



City of Fort Bragg

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Meeting Minutes Special City Council

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

Tuesday, October 3, 2017

6:00 PM

Town Hall, 363 N Main Street

Special Meeting - Hospitality House Appeal

CALL TO ORDER

Mayor Peters called the meeting to order at 6:03 PM.

ROLL CALL

Present: 5 - Mayor Lindy Peters, Vice Mayor Will Lee, Councilmember Michael Cimolino, Councilmember Bernie Norvell and Councilmember Dave Turner

1. PUBLIC HEARING

- 1A. [17-498](#)** Receive Report, Conduct Public Hearing and Provide Direction to Staff Regarding Appeal by Dawn Ferreira, Anne Marie Cesario, Jean Stubenrauch and 26 Others of Planning Commission Use Permit USP 9-03/17 Modifying Existing Use Permit USP 9-03 for the Hospitality House

Councilmember Turner recused himself from the hearing, citing a disqualifying conflict of interest pursuant to FPPC regulations, as he owns a business near the subject property.

Councilmember Turner left the Council chamber at 6:05 PM.

Community Development Director Jones presented the staff report for this agenda item. She summarized each change or addition to the special conditions of the Hospitality House use permit requested by appellants. Mayor Peters asked if the "binding and enforceable" Whereas paragraph noted on page 1 of the staff report was contained in the Resolution (Attachment G). Jones responded that this appears as the second Whereas paragraph on page 2 of the Resolution. Councilmember Norvell inquired about the "ban list" and how people are added to the list. Director Jones responded that police can make recommendations to the list. Councilmember Norvell wanted an explanation of why staff did not believe revocation of the use permit was justified. Jones replied that staff believes that these code violations require use permit modifications, not a revocation.

Mayor Peters opened the public hearing at 6:37 PM.

Ann Marie Cesario spoke on behalf of the appellants and read a statement. *(Clerk's note: Ms. Cesario's entire statement and all documents and speaker cards turned in at the hearing are now a permanent part of the official record and can be found as the last attachment to the agenda packet.)* She referred to what the evidence shows, the size of Hospitality House (HH) staff, HH finances, and the focus of Mendocino Coast Hospitality Center (MCHC) services over the years. Ms. Cesario said that accountability and transparency for this organization are important and it is up to the Council to hold the line on that, noting that MCHC is a different organization today than it was in 1986. The statistics show that meals and services have increased since 2003, and HH has put in more beds. She stated that MCHC should have a homeless person on their board of directors and they do not

have that representation on their board. Ms. Cesario believes the MCHC choices are negligent. She believes the use permit modifications will not solve this problem, calling it a band-aid. She spoke of a need for more serious intervention and urged the Council to make a decision that supports people that are on the streets. Ms. Cesario also asked the City Council for a refund of the \$1,000 fee to file the appeal, saying that the community needs to be included in decision making and negotiations and that should not cost \$1,000.

Dawn Ferreira is a neighbor of HH and talked about the nuisance the Hospitality House presents to the community. She submitted two pages of names of neighbors for the record. Ms. Ferreira stated that MCHC cannot run the HH in a safe manner. She itemized the problems she has encountered, including: homeless people leaving items on her property; she cannot let her children play at Bainbridge Park because of needles left there or drugs dealt there; homeless people stay on her doorstep; her life has been threatened for flying the flag; her property has been damaged or stolen. Unstable homeless people park in front of her house and place of work at a local bank, loitering, using alcohol and drugs, exhibiting aggressive behavior, panhandling, etc. Customers at the bank are afraid to use the ATM. Ms. Ferreira said it is scary to go to work at the bank because of the behavior of the homeless. MCHC just locks their doors and watches from the window. MCHC doesn't care about being good neighbors or about the people they are supposed to be taking care of. She called this program a hoax and said it is keeping people in a downward spiral, opining that if there aren't visible homeless, the MCHC won't continue to get funding. She said she speaks on behalf of business owners and residents who are afraid to come forward.

Attorney **Pamela Cohen**, speaking on behalf of Mendocino Coast Hospitality Center and Hospitality House, said that the City and MCHC have gone to great lengths to amend the use permit by modifying the conditions. The Housing Element legally obligates the City to identify its needs for emergency housing and shelter. She gave statistics of homeless individuals in Fort Bragg and spoke about how causing the MCHC to move out of the Central Business District would violate the Housing Element. She stated MCHC cannot be held responsible for nuisance behavior that occurs outside its property. Council cannot take action that is motivated by discriminatory intent.

