



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**

Monday, September 13, 2021

6:00 PM

Via Video Conference

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PLEASE TAKE NOTICE

Due to state and county health orders and to minimize the spread of COVID-19, City Councilmembers and staff will be participating in this meeting via video conference. The Governor's executive Orders N-25-20, N-29-20, and N-08-21 suspend certain requirements of the Brown Act and allow the meeting to be held virtually.

The meeting will be live-streamed on the City's website at <https://city.fortbragg.com/> and on Channel 3. Public Comment regarding matters on the agenda may be made by joining the Zoom video conference and using the Raise Hand feature when the Mayor or Acting Mayor calls for public comment. Any written public comments received after agenda publication will be forwarded to the Councilmembers as soon as possible after receipt and will be available for inspection at City Hall, 416 N. Franklin Street, Fort Bragg, California. All comments will become a permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible, except those written 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 June Lemos at jlemos@fortbragg.com.

ZOOM WEBINAR INVITATION

You are invited to a Zoom webinar.

When: Sep 13, 2021 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/87911985891>

Or Telephone:

*Dial US: +1 253 215 8782 or +1 346 248 7799 (*6 mute/unmute; *9 raise hand)*

Webinar ID: 879 1198 5891

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**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.

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. [21-435](#)** Adopt by Title Only and Waive the Second Reading of Ordinance 970-2021 Amending Article 2 (Zoning Districts and Allowable Land Uses), Article 4 (Standards for Specific Land Uses) and Article 10 (Definitions) of Title 18 (Inland Land Use and Development Code) of the Fort Bragg Municipal Code Relating to Regulation of Formula Business

Attachments: [ORD 970-2021 Formula Business Regulations](#)

- 5B. [21-472](#)** Adopt City Council Resolution Establishing a City of Fort Bragg Master Salary Rate Compensation Plan Confirming the Pay Rates/Ranges for All City of Fort Bragg Established Classifications

Attachments: [RESO Master Salary Compensation Schedule FBPA](#)
[Exhibit A Compensation Schedule](#)

- 5C. [21-478](#)** Adopt City Council Resolution Authorizing Submission of Co-Application with Danco Communities for Permanent Local Housing Allocation Program Non-Entitlement Local Government Competitive Funds in the Amount of \$2,400,000 to Support the Development of a 69-Unit Affordable Housing Project Located at 441 South Street

Attachments: [RESO Danco PLHA Grant](#)

[Att 1 - PLHA Application](#)

[Att 2 - Letter of Intent](#)

- 5D. [21-484](#) Adopt Joint City Council/Improvement District Board/Redevelopment Successor Agency Resolution Approving a Second Amendment to the Agreement Between the City of Fort Bragg and Jones & Mayer for the Provision of Legal Services and Authorizing the City Manager to Execute the Same

Attachments: [RESO Jones & Mayer 2nd Amendment](#)

[Jones & Mayer 2nd Amendment 09132021](#)

[Jones & Mayer Contract 07082019](#)

[1st Amendment 04142021](#)

[Jones & Mayer 10-2017 Original Contract](#)

[Public Comment 5D](#)

- 5E. [21-466](#) Receive and File Minutes of the April 22, 2021 Special Public Works and Facilities Committee Meeting

Attachments: [04222021 Special Meeting Minutes](#)

- 5F. [21-465](#) Receive and File Minutes of the June 10, 2021 Public Works and Facilities Committee Meeting

Attachments: [06102021 Meeting Minutes](#)

- 5G. [21-470](#) Approve Minutes of Special Meeting of August 30, 2021

Attachments: [CCM2021-08-30 Special](#)

- 5H. [21-473](#) Approve Minutes of Special Meeting of September 1, 2021

Attachments: [CCM2021-09-01 Special](#)

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.

- 7A. [21-477](#) Receive Report, Conduct Public Hearing, and Consider Adoption of City Council Resolution Declaring a Stage 4 Water Crisis and Implementing Stage 4 Mandatory Water Conservation Measures

Attachments: [09132021 Stage 4 Water Emergency](#)

[Att. 1 - RESO Stage 4 Water Crisis](#)

[Att. 2 - NoyoFlows \(004\)](#)

[Att. 3 - 09132021 PH Notice - Water](#)

[Public Comment 7A](#)

[Stage 4 Water Crisis](#)

8. CONDUCT OF BUSINESS

- 8A. [21-424](#)** Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance 971-2021 Adding Chapter 7.18 (Feeding of Wildlife) to Title 7 (Animals) of the City of Fort Bragg Municipal Code to Prevent the Feeding of Wildlife in the City of Fort Bragg

Attachments: [09132021 Wildlife Feeding Staff Report](#)

[ATT 1 - Letter from Terra Fuller](#)

[ATT 2 - CCR 14.251.1](#)

[ATT 3 - Letter from Audubon](#)

[ATT 4 - APHIS](#)

[ATT 5 - ORD 971-2021 - Create Chapter 7.18 Feeding Wildlife](#)

