Domestic Violence Awareness Month.”

SIGNED this 10<sup>th</sup> day of October, 2023

\_\_\_\_\_  
BERNIE NORVELL, Mayor

ATTEST:

\_\_\_\_\_  
Cristal Munoz, Acting City Clerk

No. 11-2023

[1] 2015 U.S. Transgender Survey <https://www.transequality.org/sites/default/files/docs/USTS-Full-Report-FINAL.PDF>

[2] "Homicide in California 2022." California Department of Justice, Division of California Justice Information Services, Bureau of Criminal Information and Analysis, Criminal Justice Statistics Center: 2023. <https://data-openjustice.doj.ca.gov/sites/default/files/2023-06/Homicide%20In%20CA%202022f.pdf>

[3] “Domestic Violence”, National Alliance to End Homelessness, [http://www.endhomelessness.org/pages/domestic\\_violence](http://www.endhomelessness.org/pages/domestic_violence)

[4] “Intimate Partner Violence”, National Child Traumatic Stress Network, <http://www.nctsn.org/content/children-and-domestic-violence>

[5] 2023 Cal OES Joint Legislative Budget Committee Report, [https://www.caloes.ca.gov/wp-content/uploads/Grants/Documents/2023\\_JLBC.pdf](https://www.caloes.ca.gov/wp-content/uploads/Grants/Documents/2023_JLBC.pdf)



# City of Fort Bragg

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## Text File

File Number: 23-314

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**Agenda Date:** 10/10/2023

**Version:** 1

**Status:** Mayor's Office

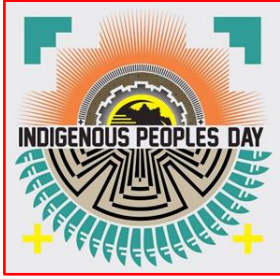
**In Control:** City Council

**File Type:** Proclamation

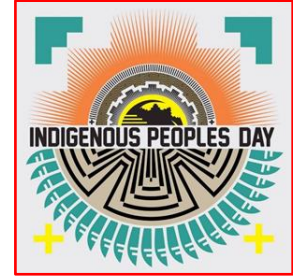
**Agenda Number:** 1B.

Presentation of Proclamation Declaring October 9, 2023 as Indigenous Peoples Day





**PROCLAMATION**  
**Proclaiming October 9, 2023 as**  
**INDIGENOUS PEOPLES DAY**



**WHEREAS**, in 1977, the idea of Indigenous Peoples Day was first proposed by a delegation of Native Nations to the United Nations sponsored International Conference on Discrimination Against Indigenous Populations in the Americas; and

**WHEREAS**, on December 16, 2010, the United States endorsed the United Nations Declaration on the Rights of Indigenous People; and

**WHEREAS**, on September 21, 2020, the City of Fort Bragg adopted Resolution 4305-2020 renaming the second Monday in October as Indigenous Peoples Day; and

**WHEREAS**, the City of Fort Bragg recognizes and deeply values the vast contributions made by Indigenous Peoples to our community, both historic and contemporary, in the areas of science, philosophy, arts and culture which have helped the United States, State of California, County of Mendocino and the City of Fort Bragg grow and thrive; and

**WHEREAS**, the City recognizes the fact that Fort Bragg is built upon the homelands and villages of the Indigenous Peoples of this region; and

**WHEREAS**, the City promotes the closing of the equity gap for Indigenous Peoples through policies and practices that reflect the experiences of Indigenous Peoples to ensure greater access and opportunity and to honor our nation's indigenous roots, history, and contributions; and

**WHEREAS**, as residents of Fort Bragg, we set aside this day to celebrate and honor the heritage, resiliency, and diverse culture of the Indigenous Peoples including those in the Sherwood Valley Band of Pomo;

**NOW, THEREFORE, I, Bernie Norvell**, Mayor of the City of Fort Bragg, on behalf of the entire City Council, do hereby proclaim October 09, 2023 as Indigenous Peoples Day in the City of Fort Bragg and encourage all citizens of Fort Bragg to join in celebrating and learning about the different cultures of Indigenous Peoples in our country, state and city.

**SIGNED this 10th day of October, 2023**

\_\_\_\_\_  
**BERNIE NORVELL, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Cristal Munoz, Acting City Clerk**



# City of Fort Bragg

416 N Franklin Street  
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## Text File

File Number: 23-332

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**Agenda Date:** 10/10/2023

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Proclamation

**Agenda Number:** 1C.

Presentation of Proclamation In Loving Memory of City Clerk June Lemos

# **PROCLAMATION**

## **In Loving Memory of City Clerk June Lemos**

**WHEREAS**, Fort Bragg and the broader Mendocino Coast community have lost an incredible leader and knowledgeable mentor with the death of City Clerk June Lemos on September 28, 2023; and

**WHEREAS**, ten years ago, on October 21, 2013, June Lemos was hired by the City of Fort Bragg as an Administrative Assistant in the Community Development Department; and

**WHEREAS**, less than two years thereafter, on September 15, 2015, June was promoted to City Clerk according to City Council Resolution No.3852-2015; and

**WHEREAS**, in November 2021 June accomplished her goal of becoming a Master Municipal Clerk; and

**WHEREAS**, this designation is held with great prestige as there were only 167 Master Clerks in California at the time she received that title; and

**WHEREAS**, for seven years June served with integrity and distinction as Fort Bragg's City Clerk and her passing has left a void of grief among her friends, colleagues, and family; and

**WHEREAS**, June focused her capabilities to achieve the goals of the City and her true legacy lies in the profound effect she had on City operations and accomplishments; and

**WHEREAS**, her sense of humor, kind-heartedness, and civility enriched many people fortunate enough to know her and work with her; and

**WHEREAS**, June's **commitment** to public service and bringing government transparency to the people was an exceptional gift she brought to our community.

**NOW, THEREFORE, I, Bernie Norvell**, Mayor of the City of Fort Bragg, on behalf of the Fort Bragg City Council and its employee family, recognize the significant contributions of June Lemos throughout her distinguished career and her remarkable achievements and that we as a community will mourn with her family and loved ones and continue her dedicated work in public service. She will be sorely missed.

**SIGNED this 10<sup>th</sup> day of October, 2023**

\_\_\_\_\_  
**BERNIE NORVELL, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Cristal Munoz, Acting City Clerk**

No. 13-2023





# City of Fort Bragg

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

## Text File

File Number: 23-333

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**Agenda Date:** 10/10/2023

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

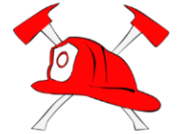
**File Type:** Staff Report

**Agenda Number:** 1D.

Presentation of Proclamation in Loving Memory of Dannie Orsi



**PROCLAMATION**



**In Loving Memory of Dannie Orsi**

**WHEREAS**, the passing of Dannie Orsi, a great community leader, has caused deep grief in the Fort Bragg community; and

**WHEREAS**, Dannie Orsi joined the Fort Bragg Volunteer Fire Department as an Auxiliary (probation) Member in 1958 and was voted in as a Regular Member on August 7, 1961; and

**WHEREAS**, he became a Fire Captain in 1977, served as the Fort Bragg Fire Department's President from 1980-1981, was promoted to 3<sup>rd</sup> Assistant Chief in 1982, then promoted to 1<sup>st</sup> Assistant Chief in 1990 which he held until his retirement on April 30, 2018; and

**WHEREAS**, Dannie was extremely active in the Department's Mutual Aid efforts through the Office of Emergency Services and started the Driver's Training Program through the Department of Motor Vehicles (DMV); and

**WHEREAS**, Dannie developed the: Helicopter Landing Zone markers program, Emergency Preparedness program, Firefighter Identification Numbers system for (gear) and Water Source mapping; and

**WHEREAS**, Dannie has been dedicated to his community, supportive of new and veteran members, and treated everyone involved with the Fort Bragg Fire Department like family; and

**WHEREAS**, the City of Fort Bragg is fortunate to be served by an exceptional Volunteer Fire Department whose dedicated firefighters serve and protect our community.

**WHEREAS**, Dannie's 60 years of service are unmatched, and to many, it was a huge sacrifice to give so many hours of service to his community; and

**WHEREAS**, that we as a community will mourn with the family because of our common bond.

**NOW, THEREFORE, I, Bernie Norvell**, Mayor of the City of Fort Bragg, on behalf of the entire City Council, do hereby honor Dannie Orsi for all the years of extraordinary service on the Fort Bragg Volunteer Fire Department.

**SIGNED this 10th day of October, 2023**

\_\_\_\_\_  
**BERNIE NORVELL, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Cristal Munoz, Acting City Clerk**



# City of Fort Bragg

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Phone: (707) 961-2823  
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## Text File

File Number: 23-312

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**Agenda Date:** 10/10/2023

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Certificate of  
Completion

**Agenda Number:** 5A.

Accept Certificate of Completion for Corp Yard Roof Project and Direct City Clerk to File Notice of Completion

The Corp Yard Roof Project included the removal of the existing two composite layers of shingles, installation of plywood throughout, new framing, trim, and installation of new shingles along with repairs to the low-pitched roofing areas. The project was awarded to Redwood Roofers on May 22, 2023, in the amount of \$105,841.00. Two change orders were processed for this project increasing the total contract amount to \$110,697.47 due to the need for removal and replacement of additional square footage of roofing to repair rot damage.

RECORDING REQUESTED BY:

City of Fort Bragg

AND WHEN RECORDED, RETURN TO:

City of Fort Bragg  
416 North Franklin Street  
Fort Bragg, California 95437  
Attention: Cristal Muñoz, Acting City Clerk

The City is exempt from recordation fees per Government Code §27383.

**NOTICE OF COMPLETION**

1. The undersigned is the duly authorized agent of the owner, City of Fort Bragg.
2. The full name of the owner is City of Fort Bragg, a municipal corporation.
3. The nature of the interest of the owner is a fee interest.
4. This project was constructed in accordance with the Contract entitled **Corp Yard Roof Replacement Project; PWP-00128** dated July 7, 2023.
5. The name of the contractor of the improvement work is **Redwood Roofers**, a California Corporation, and 17851 North Highway 1, Fort Bragg, California 95437. The contract was awarded to this firm on May 22, 2023, pursuant to Resolution 4688-2023 by the Fort Bragg City Council.
6. The address of the owner is the City of Fort Bragg, 416 North Franklin Street, Fort Bragg, California 95437.
7. On September 29, 2023, Chantell O’neal, Assistant Director - Engineer, Public Works, executed a Certificate of Completion for the above-referenced project indicating that this project was completed as of that date. See Certificate of Completion attached hereto as Exhibit A.

State of California     )  
County of Mendocino    )

I hereby certify under penalty of perjury that the foregoing is true and correct:

City Council Approval

CITY OF FORT BRAGG

October 12, 2023  
(Date)

By: \_\_\_\_\_  
Cristal Muñoz  
Acting City Clerk

PROOF OF SERVICE BY MAIL  
(Code of Civil Procedure Sections 1013a, 2015.5)

I am over the age of 18 years, employed in the County of Mendocino, and not a party to the within action; my business address is Fort Bragg City Hall, 416 North Franklin Street, Fort Bragg, California 95437.

On October 12, 2023, I served the attached document by placing a true copy thereof enclosed in a sealed envelope, with postage thereon fully prepaid, via Certified Mail, Return Receipt Requested, in the United States mail at Fort Bragg, California addressed as follows:

Redwood Roofers  
17851 North Highway 1, Fort Bragg,  
California 95437

Executed on October 12, 2023, at Fort Bragg, Mendocino County, California.

I declare, under penalty of perjury, that the foregoing is true and correct.

ATTEST:

---

Cristal Muñoz  
Acting City Clerk



# CITY OF FORT BRAGG

*Incorporated August 5, 1889*

416 N. Franklin Street, Fort Bragg, CA 95437

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

[www.FortBragg.com](http://www.FortBragg.com)

## **CERTIFICATE OF COMPLETION**

All items of work and the provisions of the contract executed with Redwood Roofers for labor, materials, equipment, and supervision for the Corp Yard Roof Replacement , as shown in the Plans and Specifications for the Corp Yard Roof Replacement Project, City Project PW-00128 dated April 22, 2023, have been completed.

This project as described above was awarded by the Fort Bragg City Council by resolution at their meeting of May 22, 2023.

It is recommended that the completed project be accepted by the City Council.

DocuSigned by:

*Chantell O'Neal*

714E1085226D467...

**Chantell O'Neal**

**Assistant Director of Engineering**

DATED: September 28, 2023.

**EXHIBIT "A"**



# City of Fort Bragg

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## Text File

File Number: 23-315

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**Agenda Date:** 10/10/2023

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 5B.

Adopt City Council Resolution Authorizing the City Manager to Execute Contract Amendment with Miller Marine Science & Consulting for the Preparation of a Mitigated Negative Declaration for the Oneka Desalination Buoy Project (Amount Not to Exceed \$50,000, Account 651-6129-0731)

**RESOLUTION NO. \_\_\_\_-2023**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL  
AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT  
AMENDMENT WITH MILLER MARINE SCIENCE & CONSULTING FOR THE  
PREPARATION OF A MITIGATED NEGATIVE DECLARATION FOR THE  
ONEKA DESALINATION BUOY PROJECT (AMOUNT NOT TO EXCEED  
\$50,000, ACCOUNT 651-6129-0731)**

**WHEREAS**, on May 11, 2023, the City of Fort Bragg (“City”) entered into a professional services agreement with Miller Marine Science & Consulting, in the amount of \$25,000 for the preparation of a California Environmental Quality Act (CEQA) Initial Study (IS) for the Oneka Desalination Buoy Project WTR-00025; and

**WHEREAS**, based on the IS, Miller Marine Science has indicated the project requires a Mitigated Negative Declaration (MND), necessitating additional funds be added to the contract; and

**WHEREAS**, the costs of these additional services are estimated to be \$25,000, bringing the total Not to Exceed Amount to \$50,000; and

**WHEREAS**, per Fort Bragg Municipal Code Section 3.20.050, the City Manager’s signing authority for change orders may not exceed 10% of the approved contract cost; and

**WHEREAS**, there are sufficient funds available in the Oneka Floating Desal Project, Project Number WTR-00025, to cover the cost of these additional services.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby approve an Amendment to the Professional Services Agreement with Miller Marine Science & Consulting, and authorize the City Manager to execute the contract, amount not to exceed \$50,000 (Account 651-6129-0731).

**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 10<sup>th</sup> day of October 2023, by the following vote:**

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**
- RECUSED:**

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**BERNIE NORVELL**  
Mayor

**ATTEST:**

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**Cristal Muñoz**  
Acting 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: 23-316

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**Agenda Date:** 10/10/2023

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 5C.

Adopt City Council Resolution Approving Contract Amendment with Burke, Williams & Sorensen, LPP for Legal Counsel in Filing of Eminent Domain Proceedings for Reconstruction of the City's Raw Water Line, Increasing the Amount Not to Exceed \$60,000 and Approve Budget Amendment 2023/24-07 (Account No. 651-6007-0310)

**RESOLUTION NO. -2023**

**RESOLUTION APPROVING CONTRACT AMENDMENT WITH BURKE, WILLIAMS & SORENSEN, LLP FOR LEGAL COUNSEL IN FILING OF EMINENT DOMAIN PROCEEDINGS FOR RECONSTRUCTION OF THE CITY'S RAW WATER LINE, INCREASING THE AMOUNT BY \$15,000, NOT TO EXCEED \$60,000 AND APPROVING BUDGET AMENDMENT 2023/24-07 (ACCOUNT NO. 651-6007-0310)**

**WHEREAS**, on June 26, 2023, the City of Fort Bragg ("City") approved Resolution No. 4695-2023 that public interest and necessity require the acquisition of permanent easements for the construction of the raw water line and directed the filing of eminent domain proceedings; and

**WHEREAS**, Section 4 of Resolution 4695-2023 authorized Burke, Williams & Sorensen LLP, under the direction of the City Attorney, to prepare such proceedings; and

**WHEREAS**, the City entered into a professional services agreement with Burke, Williams & Sorensen LLP, in the amount of \$25,000 on January 18, 2023; and

**WHEREAS**, on September 11, 2023, the City Council authorized amendment number one (1), in the amount of \$20,000; and

**WHEREAS**, the cost of processing the Eminent Domain proceedings has now exceeded the \$45,000 contract amount; and

**WHEREAS**, the cost of these additional services is estimated to be \$15,000, bringing the total Not to Exceed Amount to \$60,000; and

**WHEREAS**, per Fort Bragg Municipal Code Section 3.20.050, the City Manager's signing authority for change orders may not exceed 10% of the approved contract cost; and

**WHEREAS**, Budget Amendment 23/24-07 is necessary to ensure sufficient funds to cover the cost of the amendment.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby approve Amendment Number Two (2) to the Professional Services Agreement with Burke, Williams & Sorensen LLP, and authorizes the City Manager to execute the same (total amount of contract not to exceed \$60,000) and approve Budget Amendment 2023/24-07, (Account 651-6007-0310).