Lynelle Johnson, board member of MCHC, thanked the City Council, Planning Commission and staff who worked hard to try to resolve these issues over the years. She said she hopes a resolution can be reached on these critical problems in the City. Ms. Johnson said an item of misinformation is that MCHC operated a day shelter. The last day shelter was operated by a Ukiah nonprofit and was closed over seven years ago. She noted that the Hospitality House is mission driven; not just a place to be there and hang out, but to encourage guests to move forward in job training classes and services. She urged people to join the Homeless Action Planning Group and get a day shelter on their agenda. Fort Bragg needs a day shelter facility and funding. MCHC board and staff are working diligently to operate and fund their current program and cannot take on a new one. MCHC has been proactive in implementing the new special conditions approved by the Planning Commission. Ms. Johnson said MCHC and HH have been cooperating with the Fort Bragg Police Department (FBPD), and met with them for two hours recently to do some problem solving. She referred to HH's revised policies and procedures manual. She hopes that the County of Mendocino will sponsor the extreme weather shelter program. MCHC does allow people to attend the board meetings, but there is confidentiality concerning clients. The board recently made a decision to reorganize the HH and create a new position of HH administrator. Ms. Johnson noted that the vast majority of their clients have disabilities, but HH does have ADA compliant bedrooms and bathrooms. They house developmentally and physically disabled people. Having all kinds of clients at HH is a unique situation requiring a qualified individual to oversee operations, which is why they recently hired a new administrator. The local community has donated almost 60% of costs over the years, including food and clothing. The board is grateful to receive CDBG grants to help with the center, showers, remodeling, bedroom space for families, etc. She asked to be allowed to continue to use this facility in their mission to shelter the homeless, feed the hungry and provide a path to self-sufficiency for their clients. She urged the Council to accept the Planning Commission resolution. Ms. Johnson

then introduced MCHC's new highly credentialed administrator, Lara Anderson.

Lara Anderson, Hospitality House Administrator, talked about speaking for the guests of the HH. She read a letter about the changes she's seen at the HH during the last three months. Her goal is to make this a more functional community for everyone. The agreement with the Planning Commission is both a challenge and a guide toward elevating the work they do. Ms. Anderson works with interns on training, empowering them to be more active in their roles at the HH. She works on safety issues and communication skills. She meets regularly with the FBPD to exchange information and address issues that arise. Currently the house is well-staffed. She has met with concerned citizens and neighbors and is open to feedback and concerns of everyone involved because she wants to make HH a better place and to provide services to the most needy and vulnerable in the community.

Mayor Peters asked if a homeless person is serving on the board. Ms. Johnson responded that there is a homeless person who is in service to the organization and they are thrilled to have that perspective on the board. Mayor Peters asked Chief Lizarraga to give his opinion on the need for a private security firm at HH. He wanted to know if a private security guard would contact the police if there is criminal or violent behavior. The Chief said that private security firms have employees with various degrees and levels of training; some are armed, some are not. If they detain or hold someone, they will still have to call the police. The Chief said having somebody in uniform or clothing that identifies them as security for the location does have an impact. It is a deterrent for people acting up. Mayor Peters mentioned a concern about having a state licensed medical person on staff. Lara Anderson said that HH requires people to turn their meds over to staff when they come in and those medications are locked in a cabinet. The MCHC staff does not dispense medications. The clients take their own meds; distribution is not overseen by staff, but medications are kept locked up. Mayor Peters asked Attorney Pamela Cohen if she contested the adequacy of the findings in the Resolution. Ms. Cohen indicated the MCHC is okay with the findings.

Vice Mayor Lee asked Lynelle Johnson about the people housed at the various facilities. She said MCHC and the Harrison Street property are transitional housing, not homeless facilities. There is a live-in manager at 101 N Franklin.

Councilmember Cimolino asked Ms. Johnson about the location of ADA accessible bedrooms. She responded that the ADA compliant facility is in the main room of the main home. The Gibson home in the back on the first floor has one step, so it is not ADA compliant, but it is usable by some with disabilities. Councilmember Cimolino asked why the MCHC does not let folks hang out there during the daytime. She said there are people who are there many times of the day, but MCHC makes a distinction between people using the washer/dryer/shower facilities and people who want to be there because they have no place to go. MCHC has never run a day shelter; that's a completely different thing. Councilmember Cimolino asked for an explanation of why they do not allow people to stay there instead of on the streets. Ms. Johnson said that the enclosed area is not very large and it comes to a point that it is hard to manage if there are too many people. They need to have some control over the people. Attorney Cohen said you wouldn't ask a restaurant why they won't let people sit in their back garden when they are not open. There is no compelling reason for MCHC to hire people to oversee their back yard; that isn't something they have to do. Ms. Cohen said that she's concerned about the implication that the HH is not being friendly by not allowing people on their premises during non-operating hours. Lara Anderson said that she allows three to four people to be in the house all day because they are working. Also if they have children, they are not required to go anywhere, they can stay. People who are disabled, mentally or physically, can stay. The people who are leaving every day are leaving because they are taking care of things like looking for work, housing, appointments, etc. The ones who are leaving are the ones who want to leave. All the people who are living there are working with the MCHC/HH.