[Public Comment 8A](#)

[Wildlife Ordinance](#)

- 8B. [21-403](#)** Receive Report and Consider Adoption of City Council Resolution Approving the Application for Rural Recreation and Tourism Funds to Rehabilitate the Gym at 416 N. Franklin St. and Develop a Multi-Purpose Recreation Room

Attachments: [09132021 RRT Grant Staff Report](#)

[ATT 1 - Current and Proposed Conceptual Images](#)

[ATT 2 - 072721 RRT Grant Staff Report](#)

[ATT 3 - Resolution RRT Grant Funds Application](#)

[Rec Center Bldg Structural historic section](#)

[Public Comment 8B](#)

[RRT Grant Staff Report](#)

- 8C. [21-483](#)** Receive Report and Consider Adoption of City Council Resolution Authorizing the City Manager to Enter Into Negotiations with C&S Waste Solutions of California, Inc. for Residential and Commercial Garbage, Recyclable Material and Organic Waste Collection

Attachments: [09132021 Solid Waste Franchise](#)
[Att. 1 - RESO Solid Waste Franchise](#)
[Att. 2 - RFP Rating Forms](#)
[Public Comment 8C](#)
[Solid Waste Recommendation](#)

9. CLOSED SESSION

- 9A. [21-479](#) CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION:
Significant exposure to litigation pursuant to paragraph (2) of subdivision
(d) of Government Code Section 54956.9: One (1) Case.

Attachments: [Public Comment 9A](#)

- 9B. [21-480](#) CONFERENCE WITH REAL PROPERTY NEGOTIATORS FOR
POSSIBLE ACQUISITION OF REAL PROPERTY, Pursuant to
Government Code Section 54956.8: Real Property: APN 008-430-21,
APN 008-430-22, APN 018-040-61, APN 018-430-22, APN 018-040-61,
APN 018-120-50, APN 008-171-07, APN 008-161-08, APN 008-151-26,
APN 008-161-27 and the Southern portion of former APN 008-020-15,
Fort Bragg, CA 95437; City Negotiator: Tabatha Miller, City Manager;
Negotiating Party: Dave Massengill, Environmental Affairs, Georgia Pacific
Corporation; Under Negotiation: Terms of Acquisition, Price

- 9C. [21-482](#) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:
Pursuant to Paragraph (1) of Subdivision (d) of California Government
Code Section 54956.9; FB Local Business Matters and Leslie Kashiwada
v. City of Fort Bragg, Superior Court of California, County of Mendocino,
Case No. 21CV00652

Attachments: [Petition for Writ of Mandate](#)
[Public Comment 9C](#)

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, SEPTEMBER 27, 2021**

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 September 8, 2021.

June Lemos, CMC
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).



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Text File

File Number: 21-435

Agenda Date: 9/13/2021

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Ordinance

Agenda Number: 5A.

Adopt by Title Only and Waive the Second Reading of Ordinance 970-2021 Amending Article 2 (Zoning Districts and Allowable Land Uses), Article 4 (Standards for Specific Land Uses) and Article 10 (Definitions) of Title 18 (Inland Land Use and Development Code) of the Fort Bragg Municipal Code Relating to Regulation of Formula Business

On September 13, 2021, the City Council of the City of Fort Bragg is to consider adoption of Ordinance 970-2021, said ordinance having been introduced for first reading (by title only and waiving further reading of the text) on August 9, 2021.

The proposed ordinance adds Chapter 18.46 (Formula Business Regulations) to Article 18.4 (Standards for Specific Land Uses) and amends Chapters 18.100 (Definitions) and 18.20 (Zoning Districts and Allowable Land Uses) of the Fort Bragg Inland Land Use and Development Code. The proposed ordinance regulates the establishment of formula businesses in Fort Bragg to maintain the City's unique small town character and avoid a proliferation of chain store uses.

If adopted, the ordinance will become effective on October 13, 2021.

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE ADDING CHAPTER 18.46 (“FORMULA BUSINESS REGULATIONS”) TO ARTICLE 18.4 (“STANDARDS FOR SPECIFIC LAND USES”) OF THE FORT BRAGG INLAND LAND USE AND DEVELOPMENT CODE AND AMENDING CHAPTERS 18.100 (“DEFINITIONS”) AND 18.20 (“ZONING DISTRICTS AND ALLOWABLE LAND USES”) OF THE FORT BRAGG INLAND LAND USE AND DEVELOPMENT CODE

ORDINANCE NO. 970-2021

WHEREAS, the City of Fort Bragg (“City”) adopted an Inland General Plan and certified an Environmental Impact Report Addendum (“EIR Addendum”) for the General Plan on December 2, 2012; and

WHEREAS, the City of Fort Bragg (“City”) adopted an Inland Land Use and Development Code and Negative Declaration on February 10, 2014; and