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 10<sup>th</sup> day of October 2023, by the following vote:

**AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSED:**

---

**BERNIE NORVELL**  
Mayor

**ATTEST:**

---

**Cristal Muñoz**  
Acting City Clerk



**BUDGET AMENDMENT FY 2022/23**

Budget Adjustment #: **2022/23-04**  
 Budget FY: **FY 2022/23**

Account Description	Account #		FY 22/23	Current Budget	Increase (+) Budget Amt	Decrease (-) Budget Amt	Revised Total Budget Amt	Description
<b>Expenditures</b>								
1 Salaries & Wages - IT Lead	521	4394	0101	\$ 123,693	\$ 15,915		\$ 139,608	
Medical Premium - CE Officer	521	4394	0211	\$ 26,112	\$ -		\$ 26,112	
Dental Premium - CE Officer	521	4394	0213	\$ 1,928	\$ -		\$ 1,928	
VSP Premium - CE Officer	521	4394	0214	\$ 459	\$ -		\$ 459	
PERS - CE Officer	521	4394	0220	\$ 10,150	\$ 2,829		\$ 12,979	
Worker's Comp - CE Officer	521	4394	0231	\$ 2,037	\$ 749		\$ 2,786	
FICA/Medicare - IT Lead	521	4394	0252	\$ 9,258	\$ 3,434		\$ 12,692	
<b>2 Transfer Code Enforcement Budget from the Community Development Department to the Police Department</b>								
Salaries & Wages -Code Enforcement	110	4320	0101	\$ 299,956	\$ 76,609		\$ 223,347	Transfer of CE Officer Budget to PD
Medical Premium - CE Officer	110	4320	0211	\$ 51,350	\$ 17,674		\$ 33,677	Transfer of CE Officer Budget to PD
Dental Premium - CE Officer	110	4320	0213	\$ 3,733	\$ 1,212		\$ 2,521	Transfer of CE Officer Budget to PD
VSP Premium - CE Officer	110	4320	0214	\$ 917	\$ 229		\$ 688	Transfer of CE Officer Budget to PD
PERS - CE Officer	110	4320	0220	\$ 24,518	\$ 5,946		\$ 18,572	Transfer of CE Officer Budget to PD
Worker's Comp - CE Officer	110	4320	0231		\$ 1,276		\$ (1,276)	Transfer of CE Officer Budget to PD
FICA/Medicare - CE Officer	110	4320	0252	\$ 22,761	\$ 5,861		\$ 16,901	Transfer of CE Officer Budget to PD
Salaries & Wages -Code Enforcement	110	4200	0101	\$ 1,865,705	\$ 76,609		\$ 1,942,314	Transfer of CE Officer Budget to PD
Medical Premium - CE Officer	110	4200	0211	\$ 337,999	\$ 17,674		\$ 355,673	Transfer of CE Officer Budget to PD
Dental Premium - CE Officer	110	4200	0213	\$ 24,765	\$ 1,212		\$ 25,977	Transfer of CE Officer Budget to PD
VSP Premium - CE Officer	110	4200	0214	\$ 4,816	\$ 229		\$ 5,045	Transfer of CE Officer Budget to PD
PERS - CE Officer	110	4200	0220	\$ 374,904	\$ 5,946		\$ 380,850	Transfer of CE Officer Budget to PD
Worker's Comp - CE Officer	110	4200	0231	\$ 123,024	\$ 1,276		\$ 124,301	Transfer of CE Officer Budget to PD
FICA/Medicare - CE Officer	110	4200	0252	\$ 157,175	\$ 5,861		\$ 163,036	Transfer of CE Officer Budget to PD
<b>3 Budget for a 2nd Code Enforcement Officer (November 2021-June 2022)</b>								
Salaries & Wages - 2nd CE Officer	110	4200	0101	\$ 1,865,705	\$ 47,144		\$ 1,912,849	Budget- 2nd CE Officer
Medical Premium - 2nd CE Officer	110	4200	0211	\$ 337,999	\$ 10,876		\$ 348,875	Budget- 2nd CE Officer
Dental Premium - 2nd CE Officer	110	4200	0213	\$ 24,765	\$ 746		\$ 25,511	Budget- 2nd CE Officer
VSP Premium - 2nd CE Officer	110	4200	0214	\$ 4,816	\$ 141		\$ 4,957	Budget- 2nd CE Officer
PERS - 2nd CE Officer	110	4200	0220	\$ 374,904	\$ 3,659		\$ 378,563	Budget- 2nd CE Officer
Worker's Comp - 2nd CE Officer	110	4200	0231	\$ 123,024	\$ 786		\$ 123,810	Budget- 2nd CE Officer
FICA/Medicare - 2nd CE Officer	110	4200	0252	\$ 157,175	\$ 3,607		\$ 160,782	Budget- 2nd CE Officer
<b>4 Revenues</b>								
CDD- Grant Staff Time Reimb	110	4320	3318	\$ 98,000		\$ 98,000	\$ -	Transfer of CDD Grant Revenue-CE
PD- Grant Staff Time Reimb	110	4200	3318	\$ 268,420	\$ 98,000		\$ 366,420	Transfer of CDD Grant Revenue-CE
PD- Grant Staff time Reimb	110	4200	3318	\$ 268,420	\$ 66,958		\$ 335,378	Budget 2nd CE Grant Reimb
				\$ 340,724	\$ 206,807		\$ 6,948,770	

**Reason for Amendment:** RESOLUTION # : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Authorization:**

Requested By: Finance/Admin Dept \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Approval: Isaac Whippy \_\_\_\_\_

Finance Use: Adriana Moreno Ramos \_\_\_\_\_

**Attach copies of Resolution or other documentation**



# City of Fort Bragg

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

## Text File

File Number: 23-317

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**Agenda Date:** 10/10/2023

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Staff Report

**Agenda Number:** 5D.

Adopt City Council Resolution of Summarily Vacating a Right of Way Located at Property Adjacent to 31400 Sherwood Road that is not Needed for Public Purposes and Making a Determination that the Project is Exempt from CEQA

**RESOLUTION NO. \_\_\_\_-2023**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL SUMMARILY VACATING A RIGHT OF WAY LOCATED AT PROPERTY ADJACENT TO 31400 SHERWOOD ROAD THAT IS NOT NEEDED FOR PUBLIC PURPOSES.**

**WHEREAS**, pursuant to Streets and Highways Code Section 8334, the City may vacate a right of way that is not required for street or highway purposes; and

**WHEREAS**, the Fort Bragg City Council finds and determines that its right of way located immediately east of 31400 Sherwood Road and described as a 20'x368' strip of land described in MCR at Book 1779 Pages 392-393 as depicted on the map attached as Exhibit B and more particularly described in the attached Exhibit A (the "Property") is not needed for public purposes; and

**WHEREAS**, the City Council finds and determines that the proposed vacation of the subject real property will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not, therefore, subject to CEQA pursuant to Section 15060 of the CEQA guidelines.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg, does resolve, declare, determine and order as follows:

SECTION 1. The above recitals are correct and are incorporated into this resolution.

SECTION 2. Pursuant to Streets and Highways Code sections 8330 et seq., the right of way located east of 31400 Sherwood Road and described as a 20'x368' strip of land described in MCR at Book 1779 Pages 392-393 as depicted on the map attached as Exhibit B and more particularly described in the attached Exhibit A is hereby not needed for public purposes.

SECTION 3. The City Manager is authorized and directed to execute all documents associated with the transfer of the Property and the City Clerk is hereby authorized and directed to cause a certified copy of this Resolution to be recorded with the Mendocino County Recorder.

SECTION 4. From and after the date a certified copy of this Resolution is recorded in the official records of the Mendocino County Recorder's office, the Property shall no longer constitute a public right of way.

**The above and foregoing Resolution was introduced by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and approved at a regular meeting of the City Council of the City of Fort Bragg held on the 10<sup>th</sup> day of October, 2023, by the following vote:**

**AYES:  
NOES:  
ABSENT:  
ABSTAIN:**

**RECUSED:**

---

**Bernie Norvell**  
**Mayor**

**ATTEST:**

---

**Cristal Munoz,**  
**Acting City Clerk**



Exhibit A

20' R/W DESCRIPTION

All that certain real property situated in the County of Mendocino, State of California and being a portion of Section 8, Township 18 North, Range 17 West, Mount Diablo Base and Meridian more particularly described as follows:

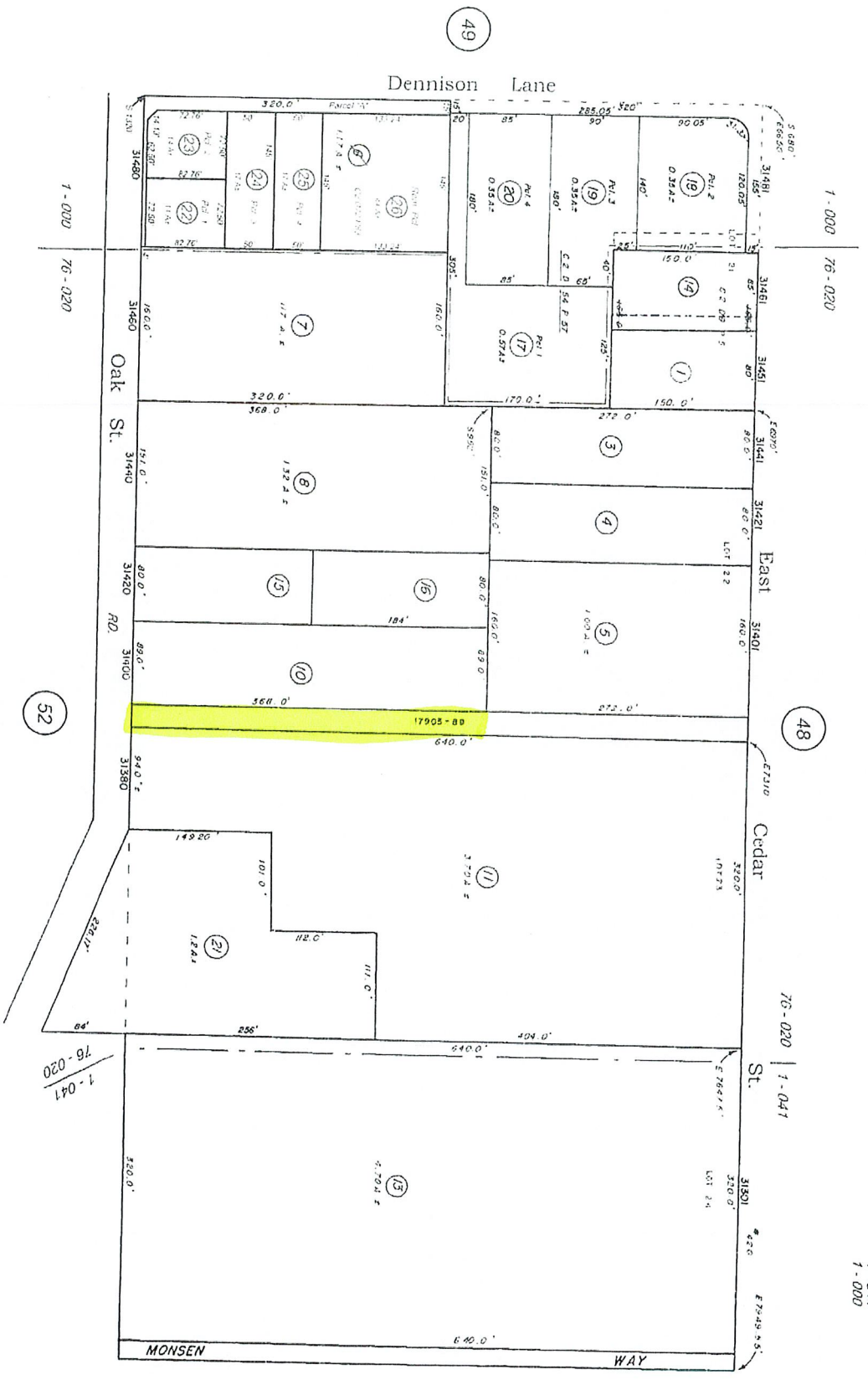
A strip of land 368 feet in length beginning at the Northerly boundary of Oak Street and 20 feet in uniform width, the Easterly sideline of said strip being described as follows:

Beginning at a point on the Northerly boundary line of Sherwood Road, said point being 6650 feet East and 1320 feet South of the Section corner common to Sections 6 and 7, Township 18 North, Range 18 West, Mount Diablo Base and Meridian, thence North, 640 feet more or less, to the Southerly boundary line of Cedar St.

Lots 21-24 S1/2 of NE1/4 of NW1/4 of Sec. 8 T.18N. R.17W. M.D.B.& M.

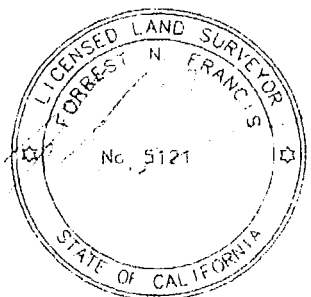
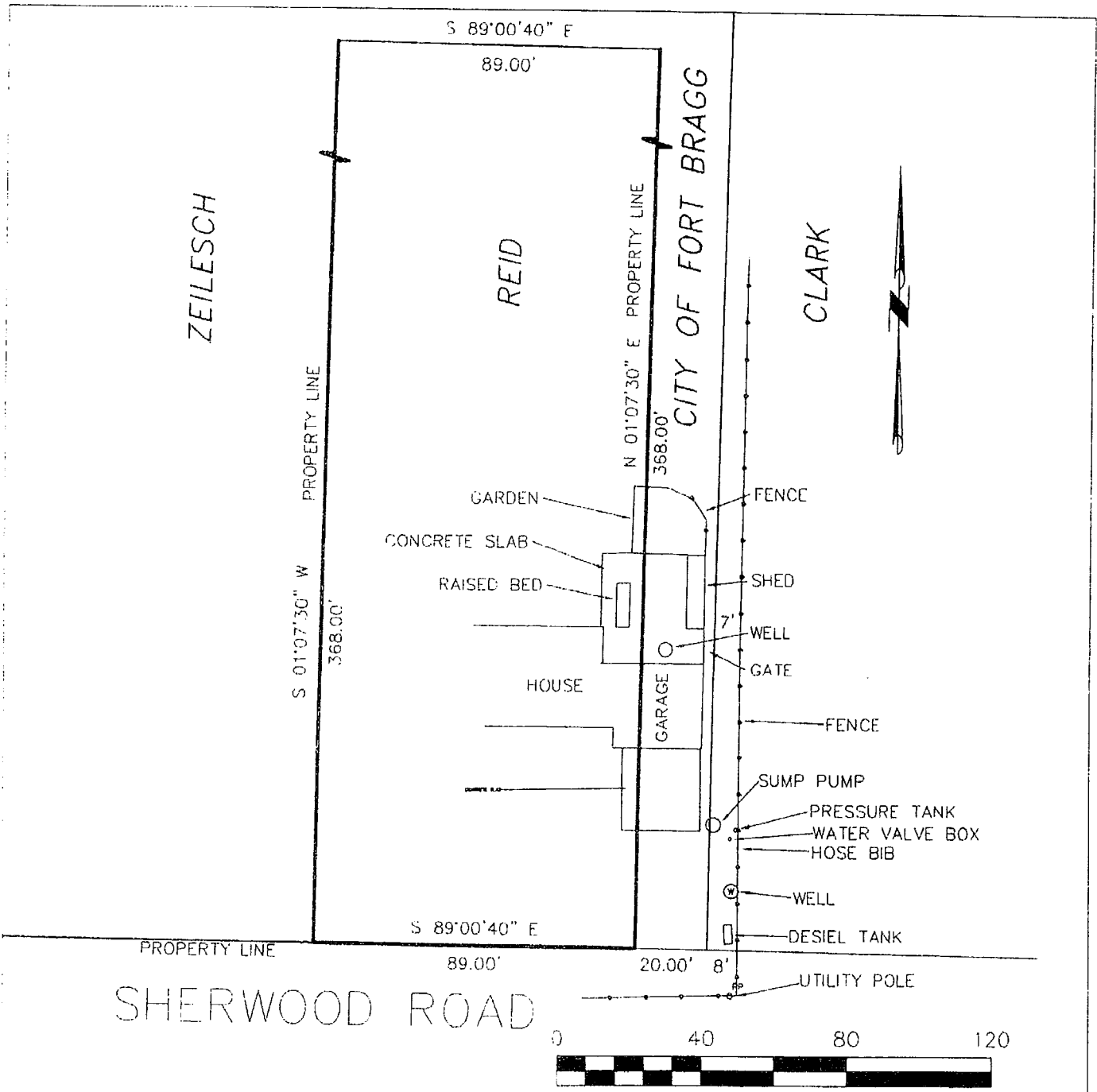
76-020  
1-041  
1-000

20-5C



NOTE: This map was prepared for assessment purposes only. No liability is assumed for the data delineated hereon.