Councilmember Norvell asked Lynelle Johnson if people being housed at MCHC are allowed to hang out at the outside garden. She replied that Yes, they do, but it is behavioral based. If they are at HH, they have to behave. At MCHC, there is a bigger area where people can relax, and the courtyard is a

very calming experience. People lower their voices and calm down. It's a healthy place for them but it is decided on an individual by individual basis. MCHC doesn't want people to just come there to hang out; it's a place to get better. Councilmember Norvell inquired about how long people have been staying at 101 North Franklin. Anna Shaw, MCHC Executive Director, said it has been a couple months now, and more are moving in next week.

Mayor Peters referred to a remark by Attorney Cohen that HH cannot be held responsible for nuisances that occur outside the HH. Attorney Epstein said that the HH has no control over what does not happen on their premises. The people might not be far away, but if they are engaged in activity that might constitute a nuisance at a site that is not owned by HH it is not their responsibility and they have no legal authority to control people not present on their property. He acknowledged that activities that are going on off-site may constitute a nuisance, but they are not nuisances within HH's control. Attorney Cohen read special condition 7 - specifically the language about behavior "adjacent to" the premises - and said there is no question that HH has to monitor the behavior of people on its property, but they are not responsible for the behavior of their guests for activity not on the property.

Mayor Peters recessed the public hearing at 7:50 PM; the public hearing resumed at 7:56 PM.

Claire Lobell, retired social worker in Fort Bragg and other communities, has lived here since 1984. She told a story about being a founding member of Occupy some years ago and talked about the necessity of looking at our homeless problem. She went to an MCHC board meeting with Howard Ennis. They were asked what they had to say. When she replied that they were there as community members and just wanted to listen, they were told to leave. Ms. Lobell said the MCHC decision at that point was to close their board meeting for personnel purposes. They then closed the board meeting and ushered them out. A couple months later she went back again to the Hospitality House board meeting and the door was locked so she could not go in. She stated that it felt "squirmy" to her, and she wants to know what is being hidden from the community and from the City. She stated that she has never been able to find out.

Don Bettencourt, local teacher, pointed out that many homeless people on the streets have mental health issues; nationwide it is 40%, on the coast, 20%. HH has been held responsible for the activities of the homeless when they are not being served by the HH. Several years ago a homeless man came before the City Council to complain that he wasn't being served by HH because he was doing drugs. Mr. Bettencourt said his church serves homeless, and offers them showers and meals, but when they leave, where they go and what they do is up to them and the church cannot control that. He applauds Sheriff Tom Allman for wanting to build a mental health facility (Measure B). He said the people causing problems are off their meds. He related that his son is enrolled in HH transitional housing. He was homeless, on Vicodin and meth, but has been clean for the last five years. He enrolled in HH who has helped him with interviews, tests, and psychologist appointments. He concluded that HH is providing services that helped his son get back on his feet.

Megan Caron, business owner located in the Larry Spring building, spoke of her concerns on behalf of neighboring business owners who choose not to speak up because of fear of retaliation. She reported that the Spring property has been used as a campsite, a toilet, it has been vandalized, and lit on fire. She referred to her location as Skid Row and has promised her family she won't be alone in her business after dark. She said Redwood Avenue is not a safe place now. Ms. Caron has been following HH since MCHC purchased 101 N Franklin. She thanked the HH staff and respects the work they do on the problem of homelessness and mental illness. But she questions MCHC's determination to exist in multiple locations in a small business district while disregarding the negative impact it has. She pointed out that it costs money to maintain all those properties and people are dragging their belongings and mental health issues back and forth across town. She wants HH to do their job, but to do it well and suggested they might consider consolidating to help more people in need.

Faith Simon has been practicing pediatric medicine in Fort Bragg for 18 years. She has met many families in difficult circumstances who live in their cars or tents, doubling or tripling up in the harbor, and living in campers in campgrounds. She has seen those families, families with children, with no place to go. Ms. Simon said that shelter is a basic need, a necessity, in dealing with health, especially for children. She spoke of the ways that poverty, inequality, and racism affect the poor especially in this county which is poor by national standards. She noted that California has the highest poverty rate in the country. She sees this most days and says we have a responsibility to those children, and to those who help them. One of the few organizations that does this is MCHC. Their work makes a difference in the lives of these children. MCHC and HH are working to identify people who fall through the cracks. She said it doesn't matter where these people come from, they are all human, they are all in need of help. A survey found that many of the people are from Fort Bragg; 38% had been here for more than 10 years and have friends, families, roots, memories, here. Ms. Simon concluded her remarks by stating that the City needs to support HH and MCHC, not threaten it or harass it, not try to drive it out.

Jim Hooper said it took up to the night of the Planning Commission meeting for the HH to admit it has some problems. He is concerned that HH says they keep the client medications under lock and key but then they hand the meds over to the clients to dispense to themselves. He stated that is not really controlling it, because they can pour out any amount they want. He referred to California Department of Health & Human Services regulations and said that HH is an unlicensed facility and is prohibited from administering or dispensing medications to the homeless. Mr. Hooper said that a downtown location is not the best place to have this kind of facility. A better way would be to find another place, a more suitable place.