WHEREAS, the adoption of an Inland Land Use and Development Code is necessary to: 1) provide a regulatory framework for implementation of the Inland General Plan; 2) to implement new state planning and land use requirements; and 3) update zoning regulations in accordance with City Council policy direction; and

WHEREAS, the City Council adopted Urgency Ordinance No. 964-2021 (“Moratorium”), which established a forty-five (45) day moratorium on approval of applications for Formula Businesses, as defined in Ordinance No. 964-2021, in the Inland Zoning Area; and

WHEREAS, the City Council extended the Moratorium on approval of applications for Formula Businesses for an additional 315 days on May 24, 2021 to provide for sufficient time to adopt Formula Business regulations; and

WHEREAS, the Planning Commission considered the Inland Land Use and Development Code at a noticed public hearing on June 2, 2021, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Planning Commission adopted Resolution PC 07-2021 on June 2, 2021, recommending City Council adopt the amended Inland Land Use and Development Code containing Formula Business regulations; and

WHEREAS, the City Council considered the amended Inland Land Use and Development Code at a noticed public hearing on August 9, 2021 (continued from July 26, 2021), at which time all interested parties had the opportunity to be heard; and

WHEREAS, the staff reports, Planning Commission Resolution, and amended Inland Land Use and Development Code are available for review at City Hall during normal business hours; and

WHEREAS, this Ordinance is exempt pursuant to the California Environmental Quality Act (“CEQA”) and Title 14 of the California Code of Regulations (“CEQA Guidelines”) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

The City Council ordains as follows:

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

1. The City of Fort Bragg is a small coastal community of 7,500 residents perched on the bluff tops overlooking the Pacific Ocean in northern Mendocino County. A former lumber town with what was a strong fishing industry, Fort Bragg has a rich history and many of its homes and buildings are well over a hundred years old. Located approximately 165 miles north of San Francisco and 185 miles west of Sacramento, Fort Bragg, while quite small, is the largest city on the coast between San Francisco and Eureka. The remoteness of Fort Bragg is one of its greatest assets. The natural landscape is beautiful. The air is clean, the ocean wild, and traffic is a non-issue. The City acquired parkland along the bluff tops of the former mill site and has completed construction of a multiuse trail. This trail created public access to 3.5 miles of scenic coastline and is value added for local residents and visitors alike. Of the City’s 1,869 acres, 962 are located in the Coastal Zone. The coastal views and beauty are critical to what makes Fort Bragg special. Many unique local businesses and brands have made Fort Bragg distinct, relying on the city’s natural beauty and laid-back commercial character. Maintaining the economic health and one-of-a-kind distinction is vital to preserving Fort Bragg’s commercial character while meeting the needs of its visitors and residents.
2. To retain that one-of-a-kind character, the City seeks to avoid the proliferation of chain store uses that result in diluting what makes Fort Bragg unique and instead creates a character of repetitiveness similar to other towns across America, where chain store prevalence grows. Fort Bragg seeks to encourage elements that provide variety and fit with the unique environment, history and its quirky charm while retaining opportunities for all. The City’s mission and vision embraces a friendly city with a small town character and a strong sense of community that values its roots in the fishing and timber industries. The City’s General Plan, Citywide Design Guidelines, and Inland Land Use & Development Code emphasize the commitment to maintaining the strength and vitality of the historic Central Business District.
3. A strong and diverse retail base is necessary for the success of Fort Bragg’s commercial sector, in particular the Central Business District. The City recognizes that a healthy blend of unique and familiar businesses providing diverse retail experiences for both visitors and

residents supports this success. “As the economy evolves to a more tourism and service-based economy, the community has acknowledged the importance of maintaining the historic identity of downtown and the integrity of the residential neighborhoods, while enhancing views and access to the coastline and planning for continued growth and development.” (Inland General Plan 6. Community Design Element). The City is committed to and recognizes the importance of promoting and supporting the economic vitality and diversity of City businesses both in its commercial districts and the historic Central Business District. (Inland General Plan Goal LU-4, Policy CD-6.1 and Policy CD2.3). Maintaining the City’s quality of life and identity is a priority. (Inland General Plan C-5, Policy C-5.1).