Assessor's Map  
County of Mendocino, Calif.  
September 13, 2019



PREPARED BY:  
 MENDOCINO SURVEYORS, INC.  
 P.O. Box 1162  
 Mendocino, CA 95460  
 (707) 937-9900 info@mendocinosurveyors.com

EXHIBIT MAP		
DRAWN GL	DATE 03-2023	LANDS OF REID 31400 SHERWOOD ROAD
APPROVED FF	DATE 03-2023	FORT BRAGG, CA APN 020-500-10
SCALE 1" = 30'	SHEET 1 OF 1	PROJECT NO. #00023697

**From:** [Jacob Patterson](#)  
**To:** [City Clerk](#)  
**Subject:** Public Comment -- 10/10/23 CC Mtg., Item No. 5D -- Vacation of Right-of-Way  
**Date:** Thursday, October 05, 2023 3:42:13 PM

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City Council,

I object to this consent calendar item for several reasons and encourage you to pull it from the consent calendar for explanation and recommend denial if you take any action on it at all. First, the City is attempting to use summary vacation for this right-of-way rather than the full process outlined for vacating public property that involves notice and public hearings as well as a Planning Commission review of its consistency with the general plan. I understand why that is since the other process is more onerous and this superficially appears to meet the criteria for summary vacation because it has not been developed as an actual road and the City hasn't spent any money improving it (the statutory requirements for the short-form summary vacation process). However, that process cannot be used when the right-of-way has already been used for public utilities and the southernmost portion of this right-of-way has already had above-ground electrical utilities built on it and there may be undergrounded cable lines within the right-of-way as well if they were installed when the cable was undergrounded along Lyta Way to the south of this right-of-way. Has that been evaluated by the City in making this recommendation? We can't know that since there is no staff report and there hasn't been public discussion of this matter that I am aware of. When utilities have already been installed within a public right-of-way, the normal process should be used, which includes notice to the utility companies and preservation of the right-of-way for public utility purposes. (Public utilities are permitted to use public rights-of-way to install their utility infrastructure.)

I believe this right-of-way was originally obtained to facilitate future extension of Lyta Way north to Cedar Street. Lyta Way itself is also a 20-foot wide strip. Although both the right-of-way and Lyta Way are outside the City limits, they are in the sphere of influence and have been identified as future annexation areas to facilitate development. Paul Clark and others mention annexing these areas as ideal places for future residential development and that is why they have been identified that way in the Inland General Plan. What is the public benefit to vacating this right-of-way and thus making it more expensive for the City in the future when these areas are annexed into the City limits to facilitate additional residential development? I think vacating this 20 foot strip, which isn't wide enough for a full street but could accommodate a smaller road type like N. Sanderson Way that might be appropriate in this location. If we vacate this now, we won't have that option without potentially having to purchase a new right-of-way in the same location. Now, we could build a road by just having to acquire additional width to the right-of-way or having the developer donate that to the City as part of their subdivision.

Regards,

--Jacob



# City of Fort Bragg

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

## Text File

File Number: 23-318

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**Agenda Date:** 10/10/2023

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 5E.

Adopt City Council Resolution Designating Director and Alternate Director to Represent the City of Fort Bragg on the California Intergovernmental Risk Authority (CIRA) Board of Directors  
Adoption of the Resolution Designating Human Resources Manager as Director and Administrative Analyst as Alternate Director on the California Intergovernmental Risk Authority (CIRA) Board of Directors.

**RESOLUTION NO. XXXX-2023**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPOINTING  
DIRECTOR TO REPRESENT AND VOTE ON BEHALF OF THE CITY OF  
FORT BRAGG ON THE CALIFORNIA INTERGOVERNMENTAL RISK  
AUTHORITY BOARD OF DIRECTORS**

**WHEREAS**, the City of Fort Bragg has been a member of the Redwood Empire Municipal Insurance Fund (REMIF) since December 31, 1978; and

**WHEREAS**, REMIF is a risk sharing pool of small to medium sized cities and towns (referred to as Members) which contribute to a shared fund that pays for liability and workers' compensation claims and provides risk management services to its Members;

**WHEREAS**, pools are empowered by the California Government Code to exist as Joint Powers Authorities (JPA); and

**WHEREAS**, Resolution No. 4334-2020 approved an amendment to the Joint Powers Agreement and the bylaws of REMIF and approved the joint powers agreement and bylaws for Public Agency Risk Sharing Authority of California (PARSAC), also a public agency representing small to medium cities/towns and one fire district; and

**WHEREAS**, the REMIF and PARSAC Board of Directors voted to recommend that their respective Member agencies merge the two organizations by creating a new risk pool named the California Intergovernmental Risk Authority (CIRA or "The Authority"); and

**WHEREAS**, the self-insured health plan provided by REMIF will remain under the control of REMIF; and

**WHEREAS**, Article V of the CIRA bylaws states that the Board shall be comprised of one Director from each Member and an Alternate Director and the Alternate Director may only cast a vote in the absence of the Director; and

**WHEREAS**, Article V of the CIRA bylaws states that a Member may change any of its representatives to the Board only by written notification to CIRA from the Member's governing body; and

**WHEREAS**, the City Clerk has been the CIRA Board Member and the Human Resources Manager has been the designated Alternate Director; and

**WHEREAS**, City wishes to designate the Human Resources Manager as the CIRA Director and the Administrative Analyst as the Alternate Director.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby designate the Human Resources Manager as the CIRA Director for the City of Fort Bragg replacing the City Clerk as the CIRA Director and designate Administrative Analyst as the Alternate Director for the City of Fort Bragg.

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 10<sup>th</sup> day of October, 2023, by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**  
**RECUSED:**

---

**BERNIE NORVELL**  
**Mayor**

**ATTEST:**

---

**Cristal Munoz, Acting 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: 23-326

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**Agenda Date:** 10/10/2023

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Council Letter

**Agenda Number:** 5F.

Approve Letter of Support for Noyo Harbor District's Grant Application





## CITY OF FORT BRAGG

*Incorporated August 5, 1889*  
416 N. Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

<https://www.city.fortbragg.com/>

October 10, 2023

Dear California Coastal Conservancy,

The Fort Bragg City Council supports the Noyo Harbor District's request for funds to acquire 19300 S. Harbor Drive. We understand the District is interested in purchasing the property to fulfill projects listed in the 2019 Noyo Harbor Community Sustainability Plan, including the installation of a new energy efficient ice making facility. This critical infrastructure will support our commercial fleet, which represent over 240 vessel-based jobs and another 60 land-based jobs.

We want to ensure our Harbor remains a working waterfront and that the work we're engaged is sustainable and nurtures healthy marine ecosystems. Fort Bragg has struggled to bolster the economy after decades of economic decline and climate related disasters. Funding this application is an opportunity to support our regional effort for sustainable blue economy investment. The City is a committed partner in this regional planning effort, and understand it will take a collective effort to ready our community for the impacts of changing climate and weather.

Thank your time, attention and consideration.

Sincerely,

FORT BRAGG CITY COUNCILMEMBERS

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Mayor Bernie Norvell

---

Vice-Mayor Jason Godeke

---

Councilmember Tess Albin-Smith

---

Councilmember Lindy Peters

---

Councilmember Marcia Rafanan



# City of Fort Bragg

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

## Text File

File Number: 23-329

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**Agenda Date:** 10/10/2023

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Staff Report

**Agenda Number:** 5G.

Approve Minutes of August 14, 2023



# City of Fort Bragg

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

## 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*

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Monday, August 14, 2023

6:00 PM Town Hall, 363 N. Main Street and Via Video Conference

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### CALL TO ORDER

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

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present:** 5 - Mayor Bernie Norvell, Vice Mayor Jason Godeke, Councilmember Tess Albin-Smith, Councilmember Lindy Peters and Councilmember Marcia Rafanan

### AGENDA REVIEW

#### **1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS**

Mayor Norvell announced that he will step down from the GP Mill Site Ad-hoc Committee since the current members, himself and councilmember Peters are both in the last year and a half of their terms. Vice Mayor Godeke has agreed to be on the committee and councilmember Peters will remain on the committee.

##### **1A. [23-243](#) Receive Presentation from Redwood Waste Solutions**

Michelle Goodman from C & S Waste Solutions (C & S) gave a presentation about the implementation of SB1383 and about what has happened since the transition to C & S a little over a year ago. Ms. Goodman gave a breakdown of the services offered. For special services, C & S will pick up 2 bulky items per year at any time during the year, they also offer a holiday tree collection and an annual paper shredding event. They have started the Mobile CRV Redemption Center at several locations. Hazardous waste collection is available in Ukiah every week and there will be mobile events periodically in the Fort Bragg area.

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

- (1) Dennis Miller, Jay Rosenquist, Jacob Patterson.
- (2) Jay Rosenquist, Marcie Snyder.
- (3) None.

#### **3. STAFF COMMENTS**

Public Works Director, John Smith gave an update on current projects including the Water Treatment Plant Rehabilitation Project, the Raw Water Line Project, the Water Meter Project, the

Streets Paving Project, the Caltrans ADA project of which funding has been pulled by Caltrans and is on hold for now. The USDA gave the city another \$50,000 for their fleet and they are hoping to get a 5th electric truck. The Wiggly Giggly project broke ground and is expected to reopen in 4 weeks. Mr. Smith also mentioned that Noyo River water flows are doing great although we are not yet recovered from the drought. Chief Cervenka announced an upcoming Narcan training on August 18, 2023 from 12-1 PM at Town Hall or online via Zoom. City Manager Ducey announced that on August 2, 2023 Mendocino Recreation and Park District terminated its operating agreement with the City for the CV Starr Center. The City will bring the CV Starr Center under its umbrella.

#### **4. MATTERS FROM COUNCILMEMBERS**

Mayor Norvell announced that there is CV Starr Ad-hoc Committee comprised of himself, Vice Mayor Godeke, Finance Director Whippy, Public Works Director Smith as well as City Manager Ducey. They hope to present their plan to Council soon for the city's plans for CV Starr. Vice Mayor Godeke announced that school will be back in session tomorrow, August 15, 2023. He also mentioned that the Chief, the Mayor and himself were part of a Health Care Roundtable that was held with Adventist Health and they are happy to hear that there has been a great reduction in traveling nurses. Councilmember Albin-Smith announced the upcoming Parking Workshop. Councilmember Peters gave more detailed information about the upcoming Parking Workshop. Mr. Peters also brought up how much one individual is costing the city and the fact that four of the public comments earlier in the meeting were about this specific individual. Peters also mentioned the devastating fires in Lahaina, Hawaii and emphasized that action needs to be taken in our own City's Downtown Business District so that we are better prepared if a similar event were to occur. Councilmember Rafanan reported on the Visit Fort Bragg Committee's current activities including the Idea Cooperative's Photo Contest. She also updated on the efforts of the Idea Cooperative and how efficient they are in their advertising and attracting tourism to Fort Bragg. Ms. Rafanan also mentioned the Magic Market Event that will be held on October 28, 2023 in downtown Fort Bragg and asked for help from volunteers. Rafanan also made a call out to all Fort Bragg Businesses that would like to be on the Business Directory to please contact Cristal Munoz, Councilmember Rafanan or Councilmember Albin-Smith.

#### **5. CONSENT CALENDAR**

**A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, that the consent calendar (excluding item 5A) be approved. The motion carried by the following vote:**

**Aye:** 5 - Mayor Norvell, Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

**5A. [023-235](#)** Adopt City Council Resolution Approving an Update to the City of Fort Bragg Personnel Rules and Regulations Regarding Catastrophic Leave Program

Mayor Norvell pulled item 5A from the Consent Calendar and referred it to the Finance and Administration Committee.

**5B. [23-239](#)** Adopt City Council Resolution Approving Community Development Block Grant Coronavirus Relief (CDBG-CV) Business Assistance Loan Program Guidelines

This Resolution was adopted on the Consent Calendar.

- 5C. [23-240](#) Receive Report Regarding Update to 2023 Community Development Block Grant (CDBG) Funding Schedule

This Report was accepted on the Consent Calendar.

- 5D. [23-267](#) Adopt Joint City Council/Improvement District/Redevelopment Successor Agency Resolution Approving a Professional Services Agreement with JJACPA, Inc. for Auditing Services and Authorizing City/District Manager/Executive Director to Execute Same (Amount Not to Exceed \$49,550; Split Among the Agencies)

This Resolution was adopted on the Consent Calendar.

- 5E. [23-272](#) Accept Certificate of Facilities Lighting Improvement Project, City Project No. PWP-00125, and Direct City Clerk to File Notice of Completion

This Certificate was accepted on the Consent Calendar.

- 5F. [23-270](#) Approve Scope of Work for a Request for Proposals for a Comprehensive Review of the City's Cost Allocation Plan and Develop an Indirect Administration Cost Rate for Federal, State Grants and Reimbursements From Other Governmental Agencies

This Scope of Work was approved on the Consent Calendar.

- 5G. [23-269](#) Approve Minutes of July 10, 2023

These minutes were approved on the Consent Calendar.

- 5H. [23-273](#) Approve Minutes of July 24, 2023

These Minutes were approved on the Consent Calendar.

## **6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS**

### **7. PUBLIC HEARING**

### **8. CONDUCT OF BUSINESS**

- 8A. [23-250](#) Receive Report and Consider Adoption of City Council Resolution Approving First Amendment to Existing Professional Services Agreement with Creative Thinking, Inc., DBA The Idea Cooperative, for Authorizing the City Manager to Execute Contract Amendment (for \$180,000 Account No. 110-4321-0319 Total Contract Amount Not to Exceed \$205,000)

Administrative Analyst, Cristal Munoz presented the report on this agenda item.

Public Comment: Jay Rosenquist, Dennis Miller.

Discussion: Councilmember Albin-Smith commented that the funds for the contract with The Idea

Cooperative are coming from a sales tax and that there have been many improvements to downtown with these funds as well. Vice Mayor Godeke suggested everyone should check out the visitfortbraggca.com website. Councilmember Peters corrected that the funds come from Transient Occupancy Tax (TOT) which come from the Lodging/Hospitality Industry. He also mentioned the work done by the Idea Cooperative has brought forward some much needed community pride. Mayor Norvell agreed with his colleagues. Councilmember Rafanan noted that the Idea Cooperative pays for advertising in a Sacramento based magazine.