Scott Taubold submitted a speaker card but left the meeting before he was called to the podium.

Bill Baker, a retired school teacher, directs Food for the Hungry sponsored by the United Methodist Church. He is responsible for preparing 50 meals of chili beans every week. He said he is proud to be here in Fort Bragg with all the volunteer agencies. HH houses the homeless, but also serves meals and is open to the community. He thinks the appellants are wrong when they say too many are being served meals; the truth is our people need it. Nutrition is the very start of health. HH is filling a need with this community meal that nobody else is doing. The Food Bank and churches do what they can, but HH is doing something no one else is doing, and he is proud of it.

Mayor Peters read a speaker card comment from **Leopoldo Narez** of La Bamba Imports. Mr. Narez wants people not to leave their food and clothes on the bench outside his business because it drives customers away. He says marijuana smokers in the field across the street are disrespectful to families. He notes that the homeless pee in the back of his property and he does not approve of that.

Linda Jupiter submitted a speaker card but later withdrew it.

Barbara Johnson, local resident since 2004, has observed HH and its effect on individuals who participate in its programs and it seems to be highly successful. She thanked staff for going through all the recommendations, saying it takes a lot of time and effort, but she thinks it is a good outcome. Ms. Johnson noted she attended the first board meeting and it was quite open; nothing fishy was going on. She was welcomed at the business meeting and pleased to be there. She stated that the wrap around services will be critical in moving people from shelters into transitional and hopefully permanent housing. Those wrap around services are critical. They provide incentive and opportunity for people to get their lives back on track. She said there are two issues to deal with as a city: Come to agreement on how to manage the problems neighbors were having with HH, and how to deal with the many homeless people Fort Bragg actually has. The second is a separate issue; it's not Hospitality House's issue. That may be something else that needs to be addressed by the City as well. She said that in her 28-year career in government and her husband's service the Bay Area police services, they have seen programs like these work wonders.

Rex Gressett addressed Councilmember Cimolino's question about why people cannot sit around

at the HH. He said that the people who are asked to leave are not in the "club." There is a club of people that have privileges to use the facility however they want. He noted that he knows these homeless people, and they are not animals, not freaks. These are angry people who have been abused by an institution of privileged people. Those who are not privileged are run right out of the building. Mr. Gressett stated that Attorney Robert Epstein railroaded the Planning Commission and took their decision away from them. He finds it disturbing that Mr. Epstein is now here representing the City Council and nobody objected to that. He says Mr. Epstein behaved outrageously and nobody seems to care. Mr. Gressett asked that the Council address the issue of privileges at MCHC, stating that it is a corrupt organization, that it is rude, insulting, and gives money to their buddies. He said all of them are in a little club, and people are looking to the City Council to say no, we're not going to allow this tragedy to continue. Mr. Gressett stated there is a long line of people who have died. Hospitality House is beyond redemption. He asked that the Council pull the use permit.

Kevin Scanlon submitted a speaker card but left the meeting before he was called to the podium.

Aeolian Vincent-dePaule encouraged the Council to deny the appellant's appeal. He has sympathy for the people in the neighborhood as well as for those suffering from homelessness, which is something not limited to this town. He applauds HH for doing what they can with the limited funding they have to address these issues. He noted that millions of dollars sounds like lots of money, but a lot of requirements and stipulations go with it. Mr. Vincent-dePaule is a member of the Mendocino County Homeless Services Continuum of Care, and MCHC is a valuable member of the Continuum of Care. He was formerly homeless for a very long time, left home at 14, and didn't have an education beyond 2nd grade, but agencies like HH put him on an upward trajectory. He understands the plight of the homeless, and having seen the organization from the inside, he thinks they are doing a good job. This is a much bigger issue than HH. People want them to be responsible for a much larger societal issue, and it is beyond the capacity of this organization to address.

Carole White said everyone can agree that this community has a problem with homelessness - 115,139 are homeless in California. She noted that there may not be agreement on how to respond to these problems but a way forward includes activation of a homeless action group which was begun months ago. She asked where that currently stands and says she has not heard anything for a long time. Mendocino County is ahead of other counties and cities on homeless issues because there are actually services in place here. There are not enough programs to serve all the needs, but many jurisdictions do not have services at all. Ms. White stated that this is changing but the flood of homelessness cannot be stopped. City government has a responsibility to respond to homelessness, but people should not blame the only provider of homeless services and expect them to respond to the problem. She urged the City Council to deny the appeal, including the refunding of the filing fee. She asked the Councilmembers to accept the recommendations of staff, deny the appeal, and adopt the resolution modifying the Hospitality House use permit. She further urged the Council not to expose the community to legal jeopardy because of foolhardiness, saying we all have to work on this because these ills will not magically go away any time soon.