4. As the City continues to rely on its reputation as an emerging destination, to sustain and grow its tourism industry Fort Bragg must retain its historical ties to timber and fishing, the coastal and cultural qualities, and its recreation opportunities. Fort Bragg’s commercial uses should promote its unique and special qualities. The commercial uses should not detract from or dilute what makes Fort Bragg stand out from other cities in California. Formula retail businesses are, by their nature, not unique. Many of Fort Bragg’s unique goods and services cannot be found where many of our visitors reside. As a result, the City Council finds that formula retail businesses located in the City, if not regulated, will conflict with and frustrate the City’s goal of maintaining its unique historical character with a local economy that offers visitors and residents non-standard products and services.
5. An abundance of formula retail establishments hinders the City’s ability to promote its unique one-of-a-kind experience and to promote a diverse and balanced retail base within the City. A diverse retail base includes unique character that avoids overwhelming familiarity and sameness. The City Council finds that an overabundance of formula retail establishments will unduly limit or possibly eliminate the availability of businesses that tend to be unique or project the history and character of Fort Bragg.
6. The unrestrained increase of formula retail establishments will hinder the City’s goal to promote economic vitality in existing commercial areas, maintain community identity, and the continued support of economic diversity and vitality in the downtown. (Inland General Plan Goal LU-4, Goal C-5, and CD-2.3) A balanced and diverse retail base should be comprised of a balanced mix of businesses, small, medium and large, familiar and unique, and offering a variety of goods and services. The City strives to ensure that goods and services available locally, meet the regular needs of residents and visitors. The City Council finds that the unregulated establishment of additional formula retail uses may unduly limit or eliminate business establishment opportunities for smaller or medium-sized businesses, which tend to be unique. Further, the unregulated establishment of formula businesses unduly skews the mix of businesses towards formula retailers in lieu of those unique or start-up retailers, and result in decreasing the diversity of goods and services available to residents and visitors.
7. The Inland General Plan Mission and Vision pledges “to preserve and enhance the small town character and natural beauty that make the city a place where people want to live and visit, and to improve the economic diversity of the City to ensure that it has a strong and resilient economy which supports its residents.” (Inland General Plan 1B Mission and Vision). The City Council finds that the public welfare will be served and advanced by regulating formula retail businesses.

8. The City has analyzed the proposed Ordinance and finds that the project is exempt from the California Environmental Quality Act ("CEQA") because Section 15061(b)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) exempts from CEQA those activities where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. This Ordinance will have the net effect of reducing, rather than increasing the amount of change in the City in that it does not authorize any additional uses as permitted or conditionally permitted uses nor does it change the uses allowed in the City or their intensity or density.
9. Amending the Inland Land Use and Development Code by this Ordinance is consistent with the General Plan and any applicable specific plan, and internally consistent with other applicable provisions of the Inland Land Use and Development Code.
10. Amending the Inland Land Use and Development Code by this Ordinance will ensure that Formula Business uses are effectively regulated so that they will not be detrimental to the public interest, health, safety, convenience or welfare of the City.
11. The proposed amendment is internally consistent with other applicable provisions of this Development Code.
12. The foregoing recitals are true and correct and are made a part of this Ordinance.

Section 2. INLAND LAND USE AND DEVELOPMENT CODE

The definition of "Formula Business" in Section 18.100.020 (F) ("Definitions of Specialized Terms and Phrases") is here by removed and replaced as follows:

"Formula Business" means a commercial establishment which, along with ten (10) or more other business locations outside of Fort Bragg, regardless of ownership or location at the time that the application is deemed complete, is required by contractual or other arrangement to maintain at least two (2) of the following standardized features: an array of merchandise/menu, decor, uniforms, facade, color scheme, exterior signage including a trademark or service mark as signage.

Formula Business Regulations. The following terms and phrases are defined for the purposes of Chapter 18.46 (**Formula Business Regulations**):

1. **"Array of merchandise/menu"** means 50 percent or more of in-stock merchandise from a single distributor bearing uniform markings.
2. **"Color scheme"** means a selection of colors used throughout, such as on the furnishings, permanent fixtures, and wallcoverings, or as used on the facade.
3. **"Commercial Establishment"** means a commercial establishment that provides goods and/or services directly or indirectly to the consumer.
4. **"Decor"** means the style of interior finishings, which may include but is not limited to style of furniture, wallcoverings or permanent fixtures.

5. **“Facade”** means the face, front or side of a building, including awnings, especially the principal front that looks onto a street or an open space.
6. **“Formula Business”** See definition of “Formula Business” § 18.100.020 (F).
7. **“Payday or Check Cashing Commercial Establishment”** means a person or company that makes or facilitates a deferred presentment transaction, such that the person or company provides currency or a payment instrument in exchange for a person’s check or agreement to provide access to a drawer’s account in a financial institution and agrees to hold that person’s check for a period of time prior to presentment, deposit, or redemption or facilitates this process.
8. **“Service mark”** means a word, phrase, symbol or design or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service from one party from those of others.
9. **“Signage”**. See definition of “sign” § 18.100.020 (S).
10. **“Standardized”** means substantially the same, but not necessarily identical.
11. **“Trademark”** means a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others.
12. **“Uniforms”** means standardized items of clothing including but not limited to standardized aprons, pants, shirts, smocks or dresses, hat, and pins (other than name tags) as well as standardized colors of clothing.

Section 3. INLAND LAND USE AND DEVELOPMENT CODE

Chapter 18.46 (“Formula Business Regulations”) is hereby added to the Inland Land Use and Development Code to provide as follows:

18.46.010 Purpose.

The purpose of this chapter is to promote and maintain the City’s unique small town character, the diversity and vitality of the City’s commercial districts, and the quality of life for its residents and visitors. It is presumed that establishing or preserving a balanced mix of local, regional and national-based businesses will more effectively serve to achieve this purpose as a strategy to maintain and improve the economic health of the City’s business districts and the small one-of-a-kind ambiance.