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

**Aye:** 5 - Mayor Norvell, Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

Enactment No: RES 4716-2023

**9. CLOSED SESSION**

**Mayor Norvell Recessed the meeting at 7:07 PM. The meeting reconvened to Closed Session at 7:10 PM.**

- 9A. [23-266](#)** Conference With Legal Counsel--Anticipated Litigation Initiation of Litigation Pursuant to Paragraph (4) of Subdivision (d) of Government Code Section 54956.9: (three cases)

**Mayor Norvell reconvened the meeting to Open Session at 7:37 PM and reported that Council voted unanimously to give direction to initiate or intervene in an action has been given and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.**

**ADJOURNMENT**

**Mayor Norvell adjourned the meeting at 7:37 PM.**

\_\_\_\_\_  
BERNIE NORVELL, MAYOR

\_\_\_\_\_  
June Lemos, MMC, City Clerk

IMAGED (\_\_\_\_\_)



# City of Fort Bragg

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

## Text File

File Number: 23-331

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**Agenda Date:** 10/10/2023

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Staff Report

**Agenda Number:** 5H.

Approve Minutes of September 25, 2023



# City of Fort Bragg

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

## Meeting Minutes City Council

*THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY  
AS THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT  
NO. 1 AND THE FORT BRAGG REDEVELOPMENT  
SUCCESSOR AGENCY*

Monday, September 25, 2023

6:00 PM Town Hall, 363 N. Main Street and Via Video Conference

### CALL TO ORDER

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

### PLEDGE OF ALLEGIANCE

### ROLL CALL

- Present:** 4 - Vice Mayor Jason Godeke, Councilmember Tess Albin-Smith, Councilmember Lindy Peters and Councilmember Marcia Rafanan
- Absent:** 1 - Mayor Bernie Norvell

### AGENDA REVIEW

#### 1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

- 1A. [23-304](#) Presentation of Proclamation Recognizing the Week of October 1st, 2023 as Banned Books Week

Councilmember Albin-Smith read the Proclamation recognizing the Week of October 1st, 2023 as Banned Books Week. Carolyn Schnyder and Dan Hess the Fort Bragg Branch Librarian accepted the Proclamation and spoke briefly about Banned Books and gave an update on the Fort Bragg Library expansion.

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

- (1) Jacob Patterson, Laura Bianchi-Limbird, Alan Limbird, Patrick Hickey, Dennis Miller, Jay Rosenquist.
- (2) None.
- (3) None.

#### 3. STAFF COMMENTS

Councilmember Peters commented on the ongoing situation with Jacob Patterson and how to potentially deal with him. Councilmember Albin-Smith agrees with Councilmember Peters in regards to Jacob Patterson. Councilmember Albin-Smith also commented that she spent part of last week at the California League of Cities Meeting where in one of the sessions she was able to get insight on how to deal with Jacob Patterson and his continued harassment of city councilmembers and staff. Vice Mayor Pro Tem Godeke thanked everyone who showed up for



the Coastal Clean-up event. He also mentioned that at the last meeting with Mendocino Solid Waste Management Authority also known as Mendo Recycle they spoke about the Haz Mobile Event that they had was very successful, they were able to serve over 400 customers. They are planning future Haz Mobile Events in the near future.

#### **4. MATTERS FROM COUNCILMEMBERS**

Councilmember Peters commented on the ongoing situation with Jacob Patterson and how to potentially deal with him. Councilmember Albin-Smith agrees with Councilmember Peters in regards to Jacob Patterson. Councilmember Albin-Smith also commented that she spent part of last week at the California League of Cities Meeting where in one of the sessions she was able to get insight on how to deal with Jacob Patterson and his continued harassment of city councilmembers and staff. Vice Mayor Pro Tem Godeke thanked everyone who showed up for the Coastal Clean-up event. He also mentioned that at the last meeting with Mendocino Solid Waste Management Authority also known as Mendo Recycle they spoke about the success of their Haz Mobile Event, they were able to serve over 400 customers. They are planning future Haz Mobile Events in the Fort Bragg area in the near future.

#### **5. CONSENT CALENDAR**

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

**Aye:** 4 - Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

**Absent:** 1 - Mayor Norvell

**5A. [23-280](#)** Receive and File Minutes of the July 26, 2023 Community Development Committee Meeting

**These Minutes were approved on the Consent Calendar.**

**5B. [23-308](#)** Approve Minutes of September 11, 2023

**These Minutes were approved on the Consent Calendar.**

#### **6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS**

#### **7. PUBLIC HEARING**

#### **8. CONDUCT OF BUSINESS**

**8A. [23-293](#)** Authorize City Manager to Execute Memorandum of Agreement with Mendocino Coast Adventist Hospital to Allow Participation in 340B Program, a Charitable Drug Discount Program

City Manager Ducey presented the staff report on this agenda item.

Public Comment: None.

Discussion: None.

**A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, that the Memorandum of Agreement with Adventist Health Hospital be approved. The motion carried by the following vote:**

**Aye:** 4 - Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

**Absent:** 1 - Mayor Norvell

- 8B. [23-303](#)** Receive Report and Consider Adoption of City Council Resolution Approving Professional Services Agreement with Whitchurch Engineering, Inc. to Provide Design and Engineering Services for the Fire Station Reconstruction Project, City Project No. PWP-00124, and Authorizing City Manager to Execute Contract (Amount Not to Exceed \$130,000)

Assistant City Engineer, Alfredo Huerta presented the report on this agenda item.

Public Comment: Jacob Patterson.

Discussion: Councilmember Albin-Smith requested clarification on some of the dollar amount figures in the resolution. Mr. Huerta gave clarification. Councilmember Rafanan requested clarification about the renovation for the Fire Department. Mr. Huerta clarified that they chose to renovate the north wing first because this is the oldest wing and this will allow the fire department to remain operational out of the north and center wings, rather than having to find a new location. Councilmember Peters commented that the Fire Protection Board that he currently sits on is well aware that the current Fire Department is in an area that is possibly susceptible if the biggest possible tsunami were to strike, he also mentioned that other properties have been looked at for a new fire department, unfortunately the funding is not there and talks about a new location are on hold until November 2024 when state legislation is voted on.

**A motion was made by Councilmember Peters, seconded by Councilmember Rafanan that the Resolution be adopted. The motion carried by the following vote:**

**Aye:** 4 - Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

**Absent:** 1 - Mayor Norvell

- 8C. [23-307](#)**

Receive Report from Ad Hoc Culture and Education Committee Regarding the Fort Building and Consider Resolution Approving Use for the Development of a Tribal Learning and Resource Center and approving up to \$8,000 for from the Council Professional Services budget (Account # 110-4110-0319) to Create a Digitized Version of the Pomo Signs Design.

Mayor Pro Tem Godeke presented the staff report on this agenda item.

Public Comment: Gabriel Quinn Maroney.

Discussion: Councilmember Albin-Smith commented that this is the first step toward a museum, she also asked for clarification about the future plans for the center. Councilmember Peters asked if this can be put together fast enough to have the official opening of the cultural center on Indigenous Peoples' Day this year. Mr. Godeke suggested a ceremony may be more attainable in the short time frame rather than the official opening.

**A motion was made by Councilmember Rafanan, seconded by Councilmember Peters that the Resolution be adopted. The motion carried by the following vote:**

**Aye:** 4 - Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan.

**Absent:** 1 - Mayor Norvell

**9. CLOSED SESSION**

**Mayor Pro Tem Godeke Recessed the meeting at 7:01 PM. The meeting reconvened to Closed Session at 7:11 PM.**

**9A. [23-310](#)**

Public Employment. Gov't Code Section 54957 (b). Title: City Manager

**Mayor Pro Tem Godeke reconvened the meeting to Open Session at 8:24 PM and reported that the Council voted 4-0 to accept the City Manager's resignation with an effective date up to six months.**

**ADJOURNMENT**

**Mayor Pro Tem Godeke adjourned the meeting at 8:24 PM.**

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BERNIE NORVELL, MAYOR

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June Lemos, MMC, City Clerk

IMAGED ( )



# City of Fort Bragg

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

## Text File

File Number: 23-247

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**Agenda Date:** 10/10/2023

**Version:** 1

**Status:** Passed

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 8A.

Receive Report and Consider Adoption of City Council Resolution Approving Cooperative Agreement with Housing Mendocino Coast



AGENCY: City Council  
MEETING DATE: October 10, 2023  
DEPARTMENT: Public Works  
PRESENTED BY: S. McCormick  
EMAIL ADDRESS: [smccormick@fortbragg.com](mailto:smccormick@fortbragg.com)

## AGENDA ITEM SUMMARY

**TITLE:**

Receive Report and Consider Adoption of City Council Resolution Approving Cooperative Agreement with Housing Mendocino Coast

**BACKGROUND:**

The Housing Element is an important component of the City's General Plan. It serves as the blueprint for City actions regarding housing, and must be updated every eight years and certified by the California Department of Housing and Community Development. State law does not require that jurisdictions build or finance new housing, but does require that jurisdictions plan for housing.

In 2019, the City's Housing Element was significantly revised to include many innovative ideas from community members, non-profit managers, business owners, contractors, real estate agents, City staff and decision makers. Everything from removing regulatory or fiscal barriers, to forming deeper collaborations to address some of our more difficult challenges. It focused on increasing housing opportunities for all households and all types of housing - from tiny homes to single-family residences, and larger multi-family projects. One particularly innovative program involves the establishment of a community land trust to provide homeownership and housing opportunities for very-low-to-moderate income households:

**Goal H-2** Expand affordable housing opportunities for persons with special housing needs such as the elderly, the disabled, households with very low to moderate incomes, and first-time home buyers.

**Policy H-2.4** Increase Affordable Housing Development: Encourage the construction of housing units which are affordable to households with very low to moderate incomes.

**Program H-2.4.4** Consider Community Land Trust: Complete research regarding Community Land Trust and consider working with community partners to establish a Community Land Trust that serves Fort Bragg.

City Council prioritized staff resources and dedicated funding from the State of California through Senate Bill 2 (SB-2), Local, Regional Early Action Planning grants (LEAP/REAP), and Permanent Local Housing Allocation (PLHA) funds to implement a community land trust program – Housing Mendocino Coast (HMC). HMC is now a 501c3 nonprofit organization focused on providing home ownership and housing opportunities to households earning up to 120% of the area median income (Att 1 – Strategic Plan). The community land trust model ensures homes remain affordable in perpetuity through legally binding leases and ongoing stewardship.

**ISSUE:**

The City entered into Standard Agreement Number 22-PLHA-17656 with the Department of Housing and Community Development to receive \$413,177 for the first three years (2019, 2020, 2021) of funds for Fort Bragg’s PLHA 5-Year Plan (Att 2 – PLHA 5-Year Plan). PLHA funds are identified as a pass through to HMC for the following activities: the predevelopment, development, acquisition, rehabilitation, and preservation of affordable ownership housing that meets the need of a growing workforce earning up to 120% of the area median income.

**ANALYSIS:**

Local governments have a responsibility to address existing and future housing needs of the community. HMC is prepared to lessen the burden of government by providing housing to very low-, low-, and moderate-income households (Att 3 – Articles of Incorporation).

Administering HMC will require close and frequent attention in many forms: scouting sites for projects; developing buildout strategy; pulling together funding; managing entitlements; construction activities; qualifying applicants to meet eligibility criteria; educating first time homebuyers; assisting in mortgage financing and protecting from predatory lenders; preparing legal documents; working closely with local officials, staff, residents, employers and attorneys. This flexible funding will bring capacity to HMC.

The attached Cooperative Agreement formalizes the City/HMC partnership, and will allow HCD to disburse PLHA funds.

**PROPOSED ACTION:**

Receive report and consider adoption of City Council Resolution approving Cooperative Agreement with Housing Mendocino Coast.

**FISCAL IMPACT:**

There is no impact to the General Fund.

**GREENHOUSE GAS EMISSIONS IMPACT:**

Greenhouse gas emissions will be evaluated per development project, as applicable.

**CONSISTENCY:**

Supporting the development of housing opportunities for households earning up to 120% of the area median income aligns with numerous goals, policies and programs of the City’s Housing Element, including, but not limited to:

**Goal H-1** Provide a range of housing, including single-family homes, townhouses, apartments, and other housing types to meet *the housing needs of all segments* of the community.

**Policy H-1.7** Workforce Housing: Encourage multi-unit housing developments in order to encourage market rate rental housing, affordable housing and *lower cost ownership opportunities* such as townhomes and condominiums.

**Goal H-2** Expand affordable housing opportunities for persons with special housing needs

such as the elderly, the disabled, and *households with very low to moderate incomes and first time homebuyers*.

**Policy H-2.1** Available Housing Sources: Utilize County, State and Federal programs and other funding sources that provide housing opportunities *for lower income* and special needs households.

**IMPLEMENTATION/TIMEFRAMES:**

Cooperative Agreement shall be executed upon Council approval and funds dispersed to HMC following approval from the Department of Housing and Community Development.

**ATTACHMENTS:**

1. Strategic Plan
2. PLHA 5-Year Plan
3. HMC Articles of Incorporation
4. Cooperative Agreement
5. Resolution

**NOTIFICATION:**

1. "Notify Me" Subscriber List: Affordable Housing

# HOUSING MENDOCINO COAST WITH THE COMMUNITY LAND TRUST MODEL

2023

*Strategic Plan for a Community Land Trust Program Serving  
Low to Moderate Income Households of Fort Bragg and the Mendocino Coast Region.  
Paid for with California's SB-2, LEAP and REAP planning grant funds.*





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# INTRODUCTION

## Introduction

### BACKGROUND

The City of Fort Bragg's Housing Element provides a blueprint for City actions to address existing and future housing needs of the community. The Housing Element was significantly revised in 2019 to include many innovative and outstanding ideas from community members, non-profit managers, business owners, contractors, real estate agents, City staff and decision makers. These revisions include everything from removing regulatory or fiscal barriers, to forming deeper collaborations in order to address some of our more difficult challenges. It focuses on increasing housing opportunities - from tiny homes to single-family residences, and larger multi-family projects. One particularly innovative program involves the establishment of a community land trust to provide homeownership and housing opportunities for very-low, low- and moderate income households:

**Goal H-2** Expand affordable housing opportunities for persons with special housing needs such as the elderly, the disabled, households with very low to moderate incomes, and first-time home buyers.

**Policy H-2.4 Increase Affordable Housing Development:** Encourage the construction of housing units which are affordable to households with very low to moderate incomes.

**Program H-2.4.4 Consider Community Land Trust: Complete research regarding Community Land Trust and consider working with community partners to establish a Community Land Trust that serves Fort Bragg.**

The Fort Bragg City Council understands that land is a finite community asset, and wants to ensure that some land is preserved for housing that is affordable to working families. Funding allocated by the State of California through Senate Bill 2 (SB-2), Local, Regional Early Action Planning grants (LEAP/REAP), and Permanent Local Housing Allocation (PLHA) funds were dedicated to explore how the Community Land Trust (CLT) model could serve the coast in and around the City of Fort Bragg. Professional services were secured by Burlington Associates in Community Development, a national consulting cooperative specializing in the CLT housing model to assist in development of a CLT strategy, filing of the necessary paperwork to establish a 501c3 California public benefit corporation, and provide resources to build capacity within the newly formed organization.

### ISSUE

Throughout California housing prices are rising at a greater rate than income levels, which means every year more people are unable to become homeowners. As a result, overall homeownership

# INTRODUCTION

rates are at their lowest since the 1940's; and homeownership is out of reach for most working households on the Mendocino Coast. In fact, the ratio of homeowners to renters in the City of Fort Bragg is nearly the opposite of the national average – 39% owner occupied housing to 61% renters versus the National Average of 65% homeownership rate to 35% renters<sup>1</sup>.

In a geographically isolated region, such as the Mendocino Coast, it is vital to ensure there is adequate housing stock for the workforce. Traditional ideas of commuting aren't feasible when it involves travel over difficult roads over long distances. Given this fact, it then becomes imperative for working households to find housing on the coast, and the current lack of housing opportunities has seriously impacted the ability of local businesses and organizations to recruit and retain employees. Government agencies, health care providers, school districts, and others all are reporting hardships associated with the inability of potential employees to secure stable and affordable housing.

Local government has a responsibility to ensure housing opportunities are accessible to all socio-economic segments of the community. The City of Fort Bragg has been successful at partnering with affordable housing developers to secure State and federal grant dollars to construct housing units affordable to our most vulnerable population – extremely low, very low, and low income households. The City is now looking to the community land trust model to create a supply of housing for low and moderate income working families.