Ann Marie Cesario said she was diligent in her research, and everything she presented was from the Form 990s and items submitted to the State and Mendocino County on how MCHC was spending the money they were giving to the homeless. The law that requires a homeless person be on a board of directors is a federal law. She said that emergency shelters are no longer allowed in Central Business District zoning codes. The nuisance is not being created by the guests at the MCHC, it is being created by non-guests who need to go there to take showers, wash clothes and eat meals. They can go there to eat, but once that's done, they have no place to go but the streets of Fort Bragg. Of the 662 people living on the streets in the city, MCHC has housed 30 and that's it. Many times there are no children in that count. Ms. Cesario applauded Lara Anderson, who she called a great social worker.

Mayor Peters read a speaker card comment from **Annette Reynolds**. She is the manager of Figueiredo's Video and for years has dealt with the residents of the Hospitality House who hang out

on her property, take drugs, drink alcohol and leave their garbage behind. She states that her life has been threatened more than once and she is tired of this nuisance caused by not having a day shelter.

Maya Stuart, program administrator for The Home Team, a new unit within Health & Human Services at the County of Mendocino, is focused on homelessness. She said this is clearly a complex issue, emotionally charged, and the people feel sensitivity to those on the streets. Ms. Stuart noted that it is frustrating for those trying to make a positive change, because it feels hopeless at times. The County is stepping forward with new leadership. The Board of Supervisors and Mendocino County leadership is committed to working with all cities in the county in a positive way for all community members to make sure that resources are used as efficiently as possible. She suggested people take a couple of deep breaths and consider whether the decisions made are really going to have the intended results in the long run. She noted this issue is an incredibly complex situation and often the timing is rushed, but the County is willing to work with and support the City as much as they can with an information sharing campaign called Hand Up, not Hand Out. She showed the Council a poster for the campaign which they hope will be more positive and more driven toward actual action.

Jim Britt said nothing has gotten any better after three years of meetings on HH. He believes it is all smoke and mirrors, and the people who live at MCHC are okay as long as they are friends of Anna Shaw. He stated that the whole system is broken and it ends up in the community's lap because this organization is incapable of handling it. They don't have the right people there. They need new people to step in and try to save this organization. He predicted bankruptcy, lawsuits, and death on the streets. Mr. Britt would like to see the City Council table this, have more discussions, and find solutions. He thinks the MCHC board needs to be more public so people know who they are and what they are doing. He does not believe MCHC has a viable board that will protect their clients. They are being intimidated by their ADA attorney. He asked, Who does she represent? Why not the clients? They are the ones being short-changed. He recommended MCHC go back to the drawing board and do something different.

Tammy Moss Chandler is the director of Mendocino County Health & Human Services agency. She commended the work of the City of Fort Bragg for reviewing and responding to the concerns of those in the city. She commended MCHC for complying with the additional use permit conditions. Ms. Moss Chandler agrees that more services are needed throughout the County but there are not enough funding sources to serve the needs here. She is personally committed to working with the City, the MCHC and the community to improve services. She asked the Council to approve the special conditions.

Ann Rennacker thinks it is a shame another young man died on the streets. The Senior Center says there are ten or 12 homeless seniors living in their vans and cars. The housing shortage is critical. Fort Bragg has a lot of empty buildings. Ms. Rennacker noted that the Affinito building has been sitting empty for years and could be used to house people. She thinks it is a shame that there are 662 people on the street, but only 30 can get in line to be housed, and the MCHC can pick and choose who can stay there. She spoke of the need for extreme weather shelters so people do not have to sleep under bushes when it rains. She thinks there has not been enough time from the Planning Commission approval of the modifications to the use permit to implement all the changes. She said Ms. Cohen, Ms. Anderson, Ms. Johnson and others from the MCHC and HH are all trying hard to make it work. Ms. Rennacker thinks they ought to be given a little more time. With the FBPD watching, she thinks MCHC should be given a chance to make the new special conditions work. Mayor Peters read a speaker card comment from **Dawn Ferreira**. She noted that the nuisance is on the Hospitality House property and the evidence is the police presence there more than every other day as noted in the report. She asked how safe would you feel if the police were next door to your house every other day.

Richard Mack, Fort Bragg resident, said that Lara Anderson is doing a good job. He wants to let

people know that cannabis is legal in California and Fort Bragg, it is his only medication used to treat seizures, and he takes no prescription medications. The mental health system that denies him services wants the revenue generated by the sales of cannabis. Mr. Mack wants to do sobriety publicly, but when he tries to do it he gets rebuffed.

Ron Britt, business owner and long-time resident, said there are three sides in this issue - the City, HH, and local businesses. These businesses should have been involved in the negotiations but they were not, and he states that was wrong. He spoke about attorneys and liability and lawsuits, saying to just to have two attorneys stand up and say there is no liability is wrong. He bases this on 40 years of trying cases.