18.46.020 Definitions.

The specialized and technical terms and phrases used in this chapter are defined in Article 10 (Definitions), under “Formula Business Regulations.”

18.46.030 Regulations.

- A. A Formula Business Establishment may be allowed in the Commercial Zoning Districts with a Use Permit (UP).
- B. Establishment of or exterior alteration of a Formula Business is subject to Design Review as set forth in Section 18.71.050.

18.46.040 Required Findings for Approval.

In addition to the findings required by 18.71.060 (F) as prerequisite to the issuance of a use permit, the Planning Commission shall make all of the following findings prior to the issuance of a Use Permit for a Formula Business, unless the project is exempt in conformance with Section 18.46.050:

- A. The Commercial Establishment will add to, rather than detract from, the overall economic and cultural vitality of the City; and
- B. The Commercial Establishment will not result in an over-concentration of Formula Business establishments in its immediate vicinity or in the City as a whole; and
- C. The Commercial Establishment will complement existing businesses; and
- D. The Commercial Establishment will promote diversity and variety to assure a balanced mix of commercial uses to serve both resident and visitor populations; and
- E. The Commercial Establishment has been designed to preserve and enhance the City's small town character; and
- F. The Commercial Establishment's exterior design limits "formula" architectural, sign and other components; and
- G. The Commercial Establishment's exterior design integrates existing community architectural design features.

18.46.050 Exemptions.

This Chapter shall not apply to:

- A. Those land use applications approved prior to the adoption of the Ordinance codified in this chapter;
- B. Construction required to comply with fire and/or life safety requirements;
- C. Disability accessibility work;
- D. A Formula Business that does not exceed 2,000 square feet of gross floor area, except those uses prohibited by Section 18.46.060;
- E. Formula Business, which if approved, would not result in Formula Business(es) occupying more than twenty-five percent (25%) of the total gross floor area of a Retail Complex or Mixed Use Project, except those uses prohibited by Section 18.46.060;

- F. A Formula Business, which if approved, would not result in Formula Business(es) occupying more than thirty-five percent (35%) of the total gross floor area of a Mixed Use Project in which at least thirty-five percent (35%) of total gross floor area is a residential component, except those uses prohibited by Section 18.46.060; or
- G. Changes in ownership of existing Formula Businesses where there is no substantial change to the land use classification of the use, or in the mode or character of the operation.

Proposed development that qualifies as an Exemption pursuant to D, E, F, or G of this Section is subject to Design Review as provided in Section 18.71.050.

18.46.060 Prohibited Formula Business Uses.

- A. Formula Businesses are prohibited in the Neighborhood Commercial (CN) Zoning District.
- B. Formula Business Payday Lending or Check Cashing Commercial Establishments are prohibited in all Zoning Districts.

18.46.070 Burden of Proof.

If the City determines that a permit application or permit is subject to this chapter for a Formula Business, the permit applicant or holder bears the burden of proving to the City that the proposed or existing use does not constitute a Formula Business.

Section 4. INLAND LAND USE AND DEVELOPMENT CODE

Table 2-6 of Section 18.22.030 ("Commercial District Land Uses and Permit Requirements") of the Inland Land Use and Development Code, entitled "Allowed Land Uses and Permit Requirements for Commercial Zoning Districts" is hereby amended as follows:

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	P	Permitted use, Zoning Clearance required				
	MUP	Minor Use Permit required (see § 18.71.060)				
	UP	Use Permit required (see § 18.71.060)				
LAND USE (1)	S	Permit requirement set by Specific Use Regulations				
	—	Use not allowed				
	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
CN	CO	CBD	CG	CH		
RETAIL TRADE						
Artisan shop	UP	UP	P	P	P	
Auto and vehicle sales and rental	—	—	—	P	P	
Auto parts sales with no installation services	—	—	—	P	P	
Bar/tavern	—	—	UP	MUP	MUP	
Big box retail	—	—	—	UP	UP	
Building and landscape materials sales - Indoor	—	—	—	P	UP	
Building and landscape materials sales - Outdoor	—	—	—	UP	UP	18.42.130