## THE COMMUNITY LAND TRUST MODEL

The Community Land Trust (CLT) model provides a way to set aside homes that will remain affordable to households earning up to 120% of the area median income in perpetuity. CLTs are nonprofit organizations that own and hold title to land in order to preserve long-term affordability for housing and other community uses. Unlike most housing assistance programs, the affordability of a CLT home does not lapse after 15, 35, or 55 years. Instead, a CLT stewards the land, preventing the future loss of affordably priced homes, nurturing social and economic diversity, while promoting generational wealth. This is accomplished by altering how the property is structured, how subsidies are applied, and by delivering ongoing stewardship to homeowners to ensure long-term success.

Fostering home ownership and housing opportunities that are affordable to coastal workforce is a move toward community prosperity and resiliency because homeownership is one of the best ways to build long-term personal, generational, and community wealth. Individual homeowners benefit from having fixed housing expenses and a path toward financial stability. It allows

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<sup>1</sup> United States Census, Quick Facts: <https://www.census.gov/quickfacts/fortbraggcitycalifornia>

# INTRODUCTION

individuals to begin the process of building equity, which then nurtures household wealth, and in turn fosters generational wealth. Homeownership benefits the larger community because high owner-occupied housing rates are directly reflected in a community-based organization's ability to successfully encourage people to get involved in local activities and volunteer. Healthy and vibrant communities tend to rely on strong social networks – families that raise their children in local schools, businesses that support the local athletic teams, and neighbors that look out for one another.

# HOUSING MENDOCINO COAST

## Housing Mendocino Coast

### MISSION

There are several approaches to organizing and structuring a CLT, however, the purpose of all CLTs is to preserve land for the benefit of the community. Housing Mendocino Coast (HMC) functions as a California nonprofit public benefit organization in order to provide housing and homeownership opportunities to low- and moderate-income households within the City of Fort Bragg and greater coastal region of Mendocino County, while ensuring affordability to future generations through the CLT model. HMC believes that all working families deserve a home of their own and that communities with homeowners representing a broad socio-economic range are the strongest and most vibrant.

### LAND: A COMMUNITY ASSET

Land is a finite resource. Similar to how local organizations such as the Mendocino Land Trust conserve land for natural habitat and public access to scenic areas, HMC also preserves land to ensure its intended use is for the public good - the exclusive purpose to house families earning up to 120% of the area median income.

HMC will work closely with a variety of local organizations to acquire real estate and create home ownership opportunities for residents who could not otherwise afford it. Land can either be purchased by or donated to HMC. If the land is vacant, HMC will arrange for the development and construction of homes. If land is acquired with existing homes on it, HMC might renovate or conduct repairs to make it move-in ready. In all cases, the land is permanently owned by HMC, and the buildings are owned by the homeowners who purchase them.

The land is leased to the homeowners via a 99-year renewable ground lease. The homeowners and their descendants may use the land and buildings for as long as they wish to live there, and so long as it is used as their primary residence. A key benefit of this model is the ability to ensure prices stay affordable. When the homeowners decide to sell, HMC has the right to buy the home back and/or facilitate the purchase by a qualified buyer.

The resale price is based on the percentage increase in the area median household income from the time the home was purchased. This resale formula is designed to give homeowners a fair return on their investment, while keeping the price affordable to subsequent owners in the same income level.

# HOUSING MENDOCINO COAST

## GROUND LEASE: EXCLUSIVE RIGHTS TO LAND

The Ground Lease and Deed are recorded, enforceable, legally-binding documents. The Ground Lease is approved by Fannie Mae, and a CLT Rider is signed by both the CLT and Homebuyer<sup>2</sup>. The two primary functions of the Ground Lease are: 1) to convey the exclusive, long-term right of the homeowner to use and occupy the land; and 2) to outline expectations of both the homeowner and the CLT, including provisions requiring the continued use of property to eligible households.

HMC's Ground Lease includes requirements such as: owner occupancy; primary residency; prohibition to rent or sublet the home without HMC permission; prohibition of mortgaging home improvements and/or the home itself without written approval from HMC to the lender; limitations on the resale price of the home to ensure the home remains affordable to future qualified households; and stipulations related to care and maintenance activities, including making any additions or alterations.

All of the requirements of the lease and accompanying documents are explained in detail by HMC staff who deliver Homebuyer Education as part of the stewardship practice prior to documents being signed or recorded. HMC continues to nurture a connection with homeowners and to provide continued support for successful homeowner. When the time comes to sell, HMC facilitates the resale.



The price of the home is tied to household income

Land is community asset preserved for workforce housing

<sup>2</sup> Fannie Mae CLT Rider and Ground Lease: <https://selling-guide.fanniemae.com/Selling-Guide/Origination-thru-Closing/Subpart-B4-Underwriting-Property/Chapter-B4-1-Appraisal-Requirements/Section-B4-1-4-Special-Appraisal-and-Other-Valuation/1032992291/B4-1-4-06-Community-Land-Trust-Appraisal-Requirements-04-15-2014.htm>

# HOUSING MENDOCINO COAST

## STEWARDSHIP: NUTURING RELATIONSHIPS & ENSURING SUCCESS

The “C” in CLT stands for “Community”. Stewardship is a value, a principal and a practice that runs through every part of HMC. Stewardship is a unique feature of the CLT model. As important as it is to build housing, building resilient communities that are economically and socially diverse is the focus of HMC because living and working within one’s community has an impact on quality of life, the climate and economic resiliency in many aspects.

To be successful and to cause and support successful homeownership experiences, HMC is committed to strong relationships with the City of Fort Bragg, the County of Mendocino, developers, local employers and its residents. The successful administration of a housing program requires close and frequent attention in many forms including: scouting sites for projects; developing buildout strategy; pulling together funding; managing entitlements, construction and/or renovation efforts; qualifying applicants to ensure HMC criteria is met; educating first time homebuyers; assisting in mortgage financing and protecting buyers and homeowners from predatory lenders; preparing legal documents; working closely with local officials, staff and if applicable, developer attorneys.

HMC is prepared to serve as adjunct staff to the City of Fort Bragg and Mendocino County to bring capacity to deliver on goals and policy. For example, developers are often inclined to pay in-lieu fees, rather than build housing to fulfill inclusionary housing policies. One disincentive to developers is the burden of having to qualify buyers for the inclusionary units. However, if developers could be guaranteed assistance from HMC to identify a buyer, then the likelihood of participation in an inclusionary housing partnership increases.

HMC would ensure the City/County qualifying criteria is met and that the developer’s housing obligation to house a qualified buyer is also met. HMC would market homes to local businesses, school districts, and hospitals, making it easy for partners to participate in building housing and disseminate information on the availability of said housing.

A researcher from Vanderbilt University partnered with the National Community Land Trust Network to conduct a survey to better understand all-time high foreclosure trends within the housing market during 2009. Results from the survey found that conventional homeowners were eight times more likely to be in the process of foreclosure than community land trust homeowners at the end of 2009. The survey found that for homeowners in trouble, 57% of CLT homeowners were provided financial counseling, and 72% of CLTs were facilitating loan modifications with lenders. The benefit of stewardship in educating and safeguarding homeowners is clearly illustrated in the data.



# HOUSING MENDOCINO COAST

HMC is committed to providing long-term stewardship by monitoring eligibility, affordability, and occupancy controls, all while supporting CLT homeowners and protecting loss through deferred maintenance or mortgage foreclosure. HMC is committed to homeowner support, before and after moving in, and relies on a network of experts that can help address any challenges faced by the homeowner. When the time comes for a HMC home to change hands, HMC is prepared to facilitate the sale to qualifying households by calculating the resale price, developing and executing a marketing and sales plan, connecting with employers in the community to qualify and deliver homebuyer education to the next homeowner.

## AFFORDABLE IN PERPETUITY: THE RESALE CALCULATION

A key advantage of the CLT model is the ability to ensure prices stay affordable for future generations. In order to keep homes affordable to future buyers, HMC homeowners agree to sell their home for a limited price when they decide to move - sharing the affordability that was created for them, with future buyers. This is accomplished by tying the price of an HMC home to a household's area median income, rather than the market. When a homeowner decides to sell their home, the resale calculation is based on the percentage increase in Mendocino County's area median household income from the time the home was purchased.

This approach is designed to give homeowners a fair return on their investment, while keeping the price affordable for future families at the same income level. As a general rule, HMC income qualifying households are expected to spend about 33% of monthly earnings on total housing costs (principal, interest, hazard insurance, ground lease, home owner association fees and property taxes, which are based on the sales price of the home, as per to AB 196).

California sets income limits for extremely low-, very low-, low-, and moderate income households for all 58 counties on an annual basis<sup>3</sup>. The 2022 State income limits for Mendocino County are reflected in the table below.

INCOME LEVELS	NUMBER OF PERSONS IN HOUSEHOLD							
	1	2	3	4	5	6	7	8
Extremely Low	16,350	18,700	23,030	27,750	32,470	37,190	41,910	46,630
Very Low	28,150	32,150	36,150	40,150	43,400	46,600	49,800	53,000
Low	45,000	51,400	57,850	64,250	69,400	74,550	79,700	84,850
Median	56,200	64,250	72,250	80,300	86,700	93,150	99,550	106,000
Moderate	67,450	77,100	86,700	96,350	104,050	111,750	119,450	127,200

Source: California State Income Limits, 2022

<sup>3</sup> California Department of Housing and Community Development Income Limits: <https://www.hcd.ca.gov/grants-and-funding/income-limits#:~:text=%E2%80%9CAffordable%20housing%20cost%E2%80%9D%20for%20lower-income%20households%20is%20defined,is%2030%20percent%20of%20gross%20income%2C%20with%20variations.>

# HOUSING MENDOCINO COAST

Utilizing the Mendocino County's AMI fits easily and understandably into the guidelines of most state and federal housing subsidies and ensures that the resale price will remain affordable to future target incomes. Another advantage to this approach is that it simplifies the resale calculation to avoid the need for professional appraisal services or complicated itemized record keeping. The result is subsidy retention of the initial investment into the unit and affordability for generations to come in the coastal communities of Mendocino County.

## BOARD OF DIRECTORS

The HMC Board of Directors held the founding meeting on October 5, 2021. All members serve without remuneration and with a sincere interest in developing workforce housing. The bylaws restrict the number of Directors to no more than thirteen. From time to time the Board might designate by adopted resolution, Ad-Hoc Committees for special purposes. The Board of Directors also has the authority to create Advisory Groups and Task Forces to provide expertise and recommendations to the Board. There are currently no such groups.

# FUNDING SOURCES

## Funding Sources

### MUNICIPAL SUPPORT

#### **City of Fort Bragg**

All jurisdictions have a responsibility to create housing that is affordable to its residents. Understanding this responsibility, the City of Fort Bragg has invested considerable resources to initiate the development of a CLT to serve residents earning up to 120% AMI. The City Council dedicated grant funding through the State of California to pursue the CLT model and develop HMC. City staff currently serves as HMC's Homeownership Program Administer until such time that funding expires and/or until the HMC Board determines to appoint an Executive Director.

HMC is well positioned to serve as adjunct staff of the City and intends to advocate to be the priority recipient of housing subsidies made available by the City of Fort Bragg; protecting and leveraging the City's investment to create permanently affordable workforce housing that will be stewarded. Evidence of this working relationship is demonstrated by the previously mentioned administrative and financial support provided in the form of grants and City staff, as well as by the recent City Council decision for the City to enter into an Affordable Housing Agreement with HMC to steward the only inclusionary housing unit within City limits.

#### **County of Mendocino**

Mendocino County Board of Supervisors received a presentation about the CLT model, and specifically about HMC. The Board expressed support and interest in financially supporting HMC, and directed County staff to partner on funding opportunities with HMC. In addition, preliminary conversations have taken place at the staff level about utilizing HMC to steward upcoming inclusionary housing units within unincorporated Mendocino County, and further conversations on this matter are anticipated.

### GOVERNMENT GRANTS

Cities, counties, states and the federal Government invest tax dollars to support ideas and projects that provide a public service and stimulate the economy. HMC intends to pursue numerous grant opportunities in order to create homeownership opportunities for local households. Several programs have been identified and are described below.

#### **CDBG**

The Community Development Block Grant (CDBG) program partners with rural cities and counties to improve the lives of low- and moderate-income residents though creating/expanding

# FUNDING SOURCES

community and economic development opportunities in support of livable communities. Eligible activities include single and multifamily rehabilitation, rental housing acquisition and activities that support new housing construction. Both the City of Fort Bragg and County of Mendocino administer CDBG programs and HMC intends to participate in public hearings soliciting potential projects when Notice of Funding Availability (NOFA) are offered.

## **HOME Program**

The Housing and Community Development Act of 1992 allows CLTs to become eligible for HOME funds by integrating them into the Statute as a Community Housing and Development Corporation (CHDO). Funds can be used for project-specific activities, technical assistance, and operating expenses.

## **USDA**

The U.S. Department of Agriculture's (USDA) Rural Development Program is committed to improve the economy and quality of life in rural America. Their Rural Housing Service offers a variety of programs to build or improve housing through grants, loans, and loan guarantees. HMC has initiated conversations with the USDA to better understand how to best partner with the USDA to obtain technical assistance and funding.

## **LOCAL TAX INITIATIVE**

There is an active interest within the community to pursue a portion of local taxes to help meet housing needs. This could take the form of a Special Tax or a General Tax, and could be brought to voters residing within the City of Fort Bragg, or County wide. A Special Tax Measure must be approved by two-thirds of the voters and proceeds of the tax may only be used as designated. In contrast, a General Tax Measure requires only a simple majority of voter approval and the proceeds can be used for any government purpose. HMC is prepared to support and endorse such local tax initiatives.

## **LOCAL EMPLOYER SUPPORT**

Employers are deeply concerned about the lack of housing for employees as the housing crisis is having a direct impact on the ability of businesses to recruit and retain a qualified and stable workforce. As a regular program component, HMC will provide education and outreach materials to any interested employer in order to link their employees to HMC resources, at no cost.

Some employers may choose to partner with HMC to help fund housing opportunities prioritized for their organization's needs. Support can come in many forms, such as donating land, selling land at below market cost, co-grant writing for employee housing, being ambassadors of the

# FUNDING SOURCES

mission to raise awareness of HMC, and hosting events for community stakeholder meetings and fundraisers.

## EDUCATIONAL INSTITUTION PARTNERSHIPS

Education is the bedrock to influencing the trajectory of our next generation, and access to school resources within the community are essential. HMC's goal is to partner with educational institutions on every level. A collaborative relationship could take many forms including access to excess land or funding earmarked for dorms or teacher housing. For example, Housing Land Trust of Sonoma County partners with the Sonoma County Office of Education (SCOE) to house school employees county-wide, and has partnered with Sonoma State University to buy the land under a market rate home that is now permanently affordable and prioritized for their workforce.

HMC has introduced the community land trust model to the Fort Bragg Unified School District, as well as Mendocino-Lake Community College District. HMC is committed to pursue these potential partnerships, while including more educational institutions into conversation.

## PHILANTHROPISTS

Housing is a key area of interest for philanthropist. Unfortunately, much that is invested into housing tend to serve one or two generations due to the limited term of affordability in deed restrictions. Making an investment that keeps working in perpetuity is a concept embedded in the CLT model. A one-time investment to HMC serves multiple generations providing a legacy aspect to donations. Every dollar that goes into a home stays and retains the subsidy every time the home is sold. This form of giving eliminates the need for government and private subsidies in future years as units are resold because the subsidy is tied to the unit, not the families. This subsidy retention approach maintains income targeted workforce housing stock that fosters personal and community wealth, while maintaining future affordability.

Congressman Jared Huffman selected HMC to receive \$820,000 of federal earmark dollars during fiscal year 2022-23, the first (of-sorts) donation to HMC<sup>4</sup>.

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<sup>4</sup> Jared Huffman, U.S. Congressman Serving California's 2<sup>nd</sup> District: <https://huffman.house.gov/media-center/press-releases/huffman-secures-community-project-funding-in-first-round-of-appropriations-leads-on-additional-priorities>

# PILOT PROJECTS

## Pilot Projects

HMC intends to assemble a diverse portfolio of rehabilitated units, newly constructed units, as well as acquisition of vacant land both in Fort Bragg city limits and unincorporated Mendocino County. Several HMC Pilot Program(s) are being considered, including:

### INCLUSIONARY HOUSING UNITS

The City of Fort Bragg and Mendocino County require the inclusion of affordable units in market-rate housing developments. HMC is positioned to be the long-term steward for these housing resources. In the instance of a new inclusionary housing unit, the Developer would sell the home to an HMC-selected buyer, and simultaneously donate the land to HMC. HMC would be responsible for outreach and marketing efforts, identify a qualified buyer, provide homebuyer and education during the sale, on-going support during homeownership, and assistance during the resale of home to the next qualified buyer.