Joe Christie came to Fort Bragg two years ago to stay in the severe weather shelter. He checked into HH and stayed there for a week so he knows first hand how it operates. He used the services for showers and laundry and says that everyone who wants to shower can do so. These are good things for homeless. He talked about the meal schedule. His biggest concern is the emergency weather shelter and a lack of planning for who is going to be operating it. He offered his services to the MCHC as an employee but has never been offered a job there, although he has applied many times. Mr. Christie is an advocate for homeless, he is homeless, he understands issues, has a college education, and attended a meeting of the board. He is cynical about that because he was not allowed to ask any questions at the meeting, and then the public was asked to leave the meeting. He is mostly concerned about making sure the emergency weather shelter is offered so homeless people don't die on the street.

Christopher Kelley came to town two weeks ago looking for a place to live. He has used the facilities at the HH, but questions the qualifications of those running the facility. He has observed what goes on there and thinks it is entirely mismanaged. If the Council wants to make any strides toward solving the problem, he recommends consulting professionals. He offered his assistance, and invited the Council to take advantage of his experience.

Eric Dwyer said the last Planning Commission meeting was a boondoggle, with lawyers arguing with each other for no real reason. He thinks that according to the attorneys, there's nothing you can do, but there is, if you so choose. He suggests tightening up and revising the guidelines, opening the bathrooms all day long, and counting only adult clients and not children. Hiring private security is not feasible or effective because homeless folks won't act any differently around them than any other person except maybe a police officer. Mr. Dwyer said the City needs a day center and he encouraged the City to allow that to be an expanded use. Ukiah is considering a day center. He thanked all involved, whether for or against, saying this issue will be here until the end of time. He concluded his remarks by asking people to vote Yes on Measure B.

Mayor Peters closed the public hearing at 9:01 PM.

Mayor Peters noted that he read only the agenda packet prior to this meeting so he could have an open mind before hearing the public comment. He mentioned that the City of San Rafael had a homeless problem and they were represented by Attorney Robert Epstein who helped that city come to a good workable solution. Mr. Epstein clarified that after the Planning Commission meeting there were negotiations between attorneys, but they did not involve him. The City Attorney on behalf of staff in this code enforcement proceeding, represented the City regarding the use permit conditions. He was not involved in any of the negotiations.

Mayor Peters said that he was glad this was presented in a calm way without getting emotional. Vice Mayor Lee acknowledged that this is an emotional issue for the City and he thanked people for their concerns. He stated that Council has heard the complaints of citizens and business owners and wishes to come up with solutions to help all of us through this process. He spoke about the authority of Council to develop affordable housing, which may be one solution to this problem. Council has authority to enter into an agreement with HH. City Council does not have the authority to impose on the HH budget, their policies, management, or board makeup. He agrees with those who remarked that this is a societal issue and the whole system is broken. There are housing shortages and the Council is working on a plan to address that in the near future. Vice Mayor Lee supports

Measure B from the Sheriff of Mendocino County which will help the mentally ill in the community, some of whom happen to be homeless. Some nuisance complaints are from mentally ill homeless and he hopes that the Council will support Measure B because the mentally ill have profound impact on the local Emergency Room. He also recommended coming up with ideas for increased hours for public bathroom use.

Councilmember Cimolino said the FBPD has to bear the burden of the behavior of the homeless because what happens away from the MCHC property cannot be controlled by MCHC. He predicted an increase in these types of calls to the police. Councilmember Cimolino believes the HH can become a good neighbor. He stated that MCHC got pushed in a corner and finally reacted but he thinks they are trying to do a good job. He wants people to be able to attend and experience the entire board meeting for transparency's sake. He thinks the HH has the opportunity right now to extend an olive branch to the neighbors in the community who are living with these nuisance conditions. Councilmember Cimolino believes that if everyone works together the entire situation can improve, but it will take the PD, the HH, the community, and all the people affected by the homeless nuisance. He spoke of his understanding of homeless issues and said it is a tough decision to make. He would like the opportunity to sit down and talk about this and fine tune the use permit and come to a compromise that everybody will like. He noted that HH is important for the city but it can only help house 30 people out of 600. He wants the HH to think about using their resources to expand their operation to do more, but to do it in an area that won't affect quality of life of the neighborhood. Councilmember Cimolino predicted that if the appellants do not get satisfaction, they will be calling the police all the time.