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	P MUP UP S — Permitted use, Zoning Clearance required Minor Use Permit required (see § 18.71.060) Use Permit required (see § 18.71.060) Permit requirement set by Specific Use Regulations Use not allowed					
	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
LAND USE (1)	CN	CO	CBD	CG	CH	
Cannabis retail	—	—	MUP	MUP	MUP	18.42.057 Chapter 9.30
Cannabis retail - Delivery only	—	—	—	MUP	MUP	18.42.057 Chapter 9.30
Construction and heavy equipment sales and rental	—	—	—	UP	UP	18.42.130
Convenience store	P	—	P	P	P	
Drive-through retail or service	—	—	UP	UP	UP	18.42.070
Farm supply and feed store	—	—	—	P	UP	
Formula Business	—	UP(2)	UP(2)	UP(2)	UP(2)	Chapter 18.46
Formula Business – 2,000 sf or less	—	P	P	P	P	Chapter 18.46
Fuel dealer (propane for home and farm use, etc.)	—	—	—	UP	—	
Furniture, furnishings and appliance store	—	—	P	P	UP	
Retail, general - 10,000 sf or larger	—	—	UP	UP	UP	
Retail, general - 5,000 sf – 9,999 sf	—	—	P	P	P	
Retail, general - Less than 5,000 sf	P	P	P	P	P	
Groceries, specialty foods	P	—	P	P	P	
Mobile home, boat, or RV sales	—	—	—	UP	UP	
Night club	—	—	UP	UP	UP	
Outdoor retail sales and activities	—	—	P	P	P	18.42.130
Restaurant, café, coffee shop	UP	P	P	P	P	18.42.165
Second hand store	—	—	—	P	P	
Service station	—	—	—	UP	UP	18.42.180
Shopping center	—	—	—	UP	UP	

Key to Zoning District Symbols

CN	Neighborhood Commercial	CG	General Commercial
CO	Office Commercial	CH	Highway and Visitor Commercial
CBD	Central Business District		

Notes:

- (1) See Article [10](#) for land use definitions.
- (2) Use Permit required except for the exceptions set forth in [18.46.050](#).

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	P MUP UP S —	Permitted use, Zoning Clearance required Minor Use Permit required (see § 18.71.060) Use Permit required (see § 18.71.060) Permit requirement set by Specific Use Regulations Use not allowed				
	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
LAND USE (1)	CN	CO	CBD	CG	CH	

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Bank, financial services	UP	P	P	P	P	
Business support service	—	P	P	P	P	
Formula Business	—	UP(2)	UP(2)	UP(2)	UP(2)	Chapter 18.46
Formula Business – 2,000 sf or less	—	P	P	P	P	Chapter 18.46
Medical services - Doctor office	P	P	P	P	UP	
Medical services - Clinic, lab, urgent care	—	P	P	P	—	
Medical services - Hospital	—	UP	—	UP	UP	
Office - Accessory	P	P	P	P	P	
Office - Business/service	—	P	P	P	P	
Office - Professional/administrative	—	P	P	P	P	

SERVICES - GENERAL

Adult day care	P	P	P	P	UP	
Catering service	—	P	P(3)	P	—	
Child day care center	UP	UP	UP	UP	MUP	
Drive-through service	—	—	UP	UP	UP	18.42.070
Equipment rental	—	—	UP	P	UP	
Formula Business	—	UP(2)	UP(2)	UP(2)	UP(2)	Chapter 18.46
Formula Business – 2,000 sf or less	—	P	P	P	P	Chapter 18.46
Kennel, animal boarding	—	—	—	UP	—	18.42.040
Lodging - Bed and breakfast inn (B&B)	—	—	UP	UP	P	18.42.050
Lodging - Hotel or motel	—	—	UP	UP	UP	
Lodging - Vacation rental unit	—	—	MUP	—	—	18.42.190
Maintenance service - Client site services	—	—	—	P	—	
Mortuary, funeral home	—	P	—	P	—	
Personal services	P	P	P	P	MUP	
Personal services - Restricted	—	—	UP	UP	UP	
Public safety facility	—	P	P	P	P	
Repair service - Equipment, large appliances, etc.	—	—	—	P	P	
Vehicle services - Major repair/body work	—	—	—	UP	UP	
Vehicle services - Minor maintenance/repair	—	—	—	P	P	
Veterinary clinic, animal hospital	—	P	—	P	P	

Key to Zoning District Symbols

CN	Neighborhood Commercial	CG	General Commercial
CO	Office Commercial	CH	Highway and Visitor Commercial
CBD	Central Business District		

Notes:

- (1) See Article [10](#) for land use definitions.
- (2) Use Permit required except for the exceptions set forth in 18.46.050.

Section 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 6. Effective Date and Publication. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember Morsell-Haye at a regular meeting of the City Council of the City of Fort Bragg held on August 9, 2021 and adopted at a regular meeting of the City of Fort Bragg held on September 13, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

BERNIE NORVELL
Mayor

ATTEST:

June Lemos, CMC
City Clerk

PUBLISH: July 29, 2021 and September 23, 2021 (by summary).
EFFECTIVE DATE: October 13, 2021.



City of Fort Bragg

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

Text File

File Number: 21-472

Agenda Date: 9/13/2021

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: 5B.

Adopt City Council Resolution Establishing a City of Fort Bragg Master Salary Rate Compensation Plan Confirming the Pay Rates/Ranges for All City of Fort Bragg Established Classifications

The City Council approves all salary schedules which include classification titles and pay rates/ranges at the time a Memorandum of Understanding (MOU) for each bargaining unit is approved; when updates to the compensation and benefits for unrepresented employees are approved; or when specific wage and/or classification title adjustments are needed. The City has a long-standing practice of posting these approved salary schedules on the City website as well as having copies available upon request. The California Public Employees' Retirement Code requires the City to have a publicly adopted and posted Compensation Schedule.