The City of Fort Bragg has one inclusionary housing unit that was recently sold. During the resale process, the City transferred stewardship of this unit to HMC. The City and HMC entered into an Affordable Housing Agreement in which HMC will take responsibility for ensuring the terms of the Affordable Housing Agreement are met, while also ensuring successful homeownership and that the home remains affordable to future homeowners in perpetuity.

### JAIMIE LANE MODEL

University of California, Berkeley's Turner Center for Housing Innovation worked with Housing Land Trust of Sonoma to highlight Jamie Lane, a five-unit, prefabricated, infill development in Cotati, CA<sup>5</sup>. The Jamie Lane project innovates the CLT model in two ways: 1) utilizing Fannie Mae's MH Advantage Program eligible homes to expedite construction and reduce building costs; and 2) leveraging national partners and government at different levels in order to share in the cost and challenges of funding affordable housing.

HMC is considering duplicating the Jamie Land prototype and has initiated conversations with MH Advantage manufacturers to discuss designing a craftsman style product that would fit within the character of north coast neighborhoods. This pilot project would involve acquiring raw land, installing utilities, constructing roads/driveways, coordinating delivery and installation of MH

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<sup>5</sup> Community Land Trusts and MH Advantage: A New Approach to Affordable Homeownership, by Julian Tucker and Cali Slepín, 2021, U.C. Berkeley Turner Institute for Housing Innovation. See website - <https://turnercenter.berkeley.edu/research-and-policy/clt-jamie-lane/>

# PILOT PROJECTS

Advantage homes. Although sitework would be completed in a single phase, the purchase and placement of homes could be added in phases as funding is secured.

## SB-9 LOT SPLIT

Senate Bill 9 (SB-9), also called the Housing Opportunity and More Efficiency (HOME) Act, was signed into law on September 16, 2021, and went in to effect January 1, 2022. SB-9 is a California state law that provides a streamlined process for homeowners to split their single-family residential lot into two separate lots and build up to two new housing units on each. Homeowners that split their lot must commit to occupying one of the units as their primary residence for a minimum of three years. HMC is considering SB-9 to create homeownership opportunities by identifying owners of single-family residential properties interested in dividing their lot and facilitating the purchase of new lot to HMC homeowner. This could result in HMC overseeing home improvements to address deferred maintenance or implement ADA upgrades, assisting with the development of a junior accessory dwelling unit to function as income or housing for in-house care worker, or possibly developing an additional unit to accommodate multigenerational households.

## PLANNED DEVELOPMENT

HMC is exploring locations for in-fill development near existing infrastructure. Several potential infill sites have development constraints, which have detoured investment. A Planned Development has the inherent flexibility to modify development standards in a way traditional zoning does not and therefore could be a solution to overcome obstacles to development. Planned Developments allow innovation in project design and site planning in order to respond to site features, uses on adjoining properties, and potential environmental impacts. The intent of a development by a Planned Development approval is to result in a high quality, energy efficient project that conserves resources and produces fewer environmental impacts than could otherwise occur in compliance with standard regulations.

## EMPLOYEE HOUSING

HMC has been approached by a local employer interested in partnering to create employee housing in the Village of Mendocino. Additionally, a private property owner with an interest in developing farmworker housing approached HMC to discuss a partnership to create a tiny home community on donated land. HMC will continue these conversations and reach out to other employers who want to buy into the land under a market rate home, which would then be prioritized for their workforce.

# NEXT STEPS

## Next Steps

### OUTREACH AND EDUCATION

The next step for HMC is to bring the conversation of the organization's mission to the community. Outreach and education will be tailored so the message is relevant to each of the stakeholders: public sector partners, local employers, and the target population we want to serve.

- HMC will meet with employers, and hold meetings at the workplace to introduce the community land model and the housing opportunities to our local workforce.
- Build a website with education on how the CLT model works and HMC qualifying criteria.
- Develop friendly, approachable outreach materials such as a Frequently Asked Questions Page and an Example of the Resale Formula
- Get involved in community events to present the CLT model, and introduce people to HMC.
- Encourage community participation by being responsive to inquiries.
- Establish an interest list of potential buyers who may qualify at the time a home is available.
- Make Housing Mendocino Coast a household name.

### CREATE HOMEOWNERSHIP OPPORTUNITIES

With the recent resale of a City of Fort Bragg inclusionary housing unit, HMC is currently stewarding one household and is well positioned to create more homeownership opportunities for local workforce. Active conversations are taking place with numerous local employers interested in buying into the affordability of market rate housing to create housing for their workforce. HMC is in conversation with a local property owner interested in donating land and is discussing a potential partnership with Mendocino College on development of a student housing project on the coast. Funding is secured to support operations for the next few years, and federal earmark funds identified by Congressman Huffman will kick-start the first pilot project.

Although HMC cannot solve all our housing issues, HMC is part of the solution and is ready to get to work.



# SPECIAL ACKNOWLEDGMENT

## Special Acknowledgment

To the community of Fort Bragg and Fort Bragg City Council for identifying and including the CLT in the 2019 Housing Element update and for supporting the creation of HMC in order to protect public investment through subsidy retention, support the ability of local employers to recruit and retain employees, foster personal, household and generational wealth, and nurture a vibrant community.

Bernie Norvell, Mayor  
Jessica Morsell-Haye (former Vice-Mayor)  
Jason Godeke, Vice-Mayor  
Lindy Peters, Councilmember  
Marcia Rafanan, Councilmember  
Tess Albin-Smith, Councilmember

To the community members who saw a need and took action to form the Board of Directors of HMC:

Fort Bragg Fire Chief, Steve Orsi – President  
North Coast Brewing CEO/CFO, Jennifer Owen – Vice-President  
Fort Bragg Unified School District CBO, Wendy Boise - Treasurer  
Mendocino Land Trust Director of Stewardship, Nicolet Houtz – Secretary

To Dev Goetschius, Partner at Burlington Associates in Community Development and the Executive Director of Housing Land Trust of Sonoma County for her expertise and support in the development of a CLT serving Fort Bragg and the wider Mendocino Coast, and her passion that all of us, regardless of socio-economic status, deserve to have a place to call home in the community we live.

Governor Newsom and the State of California for investing resources to develop much needed housing and providing flexible funding to jurisdictions in pursuit of housing solutions unique to the needs and challenges of the community.

U.S. Congressman Jared Huffman who selected HMC as recipient of Community Project Funding through the federal earmark process in the amount of \$820,000 for pilot project.

Report prepared by, Sarah Million McCormick – A community member and employee of the City of Fort Bragg, grateful for the opportunity to serve through the development and administration of the Housing Mendocino Coast program.

Presented to Fort Bragg City Council on March 13, 2023





# Permanent Local Housing Allocation Program

5-YEAR PLAN (2019-2023)

City of Fort Bragg | 416 N Franklin Street, Fort Bragg CA | 707-961-2827



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*Craftsman Cottage (above) developed for the City's  
Free Accessory Dwelling Unit Plan Program*

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## Public Review

The public comment period regarding the City’s PLHA 5-Year Plan opens on November 4, 2022 and will conclude on November 14, 2022 prior to review by City Council at their regularly scheduled meeting held on November 14, 2022 at 6:00 PM in Town Hall, located at 363 N Main Street. Residents are encouraged to submit comments by one of the following methods:

### By Mail:

City of Fort Bragg  
ATT: PLHA Funding  
416 N Franklin Street  
Fort Bragg, CA 95437

### By Email:

[jlemos@fortbragg.com](mailto:jlemos@fortbragg.com)

Please include “PLHA Comments” in the subject line

### In Person:

Prior to City Council meeting, public comments can be made directly to the Community Development Department counter located on the first floor in City Hall, located at 416 N Franklin Street in Fort Bragg, CA.

Residents are also invited to provide comments during the November 14, 2022 City Council meeting. Participation instructions will be posted with the agenda. Additional accommodations are offered by request to the office of the City Clerk at 707-961-2694 or by emailing [jlemos@fortbragg.com](mailto:jlemos@fortbragg.com).

## Background

As part of a 15-bill housing package signed by Governor Brown in 2017, the Building Homes and Jobs Act (SB 2, 2017) established a \$75 recording fee on real estate documents to increase the supply of affordable homes in California. Effective 2019, 70% of the revenues collected by the fee are allocated to administer locally affordable housing through the Permanent Local Housing Allocation (PLHA) program.

The goal of the PLHA program is to help cities and counties prioritize investments that increase the supply of housing for households earning up to 120% of the area median income. In order to avoid amending the Standard Agreement each year, and to expedite disbursement of PLHA funds, a five-year estimate of PLHA funds has been identified. The City’s estimated PLHA program allocation is \$641,136. That said, as the housing market cools and interest rates rise, the actual amounts will likely be lower.

The City of Fort Bragg is currently eligible to apply for formula grant allocations from calendar years 2019, 2020, and 2021. The City would then apply with a streamlined application for calendar years 2022 and 2023. The table below lists the allocations available to the City under the current Notice of Funding Availability (NOFA):

Calendar Year Funds	Formula Allocation Amount	Allowable Local Admin	Activity Delivery	Expenditure Deadline
2019	\$106,856	\$5,343	\$101,513	4/30/2024
2020	\$163,507	\$8,175	\$155,332	4/30/2025
2021	\$142,814	\$7,141	\$135,673	4/30/2026
2022	TBD	5%	95%	4/30/2027
2023	TBD	5%	95%	4/30/2028

City Council considered PLHA funding at a public meeting held on Tuesday, October 11, 2022 and directed staff to develop a 5-year plan to support Housing Mendocino Coast (HMC) – a 501c3 community land trust recently developed and incubated by the City. At this same meeting Council also expressed support to exercise the City’s right to purchase an inclusionary housing unit that is anticipated to become available this spring. The intention is utilize PLHA funds to pay down the affordability of this housing unit, in order to make it affordable to households earning 60% area median income (AMI) and transfer stewardship of this inclusionary housing unit to HMC.

City leadership understands that land is a finite resource and that it is important to ensure that some land is preserved for workforce housing that will remain affordable in perpetuity. HMC is a 501(c)(3) charitable organization dedicated to providing home ownership and housing opportunities for households earning up to 120% AMI through legally binding land leases and ongoing stewardship.

## PLHA 5-Year Plan

**SECTION 302(c)(4)(A): Describe the manner in which allocated funds will be used for eligible activities.**

The City plans to use funds for the following activities: the predevelopment, development, acquisition, rehabilitation, and preservation of affordable rental and ownership housing that meets the needs of a growing workforce earning up to 120 percent of the area median income.

**SECTION 302(c)(4)(B):** Provide a description of the way the local government will prioritize investments that increase the supply of housing for households with incomes at or below 60% of the area median income.

Local governments have a responsibility to ensure residents have access to safe, decent and affordable housing. The Housing Element of the City’s General Plan is a statement of Fort Bragg’s vision to address existing and future housing needs of the community, and the 2019 update included many innovative ideas from community members, non-profit managers, business owners, contractors, real estate agents, City staff and decision makers. Everything from removing regulatory or fiscal barriers, to forming deeper collaborations to address our most difficult housing challenges. One particularly forward-looking program involves establishing a community land trust to provide home ownership and housing opportunities for very-low-to-moderate income households.

Funding allocated by the State of California through Senate Bill 2 (SB-2), Local, and Regional Early Action Planning (LEAP/REAP) grants were dedicated to initiate and incubate a community land trust focused on housing opportunities for households earning up to 120% AMI – Housing Mendocino Coast (HMC). PLHA funds will be allocated to implement this charitable organization; developing organizational capacity to deliver HMC’s mission.

**SECTION 302(c)(4)(C):** Provide a description of how the plan is consistent with the programs set forth in the local governments housing element.

The City’s Housing Element (2019-2027) serves as the blue print for City actions with regard to addressing existing and future housing needs for all social/economic segments that make up our community. The proposed PLHA 5-Year Plan is consistent with numerous goals, policies and programs that focus on housing specifically for very-low-to-moderate income households, including, but not limited to:

**Goal H-2 Expand affordable housing opportunities for persons with special housing needs such as the elderly, the disabled, households with very low to moderate incomes, and first time home buyers.**

**Policy H-2.4 Increase Affordable Housing Development:** Encourage the construction of housing units which are affordable to households with very low to moderate incomes.

**Program H-2.4.1 Inclusionary Housing Ordinance:** Continue to implement the City’s Inclusionary Housing Ordinance. Monitor the Inclusionary Housing Ordinance to determine if it constrains new housing development and if it does, take action to mitigate the constraint on new housing development.

**Program H-2.4.4 Consider Community Land Trust:** Complete research regarding Community Land Trust and consider working with community partners to establish a Community Land Trust that serves Fort Bragg.

**Policy H-2.9 First Time Home Buyers:** Encourage affordable housing for first time home buyers.

**Program H-2.9.1 First Time Home Buyers:** Consider whether to require, through the inclusionary housing ordinance, the provision of housing units affordable to first time home buyers who qualify for affordable housing.

**Goal H-1: Provide a range of housing, including single-family homes, townhouses, apartments, and other housing types to meet the housing needs of all economic segments of the community.**

**Policy: H-1.7 Workforce Housing:** Encourage multi-unit housing developments in order to encourage market rate rental housing, affordable housing and lower cost ownership opportunities such as townhomes and condominiums.

**Program H-1.7.8: Workforce Housing in Mixed-Use Zoning.** Continue to allow workforce housing in all zoning districts that allow mixed-use development.

### Certifications

The City will record with a deed restriction all property for housing units that are acquired, constructed, or rehabilitated using PLHA funds.

### Reporting

The City will provide an annual report of uses and expenditures of any allocated PLHA funds every July 31<sup>st</sup> to California's Department of Housing and Community Development's grant management division according to their specifications.

## Activity 1: Inclusionary Housing Unit

SECTION 302(c)(4)(E)(i): Provide a detailed and complete description of how allocated funds will be used for proposed housing activity.

The owner of an inclusionary housing unit intends to sell their home in March 2023. The City of Fort Bragg wishes to exercise its first right of refusal with the intention of transferring the property to a recently formed community land trust, initiated and incubated by the City – Housing Mendocino Coast (HMC). Funds would be utilized to pay down the affordability of this home (currently priced at 120% AMI) in order to provide this housing unit to a household earning 60% AMI. The current resale price is \$138,162, and in order to make this unit affordable to a household earning 60% AMI, \$78,161 is needed to close the gap.

Funding Allocation Year	2019	2020	2021	2022	2023
Type of Affordable Housing Activity	Ownership Acquisition	-	-	-	-
Percentage of Funds Allocated for Housing Activity	77%	-	-	-	-
Area Median Income Served	60%	-	-	-	-
Unmet Share of RHNA at Area Median Income Level	0 RHNA: 31 units City: 43 units	-	-		
Projected Number of Households Served	1	Considering a 75-year life for the structure, and given the understanding that the average length of time individual households occupy a CLT home is 8-years, this single housing unit is projected to serve 10 households. The land underneath would be deed restricted for workforce housing (up to 120% AMI) in perpetuity.			
Period of Affordability for the Proposed Activity	99-years				



SECTION 302(c)(4)(E)(iii): A description of major steps/actions and a proposed schedule for the implementation and completion of each housing project.

The current owner of the subject inclusionary housing unit would provide City with written Notice of Intent to Transfer. The City will then provide a City Response Notice exercising its Purchase Option. PLHA funds would be utilized to pay down the affordability of the unit from 120% AMI to 60% AMI. City staff would assist/train Housing Mendocino Coast to identify an eligible qualified buyer, and the new homeowner would enter into a legally binding ground lease. The City transfer of land to HMC and the housing unit sale to HMC homeowner would happen concurrently through a double escrow.

Percentage of funds allocated for affordable owner-occupied workforce housing: 100%

## Activity 2: Housing Mendocino Coast

SECTION 302(c)(4)(E)(i): Provide a detailed and complete description of how allocated funds will be used for proposed housing activity.