Councilmember Norvell said that Attorney Cohen made a statement that the City relies on HH to provide shelter. He agreed that is true, but the people of Fort Bragg who have been affected by the behavior of homeless people also rely on the City to protect their quality of life. He noted that just because an organization provides a service that serves a certain demographic, that doesn't allow them to ignore their neighbors. Councilmember Norvell stated that this hearing tonight is not because HH has been trying for a long time to be a good neighbor. He said HH and MCHC have made some strides, and the new administrator will make a difference. But had they been doing these 18 special conditions all along this hearing might not be needed because most of these conditions are about being a good neighbor. They didn't agree on those 18 conditions until the last minute. They were pressed into a corner, and now they want to be a good neighbor. He recommended that the Mayor appoint an ad hoc committee to sit down with the MCHC to work these things out. He does not think the 18 conditions contained in the modified use permit are enough, but in his opinion, these things can be fixed. Councilmember Norvell says the City of Fort Bragg needs the HH but we can do better. He recommends an ad hoc committee work with the HH to hammer out an agreement because the people who live around there deserve better.

Mayor Peters noted that the ad hoc committee is comprised of Councilmembers only and not members of the public. The Mayor said that the way the City approached this problem was in the best interests of the community. The City heard from members of the community, from the business community, and from the folks who are involved with the homeless in various capacities. This is not an easy issue to come to grips with and every city faces this issue. He mentioned seeing homeless people in Davis and in Santa Rosa, noting that this is a systemic problem that is everywhere and it's up to each individual community to come up with solutions. Mayor Peters said that in response to complaints from residents and business owners, the City looked at the HH use permit and noticed that there were violations based on nuisance problems and intensification of use. Like any other business that violates the conditions of a permit, the City contacted the operator of the business, HH, and asked them to fix these problems. The City treated MCHC and HH like any other business in town. The Mayor supports the resolution and what the Planning Commission decided. He noted that if the matter needs further work, he can appoint an ad hoc committee to see how these 18 conditions are working. If something is falling through the cracks, perhaps more conditions can be added. At this point, he said, the City has asked them to follow these conditions,

and they should be given the opportunity to do that.

Commissioner Norvell asked Community Development Director Jones about the choices the Council has and if changes could be agreed to here tonight. Jones said that changes could be made if both parties agree.

Attorney Epstein clarified the options available.

The Councilmembers were in general agreement that the City would not revoke the Hospitality House use permit.

Councilmember Norvell asked for an explanation of the duties of the HH administrator, manager, and trainer. Administrator Lara Anderson said she is responsible for supervising and training the house manager, and for all operations of HH. She is part of the management team and reports to Executive Director Anna Shaw and to the board. Ms. Anderson gave a history of her background in this industry, saying she spent 11 years working with people with developmental disabilities. She worked as a social worker for the County and for Adult Protective Services. She worked at the County of Mendocino for seven years. All interns receive 20 hours of training from her and have had clean drug tests. She is always on call. She supports the intern program because it creates self-esteem and upward mobility. It creates community and serves as a bridge between people who live there and the management. Councilmember Norvell asked if Ms. Anderson is there 40 hours a week and she responded Yes. He inquired further about who is on duty overnight and on the weekends. He expressed concern about people being unsupervised or under the supervision of those with less than 30 days sobriety. Ms. Anderson confirmed that she works Monday through Friday during regular working hours; on the weekends paid staff works; and HH has three intern nights a week, Sunday, Tuesday & Thursday nights. Only people with more than a month of sobriety who have tested clean and who have had 20 hours training can operate in a supervisory capacity from 6PM to 7AM. A staff person sets them up with a phone, emergency contacts, a list of who is there, and three nights a week these interns are the responsible persons. The other four nights of the week, paid staff are on duty.

Councilmember Norvell asked the Chief if the number of calls has fallen on Sunday, Tuesday & Thursday. The Chief did not have the numbers in front of him, but stated that since Lara Anderson has been there, officers have given feedback that the amount of cooperation and solvability of problems is better, and there is a better working relationship between FBPD personnel and staff at HH.

Vice Mayor Lee asked if the HH is in a position to negotiate some of the requests. Attorney Pamela Cohen said she will stay as long as needed to answer questions and will not say no. She said that the comment about HH being backed into a corner was right. They had discussions with the City and bent over backwards to comply with the requests, noting that this is not a first stab, but the result of a lot of hard work where MCHC has stretched themselves as far as they could. Ms. Cohen stated that it is highly unlikely they will make any more concessions tonight. The Vice Mayor thanked her for her hard work, and that of staff. He asked if the condition regarding the fire marshal was acceptable. Ms. Cohen said MCHC will cooperate with the fire department and have all fire inspections performed like any other business. In regard to Condition #5, restrooms, Vice Mayor Lee asked if it would be possible to open the bathrooms earlier and keep them open later. She responded that they had already negotiated to the extent they are comfortable. This appeal has hurt their bottom line. It's not that they don't want to provide more services, just right now they can't and it's not appropriate to dictate that through a use permit. The times of bathroom availability is micromanaging the MCHC and not something usually found in a use permit, but because they understand the concerns, they did negotiate.

A brief discussion on striking Special Condition 14 was held, but it was decided that this was not an appropriate time to try to make additional changes to the conditions.