The City of Fort Bragg dedicated planning funds provided by the State of California through SB-2, Local Early Action Planning, and Regional Early Action Planning grant programs to implement a community land trust – Housing Mendocino Coast (HMC). To date, the organization has formed a Board of Directors, which has adopted Bylaws, Conflict of Interest policies, Records Retention policies and Whistleblower policies. The State of California has certified HMC Articles of Incorporation, and the United States Internal Revenue Service has determined HMC is exempt from federal income tax.

Successful administration of a housing program such as HMC requires close and frequent attention in many forms: scouting sites for projects; developing buildout strategy; pulling together funding; managing entitlements; construction or rehabilitation activities; qualifying applicants to meet eligibility criteria; educating first time homebuyers; assisting in mortgage financing and protecting from predatory lenders; preparing legal documents; working closely with local officials, staff, residents, employers and attorneys.

PLHA funds would be utilized to truly implement this new organization by funding the creation of website, outreach materials, marketing campaign, Board member and volunteer training, and to identify and develop housing projects. The first housing unit would be the inclusionary housing unit described in Activity #1. Another project is already in the works, as United States Congressman Jared Huffman selected HMC for federally earmarked funds. While it's not clear the 117<sup>th</sup> Congress will successfully complete the appropriations process this year, our fingers are crossed that HMC will receive \$875,000 to acquire a 3-acre parcel designated Very High Density Residential Zoning. HMC is also in active communication with Mendocino-Lake Community College District, Fort Bragg Unified School District and a couple large employers interested in partnering with HMC for employee housing.

Funding Allocation Year	2019	2020	2021	2022	2023
Type of Affordable Housing Activity	Ownership Acquisition	Ownership Predevelopment	Ownership Acquisition / Rehab / Preservation	Ownership Acquisition / Rehab / Preservation	Ownership Acquisition / Rehab / Preservation
Percentage of Funds Allocated for Housing Activity	18%	95%	95%	95%	95%
Area Median Income Served	60%	50% - 120%	50% - 120%	50% - 120%	50% - 120%
Unmet Share of RHNA at Area Median Income Level	0 RHNA Satisfied	60 RHNA: 137 Unmet Share: 87	60 RHNA: 137 Unmet Share: 89		
Projected Number of Households Served	1 (10 over lifetime)*	1 (10 over lifetime)*	1 (10 over lifetime)*	1 (10 over lifetime)*	1 (10 over lifetime)*
Period of Affordability for the Proposed Activity	99-years	99-years	99-years	99-years	99-years

**SECTION 302(c)(4)(E)(iii): A description of major steps/actions and a proposed schedule for the implementation and completion of each housing project.**

2019 PLHA funds would be utilized to develop agreement between the City of Fort Bragg and Housing Mendocino Coast to provide stewardship to City inclusionary housing unit. Develop outreach and education materials, identify a qualified and eligible homeowner, and assist homeowner throughout the process, providing ongoing stewardship to ensure success.

2020 PLHA funds would be focused on developing organizational capacity within HMC – Board and volunteer training, outreach, marketing, publicity, all around community education to garner awareness of the community land trust model, and HMC specifically.

2021 – 2023 PLHA funds would result in development of additional housing opportunities, identified through the 2020 predevelopment efforts. This could take shape in many forms, from preservation, rehabilitation, acquisition, and new construction. There might be donations, grant opportunities, and federal earmark funds to leverage.

Percentage of funds allocated for affordable owner-occupied workforce housing: 100%

**ARTICLES OF INCORPORATION**  
**HOUSING MENDOCINO COAST**

- Article I The name of the Corporation is the Housing Mendocino Coast.
- Article II This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for charitable purposes.
- Article III The Corporation’s initial business address is 416 North Franklin Street, Fort Bragg, CA 95437. The name and address of the initial agent of service of process is Sarah Million McCormick, 416 North Franklin Street, Fort Bragg, CA 95437.
- Article IV This Corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code as set forth in this Article. Notwithstanding any other provisions of these articles, the corporation shall not carry on any other activities not permitted to be carried on (i) by a corporation exempt from federal income tax under Section 501 (c)(3) of the Internal Revenue Code of 1986 (or the corresponding provisions of any future United States Internal Revenue Law), or (ii) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986 (or the corresponding provisions of any future United States Internal Revenue Law).

The mission of the Corporation is to preserve the quality and affordability of housing in the City of Fort Bragg and Mendocino County by providing homeownership and rental opportunities to very low, low, and moderate-income families for purposes that lessens the burden of government, alleviate poverty, increase social and economic justice, combat community deterioration in economically disadvantaged neighborhoods, revitalize community, protect the natural environment, and promote ecologically sound use of land and natural resources, including by initiating, constructing and providing low- to moderate- income housing.

No substantial part of the activities of this corporation shall consist of the carrying on of propaganda or otherwise attempting to influence legislation, nor shall the corporation participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of (or in opposition to) any candidate for public office.

- Article V The property of this corporation is irrevocably dedicated to the charitable purposes stated herein and no part of the net income or assets of this

**Certified Copy**

I hereby certify that the following transcript of 2 page(s) is a full, true, and correct copy of the original record in the custody of the California Secretary of State's office.

08/12/2021  
Certification Date




SHIRLEY N. WEBER, Ph.D  
Secretary of State

corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services actually rendered and to make payments and distributions in furtherance of the purpose and objects set forth in these Articles.

Article VI      Upon the dissolution of this Corporation, the Board of Directors shall, after paying or making provision for the payment of all the liabilities of the corporation, distribute the assets of the Corporation to another organization organized and operated exclusively for charitable, religious, or educational purposes, as described in section 501(c)(3) or dispose of excess funds in accordance with Section 501(c)(3) of the United States Internal Revenue Code of 1986 (or the corresponding provisions of any future United States Internal Revenue Law) and applicable California law.

I hereby declare that I am the person who executed the foregoing Articles of Incorporation, which execution is my act and deed.

A handwritten signature in blue ink that reads "Sarah Million McCormick". The signature is written in a cursive style and is positioned above a horizontal line.

Sarah Million McCormick, Incorporator

**COOPERATIVE AGREEMENT BETWEEN  
THE CITY OF FORT BRAGG AND HOUSING MENDOCINO COAST**

THIS COOPERATIVE AGREEMENT (“Agreement”) is made as of this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between City of Fort Bragg (“City”), a municipal corporation, and Housing Mendocino Coast, a nonprofit public benefit corporation within the meaning of Section 501(c)(3) of the Internal Revenue Code (“HMC”) (collectively the “Parties”).

A. Recitals.

- 1) The City has entered into a grant agreement with the Department of Housing and Community Development, agreement number 22-PLHA-17656 (“Grant Agreement”) which is attached to this Agreement as Exhibit A and incorporated by reference. The purpose of the Grant Agreement is to fund the City’s 5-Year PLHA Plan, approved by City Council on November 14, 2022, which identifies HMC as a sub-recipient to implement eligible activities of the Grant Agreement (“Project”); and
- 2) The Parties desire to work collaboratively on the Project to preserve the equality and affordability of housing within the City of Fort Bragg by providing home ownership and housing opportunities to very low, low, and moderate income families to lessen the burden on local government, alleviate poverty, increase social and economic justice, combat community deterioration in economically disadvantaged neighborhoods, revitalize community, protect the natural environment, and promote ecologically sound use of land and natural resources by initiating, constructing and providing low-to moderate- income housing.

B. Agreement.

NOW, THEREFORE, the Parties agree as follows:

1. Duties of the Parties:

- a. HMC shall assist the City in implementing the Project as more specifically described in the City’s approved 5-Year PLHA Plan attached hereto as Exhibit B, including stewardship of inclusionary housing unit located at 435 N Whipple Street, creation of outreach materials, conducting a marketing campaign, training, and to identify and develop housing projects.
- b. HMC shall participate in regularly scheduled meetings of the Fort Bragg City Council to provide progress updates on the implementation of the Project.
- c. City shall provide 2019-2023 PLHA allocation, which is estimated and may not exceed \$641,136, less 5% allowed administration fee that will be retained to cover City costs.
- d. HMC shall submit to City invoices detailing its services under this Agreement.

- e. HMC shall comply with all provisions of the Grant Agreement that apply to sub-grantees, subcontractors and/or consultants.
2. This Agreement supersedes any and all other agreements, either oral or in writing, between parties with respect to the subject matter herein. Each party to this Agreement acknowledges that no representation by any party which is not embodied herein, nor any other agreement, statement, or promise not contained in this Agreement shall be effective unless it is in writing signed by all parties.
  3. The term of this Agreement shall commence upon the date of mutual execution and shall continue thereafter until performance by both parties has been completed in compliance with this Agreement, unless sooner terminated in accordance with this subsection. Unless otherwise agreed upon in writing, either party may immediately terminate for a material breach by the other that remains uncured following service of not less than ten (10) days prior written notice of such breach. In addition, this Agreement may be terminated by either party upon thirty (30) days prior written notice.
  4. If either Party requests additional work that is beyond the scope of the original Project, and not considered by both Parties to be a necessary part of the Project, said work, if approved by both Parties, will be paid solely by the party requesting the work, unless both Parties agree by written amendment to allocate the cost in some mutually acceptable manner by written amendment to this Agreement.
  5. Since the parties or their agents have participated fully in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for any or against any Party. Any term referencing time, days or period for performance shall be deemed calendar days.
  6. In the event of litigation arising from this Agreement, each Party to the Agreement shall bear its own costs, including attorney(s) fees. This paragraph shall not apply to those costs and attorney(s) fees directly arising from any third-party legal action against a Party to this Agreement.

Notices permitted or required to be provided pursuant to this Agreement shall be sent to the following addresses:

City of Fort Bragg	Housing Mendocino Coast
City Manager 416 N. Franklin Street Fort Bragg, CA 95437	Program Administer PO Box 1172 Fort Bragg, CA 95437

- i. By notice to the other party, either party may, change the address specified above. Service of notice or communication shall be complete, if personally served, when received at the designated address, or five (5) days after deposit of said notice or communication in the United States mail, postage prepaid, whichever occurs first.

7. The parties do not intend to create rights in, or to grant remedies to, any third party as a beneficiary to this Agreement, or as a result of any duty, covenant, obligation or undertaking established herein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their authorized officers this \_\_\_\_ day of \_\_\_\_\_ 2023.

CITY OF FORT BRAGG

\_\_\_\_\_  
Bernie Norvell, Mayor

ATTEST:

\_\_\_\_\_  
Cristal Munoz, Acting City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Keith F. Collins, City Attorney

HOUSING MENDOCINO COAST

ATTEST:

\_\_\_\_\_  
By: Steve Orsi, President

\_\_\_\_\_  
By: Sarah McCormick, Program Administrator



EXHIBIT A  
Grant Agreement

**RESOLUTION NO. \_\_\_\_-2023**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING COOPERATIVE AGREEMENT WITH HOUSING MENDOCINO COAST**

**WHEREAS**, the Department of Housing and Community Development (HCD) awarded the City of Fort Bragg, Permanent Local Housing Allocation (PLHA) program funds in the amount of \$413,177, which represents the first three years – 2019, 2020, 2021 of the program’s five year plan; and

**WHEREAS**, the estimated 5-year allocation may not exceed \$641,136 for 2019, 2020, 2021, 2022, 2023; and

**WHEREAS**, the City’s 5-Year Plan identifies Housing Mendocino Coast, a non-profit, 501(c)(3) community land trust, to administer eligible PLHA activities; and

**WHEREAS**, on May 26, 2023 the City entered into standard agreement number 22-PLHA-17656 with HCD for said funds; and

**WHEREAS**, HCD requires a formal agreement between the City and Housing Mendocino Coast in order to disburse funds; and

**WHEREAS**, per Fort Bragg Municipal Code Section 3.20.040, decisions to award contracts in an amount greater than \$25,000 shall be made by Council resolution; and

**WHEREAS**, a Cooperative Agreement was developed and approved as to form by the City Attorney and by the Board of Housing Mendocino Coast; and

**WHEREAS**, there is no possibility that the approval of the Agreement will have a significant effect on the environment, and for that reason it is exempt from CEQA under 14 CCR 15601(b)(3);

**NOW, THEREFORE, BE IT RESOLVED** that the Fort Bragg City Council does hereby authorize the Mayor to execute the Cooperative Agreement on behalf of the City.

**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 10th day of October, 2023, by the following vote:**

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**
- RECUSED:**

---

**BERNIE NORVELL**  
**Mayor**

**ATTEST:**

---

**Cristal Munoz  
Acting 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: 23-325

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**Agenda Date:** 10/10/2023

**Version:** 1

**Status:** Passed

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 8B.

Receive Report and Consider Adoption of City Council Resolution Approving Contract Amendment With HDR Engineering Inc. for the Water Treatment Plant Rehabilitation Project for Bid and Construction Services, Project NO. WTR-00017, Increasing the Amount of the Design Contract With HDR Engineering, Inc., and Authorizing City Manager to Execute Same (Amount Not to Exceed \$576,513); (Account 615-6006-0731)



**AGENCY:** City Council  
**MEETING DATE:** October 10, 2023  
**DEPARTMENT:** Public Works  
**PRESENTED BY:** John Smith  
**EMAIL ADDRESS:** jsmith@fortbragg.com

## AGENDA ITEM SUMMARY

**TITLE:**

**RECEIVE REPORT AND CONSIDER ADOPTION OF CITY COUNCIL RESOLUTION APPROVING CONTRACT AMENDMENT WITH HDR ENGINEERING INC. FOR THE WATER TREATMENT PLANT REHABILITATION PROJECT BID AND CONSTRUCTION SERVICES, PROJECT NO. WTR-00017, INCREASING THE AMOUNT OF THE DESIGN CONTRACT WITH HDR ENGINEERING, INC., AND AUTHORIZING CITY MANAGER TO EXECUTE SAME (AMOUNT NOT TO EXCEED \$576,513; ACCOUNT 615-6006-0731)**

**ISSUE:**

The Public Works Department released the Request for Proposals (RFP) for design services for the Water Treatment Plant Rehabilitation Project on October 20, 2020. On November 20, 2020, the City received four (4) responsive bids, although one arrived a few minutes late. The project involved numerous improvements to various portions of the Water Treatment Plant (WTP) and the bid responses were in some cases challenging to evaluate against each other, as some firms provided a single cost, while others presented a "base" cost with "extra" services to select from. However, the Department was able to fairly evaluate the proposed services against the proposed cost, in order to make a recommendation.

**ANALYSIS:**

At its regular meeting on June 13, 2022, the Fort Bragg City Council approved a resolution authorizing the City Manager to represent the City of Fort Bragg during the application process for funding assistance from the Drinking Water State Revolving fund for the rehabilitation of the City's Water Treatment Plant and Finished Water Tank Project. Authorizing that resolution started the application process that would eventually turn into an \$11,100,000 allowance to complete necessary improvements that will provide the greatest benefit to our customers.

The Water Treatment Plant (WTP) was originally built in 1958. There was a major treatment process upgrade at the plant in 1986 which made the nominal plant capacity 2.2 MGD. The upgrade replaced the old treatment process with two packaged Trident® filter treatment units (FTUs). Since then the treatment process has mostly remained unchanged. The last major improvement project at the plant was constructed in 2004 and modified the raw water storage ponds to construct backwash water storage ponds.

The current treatment process relies on two packaged Trident® FTUs, which were installed in 1986. The FTUs receive pumped raw water from the two unlined raw water storage ponds. The FTUs employ three basic treatment elements: 1) adsorption, 2) clarification, and 3) filtration, all inside the packaged unit. After raw water is treated by the FTUs, the filter effluent is disinfected before it is directed to the finish water clear well. The finish water is then pumped up to storage tanks where it is stored prior to city-wide distribution.

Construction of this project will improve efficiencies, including water savings and some labor reduction, within the water plant. The improvements will also include lined reservoirs at the treatment plant. Public Works is dedicated to being good stewards of our environment. This project is one of

many that will reduce the City's environmental footprint.

**RECOMMENDED ACTION:**

Approve a contract amendment for an additional \$150,000 to include bid and construction services for the project, increasing the budget to \$576,513.

**ALTERNATIVE ACTION(S):**

Not provide funds for these services.

**FISCAL IMPACT:**

Reduction in Water Enterprise capital reserves to provide additional funds to the project QA/QC.

**CONSISTENCY:**

The project is consistent with the general plan.