Councilmember Norvell asked the Chief for his professional opinion about whether the presence of a security officer would discourage poor behavior. The Chief replied that it does have the effect of calming people down because they know someone is looking at their behavior. Councilmember

Norvell asked HH, in light of being a good neighbor and listening to the Chief about hired security guards discouraging bad behavior, if they would hire security. Ms. Cohen responded that MCHC will hire a security officer when and if it feels it is necessary and in its budget and to comply with these provisions. It is already responsible to monitor client behavior. Right now MCHC doesn't have money to be hiring extra people. If it does have money, in order to comply with these conditions, then yes they will, but they are not agreeing to put it in a special use permit.

Mayor Peters asked if a security camera will be in effect as an extra layer of security that's not there right now. Attorney Cohen responded yes and MCHC is working with the police on various other things, like the ban list and meetings with the FBPD.

Councilmember Norvell stated that he would like to see a security officer. He noted that it is understandable that HH does not want to take responsibility for activity that occurs off their property, but because of the services they do provide, that behavior goes off their property and it is his opinion that the City should ask them to hire security.

Mayor Peters said that there was talk about having a desk for the PD at the Hospitality Center and asked if that is still a possibility, as it would provide a uniformed presence there. Chief Lizarraga said it was a possibility, and he understands a space is available, but there would need to be a directive to the officers as to what it would be used for. He believes both sides are still open to having a kind of drop-in center as opposed to a substation. It would not be staffed 24/7, but a place that officers could go to meet with clients.

A motion was made by Mayor Peters, seconded by Vice Mayor Lee, to adopt the Resolution denying the appeal of the appellants and upholding the decision of the Planning Commission on Use Permit USP 9-03/17. The motion failed by the following vote:

Aye: 2 - Mayor Peters and Vice Mayor Lee

No: 2 - Councilmember Cimolino and Councilmember Norvell

Recuse: 1 - Councilmember Turner

Attorney Epstein explained that a 2-2 tie vote means no action is taken and the Planning Commission decision being appealed still stands. Options now include a motion to grant the appeal; another motion to deny the appeal; a motion to continue the matter; a motion for modifications to the use permit.

Councilmember Norvell asked if the motion could include creating an ad hoc committee to sit down and work on the conditions with the HH, as he thinks the Council needs to be part of the solution.

Mayor Peters stated he is willing to form an ad hoc committee to discuss how they are doing with the conditions and if it does not seem to be working, then hammer out changes.

Attorney Epstein explained the appointment and use of an ad hoc committee. It is not a Brown Act committee, so it will not have agendas and minutes. It can only be comprised of two councilmembers and cannot be composed of members of the community. If the Council has an ad hoc committee, that committee can operate as it sees fit. A denial of the appeal and the creation of a committee could be a vehicle for the Council to engage with the HH to discuss how things are working. Often there is a review date to come back later and discuss the progress. This would not involve lawyers, because it wouldn't be negotiations, only discussions.

Councilmember Norvell said he does not attribute all the problems to HH, but puts some of the blame on the City for allowing this to happen. The responsibility for fixing it needs to be on the City Council. Having an ad hoc committee will afford an avenue for the people to be heard and a way to move toward solving this problem. The 18 conditions help, but it's nowhere near being over or being fixed.

A motion was made by Vice Mayor Lee, seconded by Councilmember Norvell, that the Mayor appoint an ad hoc committee of the Fort Bragg City Council for

one year and that the committee members be charged with the following functions: Meeting and conferring with members of the Hospitality House and members of the community and reporting back to the City Council with findings and conclusions and any changes needed to the special conditions of the use permit. The motion carried by the following vote:

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

Recuse: 1 - Councilmember Turner

Mayor Peters appointed Vice Mayor Lee and Councilmember Norvell to the ad hoc committee on the Hospitality House use permit.

Councilmember Norvell asked about the refund of appellants' \$1,000 appeal fee. He stated they appealed because they did not feel they were being heard and the Planning Commission process was not understood by the public. He puts blame on the City for that and does not think it is right to charge them \$1,000 to make their voices heard.

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

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

Recuse: 1 - Councilmember Turner

A motion was made by Mayor Peters, seconded by Vice Mayor Lee, to adopt this Resolution denying the appeal submitted by Dawn Ferreira, Anne Marie Cesario, Jean Stubenrauch and others and upholding the Fort Bragg Planning Commission's August 23, 2017 decision to modify existing use permit 9-03 (USP 9-03) for the Hospitality House Shelter thereby placing new Special and Standard Conditions on the Use Permit (USP 9-03/17) The motion carried by the following vote [Enactment RES 4037-2017]:

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

Recuse: 1 - Councilmember Turner

ADJOURNMENT

Mayor Peters adjourned the meeting at 10:13 PM.

LINDY PETERS, MAYOR

June Lemos, CMC, City Clerk

IMAGED (_____)