**IMPLEMENTATION/TIMEFRAMES:**

Within 45 days of appropriate signatures.

**ATTACHMENTS:**

1. Resolution
2. Budget Amendment

**NOTIFICATION:**

HDR Inc

**RESOLUTION NO. -2023**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING CONTRACT AMENDMENT WITH HDR ENGINEERING INC. FOR THE WATER TREATMENT PLANT REHABILITATION PROJECT FOR BID AND CONSTRUCTION SERVICES, PROJECT NO. WTR-00017, INCREASING THE AMOUNT OF THE DESIGN CONTRACT WITH HDR ENGINEERING, INC., (AMOUNT NOT TO EXCEED \$576,513; ACCOUNT 615-6006-0731)**

**WHEREAS**, on October 20, 2020, the Request for Proposals (RFP) for the Water Treatment Plant rehabilitation Project, City Project No. WTR-00017, was released; and

**WHEREAS**, on November 20, 2020, the Public Works Department received four (4) responsive bids; and

**WHEREAS**, funds in the amount of \$1,900,000 were appropriated in the FY 2020/21 budget for the design and construction of the project; and

**WHEREAS**, additional bid and construction services are needed to ensure customers receive the very best product at the lowest cost; and

**WHEREAS**, based on all the evidence presented, the City Council finds that adequate funding is available in the Water Enterprise for this contract amendment.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby approve a Professional Services Agreement Amendment with HDR Engineering, Inc. to provide bid and construction services for the Water Treatment Plant Rehabilitation Project and authorizes the City Manager to execute same (Amount Not to Exceed \$576,513; Account (651-6006-0731).

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 10<sup>th</sup> day of October 2023, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**
- RECUSED:**

\_\_\_\_\_  
**Bernie Norvell**  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**Cristal Munoz**  
**Acting City Clerk**







September 14, 2023

Mr. John Smith  
City of Fort Bragg  
Public Works Department  
416 North Franklin Street  
Fort Bragg, CA 95437

**RE: HDR’s Proposal to Provide Engineering Services During Construction for Water Treatment Plant Rehabilitation Project**

Dear Mr. Smith:

HDR will provide engineering services during construction for the City of Fort Bragg’s (City’s) Water Treatment Plant Rehabilitation Project (Project). Our proposed scope of work, assumptions, and budget are provided below.

## **SCOPE OF SERVICES**

### **Task D – Prebid Meeting**

HDR will assist the City with conducting a job walk and attend the pre-bid conference to meet with prospective contractors and answer contractor questions for the water treatment plant rehabilitation project. The budget for this task includes attendance of the project manager and the electrical engineer.

### **Task E – Bid Services**

HDR will provide assistance during the bidding period, which includes receiving and recording contractor written and e-mailed questions, and issuing up to two addenda to the contract documents for distribution to plan and specification holders. The City will prepare, negotiate, and execute the construction agreement with the selected contractor.

**Deliverables:** Up to two addenda to the bid set of contract documents.

### **Task 4 - Engineering Services During Construction**

#### **SUBTASK 4. 1 - CONFORMED FOR CONSTRUCTION DRAWINGS AND SPECIFICATIONS**

Incorporate the addenda into the bid set and provide a “conformed” set of construction documents for reproduction and distribution by OWNER.

#### **SUBTASK 4. 2 - PRECONSTRUCTION MEETING**

HDR will attend the preconstruction meeting, along with City staff, construction manager, and the contractor’s representatives. It is assumed that the construction manager will lead this meeting.

#### **SUBTASK 4.3 – SUBMITTALS/RESUBMITTALS**

HDR will review the contractor's submittals, including shop drawings and operations and maintenance (O&M) manuals, for conformance with the contract documents (up to 35 submittals/resubmittals are budgeted). HDR will not be responsible for consultation or other services related to construction means and methods, construction site safety, or labor compliance (including certified payroll).

#### **SUBTASK 4.4 – CONSTRUCTION PROGRESS MEETINGS AND PERIODIC SITE VISITS**

HDR will participate in one-hour long virtual construction meetings. HDR will visit the construction site, as requested by the City, to assist the City in reviewing the acceptability of the work and to assist in resolving field problems. The budget for this task is based on a bi-weekly virtual meeting for an 80-week construction period and a single, one-person, site visit.

#### **SUBTASK 4.5 - CONTRACT CLARIFICATIONS**

HDR will answer questions and provide written interpretations of the requirements of the contract documents and evaluate the acceptability of substitute materials and equipment. The budget for this task includes up to 22 clarifications and responses to requests for information (RFIs).

#### **SUBTASK 4.6 - CONTRACT CHANGE ORDERS AND POTENTIAL CHANGES**

HDR will review contract change orders and potential changes prepared by the City, and review and make recommendations on contractor's price proposals. HDR will prepare independent estimates as required. The budget for this task includes up to three potential change items and one change order.

#### **SUBTASK 4.7 - FINAL SITE VISIT**

HDR will conduct a final site visit to review final work and prepare a punch list.

### **Task 5 –Project Management**

HDR will provide project management for the duration of the project, which includes preparation of monthly invoices and status reports. Construction phase services will be provided during an 18-month period, starting on the contractor notice to proceed date.

## **Assumptions**

The scope of services does not include the following:

- Labor compliance, including certified payroll.
- Materials testing.
- Construction management services, including daily inspection services.
- Off-site inspection.

Mr. John Smith  
September 14, 2023  
Page 3

- Mitigated Monitoring and Reporting Program (MMRP) monitoring.
- New plantwide O&M manual.
- Record drawings (incorporate contractor redline markups).
- Start-up and commissioning support.

## Compensation

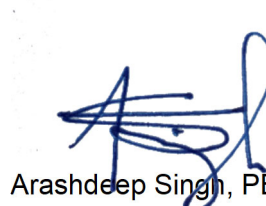
Table 1 shows the estimated work effort and cost to perform the scope of services described above.

Please let Arashdeep Singh know if you have any questions or comments. He can be reached at 916.628.0106 or [arashdeep.singh@hdrinc.com](mailto:arashdeep.singh@hdrinc.com).

Sincerely,  
HDR ENGINEERING, INC.



Holly L.L. Kennedy, PE (CA #74682)  
Senior Vice President



Arashdeep Singh, PE (CA #C90090)  
Project Manager

AS:pk/23-10184891

**Table 1 - Estimated Work Effort and Cost**

City of Fort Bragg

Water Treatment Plant Rehabilitation - Construction Engineering Services

Task No.	Task Description	Principal/ QA/QC	Project Manager	Staff Engineer	Arch	Structural Engineer	Mech Engineer	Electrical Engineer	CADD Tech	Project Controller	Admin/ Clerical	Total HDR Labor Hours	Total HDR Labor (\$)	Total HDR Expenses (\$)	Total Cost (\$)
<b>Task D - Pre-bid Meeting</b>															
D	Prebid Meeting		8					8			2	18	\$4,610	\$500	\$5,110
	<b>Subtotal Task D</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>18</b>	<b>\$4,610</b>	<b>\$500</b>	<b>\$5,110</b>
<b>Task E - Bid Services</b>															
E	Bid Period Services (up to 2 addenda)	4	4	6		2		4	8		2	30	\$6,730	\$135	\$6,865
	<b>Subtotal Task E</b>	<b>4</b>	<b>4</b>	<b>6</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>4</b>	<b>8</b>	<b>0</b>	<b>2</b>	<b>30</b>	<b>\$6,730</b>	<b>\$135</b>	<b>\$6,865</b>
<b>Task 4 - Engineering Services During Construction</b>															
4.1	Conformed For Construction Drawings and Specifications	1	4	6				2	12		8	33	\$6,305	\$50	\$6,355
4.2	Preconstruction Meeting	4	8	2				4			2	20	\$4,950	\$500	\$5,450
4.3	Submittals/Resubmittals (up to 35)	6	40	40	4	16	10	36			20	172	\$39,640	\$150	\$39,790
4.4	Monthly Construction Meetings and Periodic Site Visits	6	40	16		4	2	12				80	\$19,620	\$1,500	\$21,120
4.5	Contract Clarifications (up to 22)	4	24	16		8	12	20	8		20	112	\$25,440	\$50	\$25,490
4.6	Contract Change Orders (up to 1) and Potential Changes (up to 4)	4	16	8		2	1	4			4	39	\$9,015	\$50	\$9,065
4.7	Final Site Visit	1	8					8				17	\$4,655	\$750	\$5,405
	<b>Subtotal Task 4</b>	<b>26</b>	<b>140</b>	<b>88</b>	<b>4</b>	<b>30</b>	<b>25</b>	<b>86</b>	<b>20</b>	<b>0</b>	<b>54</b>	<b>473</b>	<b>\$109,625</b>	<b>\$3,050</b>	<b>\$112,675</b>
<b>Task 5 - Project Management</b>															
5.1	Project Management	10	48							48	16	122	\$24,150	\$1,200	\$25,350
	<b>Subtotal Task 5</b>	<b>10</b>	<b>48</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>48</b>	<b>16</b>	<b>122</b>	<b>\$24,150</b>	<b>\$1,200</b>	<b>\$25,350</b>
<b>COLUMN TOTALS</b>		<b>40</b>	<b>200</b>	<b>94</b>	<b>4</b>	<b>32</b>	<b>25</b>	<b>98</b>	<b>28</b>	<b>48</b>	<b>74</b>	<b>643</b>	<b>\$145,115</b>	<b>\$4,885</b>	<b>\$150,000</b>



# City of Fort Bragg

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

## Text File

File Number: 23-321

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**Agenda Date:** 10/10/2023

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Staff Report

**Agenda Number:** 9A.

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Gov't Code Section 54956.9: (one case)



# City of Fort Bragg

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

## Text File

File Number: 23-322

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**Agenda Date:** 10/10/2023

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Staff Report

**Agenda Number:** 9B.

PUBLIC EMPLOYMENT. Gov't Code Section 54957 (b). Title: City Manager

**From:** [Jacob Patterson](#)  
**To:** [City Clerk](#)  
**Subject:** Public Comment -- 10/10/23 CC Mtg., Item 9B, City Manager Appointment  
**Date:** Thursday, October 05, 2023 5:50:04 PM

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City Council,

I am dismayed that I have to write this comment but after alarming events that occurred today that have been brought to my attention by concerned community members, I cannot stress enough the importance that you immediately put Peggy on administrative leave for the remainder of her minimum 45-day notice period (or waive that period) and name an Acting or Interim City Manager without delay, ideally at the 10/10/23 meeting because a closed session item has been agendized in a way that you could take that action. You have current and former department heads who could serve immediately as well as Sarah who previously served as Acting CM.

I am talking about a "take her keys and change the locks" to City Hall situation... I believe it is that serious. Some people might not be aware of disturbing past events but as part of her alarming behavior, she threatened my physical safety by telling me her three sons-in-law wanted to break my neck--she later claimed that was a joke and subsequently denied she said it at all but I documented the event and quickly reported it to the Police Department upon receiving advice to do so.

In my opinion, Peggy is unhinged and obsessed with me. To illustrate, she has been going around town apparently defaming me in community meetings, including implying that I am so physically threatening that I need to be accompanied by the Chief of Police to visit City Hall, which might be her desire but is certainly not something that factually accurate. I went into City Hall twice today without any incidents, including dropping off a form for the City Clerk's Office to Laura in Finance. The City is legally responsible for her actions as City Manager and this needs to stop. Despite her unfounded allegations that I am somehow harassing people by exercising my legally protected rights to make public comments or submit public records requests, I am actually the one being harassed by her.

In fact, although I have filed several complaints of late about illegal actions taken by City staff, I am not actually complaining about the individual staff members involved but about Peggy's ridiculous directions that have continually resulted in my rights being violated (and continue to do so). You should know that my recent alleged harassment of staff that was referenced during public comments at your last meeting involved me going into City Hall to try to review public comments for the prior City Council meeting, which is my statutory right, a right I share with all other members of the public. Unfortunately, I was denied access to the public comments; comments that ended up being censored by the City as well when they deleted (or failed to publish) the attached proof I supplied that the City had not properly posted a closed session agenda item in time for the regular meeting. I politely objected to my rights being violated and proceeded to file a complaint about it. That isn't harassment, that is an appropriate response to inappropriate directions Peggy provided to subordinate staff.

I reiterate that I believe that enough is enough and Peggy needs to be removed from her appointed office immediately and without delay. Although I have never actually brought any litigation against the City, or any city for that matter (despite being accused of doing so), I may need to do so if you don't deal with this situation appropriately. No matter if you

appreciate my tone or the frequency of my comments and other legally protected activities, you have a duty to oversee the city manager and ensure that they are not actively doing harm to the City through their actions. In my opinion, Peggy is actively doing harm and is not stable enough to continue to serve even on a temporary basis for up to six months since you accepted her resignation.

Regards,

--Jacob



Fort Bragg City Council Member,

I am very sorry to hear of the resignation of our excellent City Manager Peggy Ducey. Ms. Ducey has served with dedication, intelligence, and compassion to serve the people of Fort Bragg for the last year. As you know, from the beginning of her tenure she has been unfairly harassed and abused by a community member who repeatedly and frequently made unfounded claims about her competency and motives. She voluntarily shouldered this burden to protect her staff, who had been similarly abused.

Why did council choose not support Ms. Ducey in this? Why was this person allowed to waste so much valuable staff time and resources? Surely some form of support could have been found for her.

If this harassment continues to plague the new City Manager, I hope the council will learn from experience and take an active role in ensuring a safe and productive working environment for all it's employees.

Donna Whitmarsh

170 Ebbing Way

Fort Bragg



# City of Fort Bragg

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

## Text File

File Number: 23-323

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**Agenda Date:** 10/10/2023

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Staff Report

**Agenda Number:** 9C.

PUBLIC EMPLOYMENT. Gov't Code Section 54957 (b). Title: City Clerk

**From:** [Jacob Patterson](#)  
**To:** [City Clerk](#)  
**Subject:** Public Comment -- 10/10/23 CC Mtg., Item No. 9C, City Clerk  
**Date:** Tuesday, October 10, 2023 3:00:15 PM

---

City Council,

I encourage you to appoint a Council ad hoc committee to manage the City Clerk recruitment process (in conjunction with appropriate staff, which doesn't include Peggy or another Acting or Interim City Manager, IMO). Prior to her unfortunate passing, I understand that Cristal and Diana have been handling June's responsibilities in her absence but I don't think either of them has the training, knowledge, and background to perform the city clerk's duties as permanent replacements. To illustrate, PRA requests have not been handled correctly and meetings have not been properly noticed. I don;t think that is either of their faults, they have been performing admirably in a difficult situation. However, an experienced municipal clerk likely would have caught those issues as June often did during her tenure. Furthermore, please ensure that you manage this process correctly because the voters, through an approved ballot initiative, assigned the power to appoint our city clerk to the City Council and only to the City Council. I continue to be concerned that we don't even have an appropriately appointed Acting City Clerk because the Council took no action to ratify the administrative decision to have Cristal serve in that capacity.

Regards,

--Jacob



# City of Fort Bragg

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

## Text File

File Number: 23-324

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**Agenda Date:** 10/10/2023

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Staff Report

**Agenda Number:** 9D.

CONFERENCE WITH LEGAL COUNSEL--Existing Litigation Pursuant to Paragraph (1) of Subdivision (d) of Gov. Code Section 54956.9. City of Fort Bragg v. Mendocino Railroad



# CITY OF FORT BRAGG

*Incorporated August 5, 1889*

416 N. Franklin Street, Fort Bragg, CA 95437

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

[www.FortBragg.com](http://www.FortBragg.com)

## **CERTIFICATE OF COMPLETION**

All items of work and the provisions of the contract executed with Redwood Roofers for labor, materials, equipment, and supervision for the Corp Yard Roof Replacement , as shown in the Plans and Specifications for the Corp Yard Roof Replacement Project, City Project PW-00128 dated April 22, 2023, have been completed.

This project as described above was awarded by the Fort Bragg City Council by resolution at their meeting of May 22, 2023.

It is recommended that the completed project be accepted by the City Council.

DocuSigned by:

*Chantell O'Neal*

714E1085226D467...

**Chantell O'Neal**

**Assistant Director of Engineering**

DATED: September 28, 2023.

**EXHIBIT "A"**