Adoption of this Resolution will certify the Master Salary Schedule reflecting the Fort Bragg Police Association's cost of living adjustments effective August 29, 2021.

RESOLUTION NO. ____-2021

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL ESTABLISHING A
CITY OF FORT BRAGG MASTER SALARY RATE COMPENSATION PLAN
CONFIRMING THE PAY RATES/RANGES FOR ALL CITY OF FORT BRAGG
ESTABLISHED CLASSIFICATIONS**

WHEREAS, the Fort Bragg City Council approves all salary schedules which include classification titles and compensation rates; and

WHEREAS, the establishment of this Resolution meets the requirements of California Regulations Section 570.5 as confirmed by the California CalPERS; and

WHEREAS, Resolution 4426-2021 approves the 2021-2024 Memorandum of Understanding with the Fort Bragg Police Association (FBPA MOU) and authorizes the City Manager to execute the same; and

WHEREAS, the 2021-2024 FBPA MOU Article 5.2 approves a three percent (3%) cost of living adjustment (COLA) for bargaining unit members effective August 29, 2021; and

WHEREAS, in order to execute the 3% COLA pursuant to the 2021-2024 FBPA MOU, "Exhibit A" has been updated to incorporate the 3% COLA into the Master Salary Schedule as set forth in "Exhibit A" for Fort Bragg Police Association classifications; and

WHEREAS, the City of Fort Bragg received a 2019-20 Community Development Block Grant (CDBG) award to implement and operate the Code Enforcement Program under Agreement Number 20-CDBG-12043; and

WHEREAS, the position of Code Enforcement Officer is created to enact the activities described in the Code Enforcement Program guidelines that were adopted through Resolution 4367-2021 in March 2021; and

WHEREAS, the classification title of one Assistant Planner position is reclassified to Code Enforcement Officer; and

WHEREAS, the salary schedule for the position of Code Enforcement Officer aligns with the Assistant Planner classification; and

WHEREAS, the California Public Employees' Retirement System code requires the City to have a publicly adopted and posted salary schedule; and

WHEREAS, the full salary schedule is allocated in the Proposed FY 2021/2022 budget; and

WHEREAS, the full salary schedule is available on the City's website.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby establish a compensation plan, terms, and conditions of employment for all established classifications.

BE IT FURTHER RESOLVED that the City Council of the City of Fort Bragg does hereby adopt the City of Fort Bragg Master Salary Rate Compensation Plan as presented in "Exhibit A" effective August 29, 2021.

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 13th day of September 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

BERNIE NORVELL
Mayor

ATTEST:

June Lemos, CMC
City Clerk

CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

Effective 08.29.2021 FBPA MOU Cost of Living Adjustment and add Code Enforcement Officer classification.
Removed Police Services Technician classification. Resolution XXXX-2021.

				Step 1	Step 2	Step 3	Step 4	Step 5
Administrative Analyst (Confidential; Non-Bargaining)								
Hourly				25.68	26.96	28.31	29.73	31.22
Bi-Weekly				2,054.40	2,156.80	2,264.80	2,378.40	2,497.60
Monthly				4,451.20	4,673.07	4,907.07	5,153.20	5,411.47
Annual				53,414.40	56,076.80	58,884.80	61,838.40	64,937.60
Administrative Assistant - Administration (FBEO)								
Hourly				23.67	24.85	26.09	27.39	28.76
Bi-Weekly				1,893.60	1,988.00	2,087.20	2,191.20	2,300.80
Monthly				4,102.80	4,307.33	4,522.27	4,747.60	4,985.07
Annual				49,233.60	51,688.00	54,267.20	56,971.20	59,820.80
Administrative Assistant - Community Development (FBEO)								
Hourly				23.67	24.85	26.09	27.39	28.76
Bi-Weekly				1,893.60	1,988.00	2,087.20	2,191.20	2,300.80
Monthly				4,102.80	4,307.33	4,522.27	4,747.60	4,985.07
Annual				49,233.60	51,688.00	54,267.20	56,971.20	59,820.80
Administrative Assistant - Police (FBEO)								
Hourly				23.67	24.85	26.09	27.39	28.76
Bi-Weekly				1,893.60	1,988.00	2,087.20	2,191.20	2,300.80
Monthly				4,102.80	4,307.33	4,522.27	4,747.60	4,985.07
Annual				49,233.60	51,688.00	54,267.20	56,971.20	59,820.80
Assistant Director - Engineering Division (Mid-Management; Non-Bargaining)								
Hourly				35.03	36.78	38.62	40.55	42.58
Bi-Weekly				2,802.40	2,942.40	3,089.60	3,244.00	3,406.40
Monthly				6,071.87	6,375.20	6,694.13	7,028.67	7,380.53
Annual				72,862.40	76,502.40	80,329.60	84,344.00	88,566.40
Assistant City Engineer (FBEO)								
Hourly				31.96	33.56	35.24	37.00	38.85
Bi-Weekly				2,556.80	2,684.80	2,819.20	2,960.00	3,108.00
Monthly				5,539.73	5,817.07	6,108.27	6,413.33	6,734.00
Annual				66,476.80	69,804.80	73,299.20	76,960.00	80,808.00
Assistant Finance Director (Mid-Management; Non-Bargaining)								
Hourly				37.89	39.78	41.77	43.86	46.05
Bi-Weekly				3,031.20	3,182.40	3,341.60	3,508.80	3,684.00
Monthly				6,567.60	6,895.20	7,240.13	7,602.40	7,982.00
Annual				78,811.20	82,742.40	86,881.60	91,228.80	95,784.00
Assistant Planner (FBEO)								
Hourly				30.45	31.97	33.57	35.25	37.01
Bi-Weekly				2,436.00	2,557.60	2,685.60	2,820.00	2,960.80
Monthly				5,278.00	5,541.47	5,818.80	6,110.00	6,415.07
Annual				63,336.00	66,497.60	69,825.60	73,320.00	76,980.80

CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

Effective 08.29.2021 FBPA MOU Cost of Living Adjustment and add Code Enforcement Officer classification.
Removed Police Services Technician classification. Resolution XXXX-2021.

				Step 1	Step 2	Step 3	Step 4	Step 5
Assistant to the City Manager (Mid-Management; Non-Bargaining)								
Hourly				35.03	36.78	38.62	40.55	42.58
Bi-Weekly				2,802.40	2,942.40	3,089.60	3,244.00	3,406.40
Monthly				6,071.87	6,375.20	6,694.13	7,028.67	7,380.53
Annual				72,862.40	76,502.40	80,329.60	84,344.00	88,566.40
Associate Planner (FBEO)								
Hourly				31.53	33.11	34.77	36.51	38.34
Bi-Weekly				2,522.40	2,648.80	2,781.60	2,920.80	3,067.20
Monthly				5,465.20	5,739.07	6,026.80	6,328.40	6,645.60
Annual				65,582.40	68,868.80	72,321.60	75,940.80	79,747.20
City Clerk (Mid-Management; Non-Bargaining)								
Hourly				35.03	36.78	38.62	40.55	42.58
Bi-Weekly				2,802.40	2,942.40	3,089.60	3,244.00	3,406.40
Monthly				6,071.87	6,375.20	6,694.13	7,028.67	7,380.53
Annual				72,862.40	76,502.40	80,329.60	84,344.00	88,566.40
City Councilmember (Elected)								
Hourly								
Bi-Weekly				138.46				
Monthly				300.00				
Annual				3,600.00	Plus \$100/mo for Special District Meeting			
City Manager (Executive; At Will; Contract)								
Hourly				73.37				
Bi-Weekly				5,869.35				
Monthly				12,716.92				
Annual				152,603.00				
Code Enforcement (FBEO)								
Hourly				30.45	31.97	33.57	35.25	37.01
Bi-Weekly				2,436.00	2,557.60	2,685.60	2,820.00	2,960.80
Monthly				5,278.00	5,541.47	5,818.80	6,110.00	6,415.07
Annual				63,336.00	66,497.60	69,825.60	73,320.00	76,980.80
Community Services Officer (FBPA)								
Hourly				21.42	22.49	23.61	24.79	26.03
Bi-Weekly				1,713.60	1,799.20	1,888.80	1,983.20	2,082.40
Monthly				3,712.80	3,898.27	4,092.40	4,296.93	4,511.87
Annual				44,553.60	46,779.20	49,108.80	51,563.20	54,142.40
Construction Project Manager (Mid-Management; Non-Bargaining)								
Hourly				40.75	42.79	44.93	47.18	49.54
Bi-Weekly				3,260.00	3,423.20	3,594.40	3,774.40	3,963.20
Monthly				7,063.33	7,416.93	7,787.87	8,177.87	8,586.93
Annual				84,760.00	89,003.20	93,454.40	98,134.40	103,043.20

CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

Effective 08.29.2021 FBPA MOU Cost of Living Adjustment and add Code Enforcement Officer classification.
Removed Police Services Technician classification. Resolution XXXX-2021.

				Step 1	Step 2	Step 3	Step 4	Step 5
Construction Project Manager (Temporary, Part-time, At-Will)								
				40.75	42.79	44.93	47.18	49.54
Director - Community Development Department (Executive; At Will)								
Hourly				47.85	50.24	52.75	55.39	58.16
Bi-Weekly				3,828.00	4,019.20	4,220.00	4,431.20	4,652.80
Monthly				8,294.00	8,708.27	9,143.33	9,600.93	10,081.07
Annual				99,528.00	104,499.20	109,720.00	115,211.20	120,972.80
Director of Public Works (Executive; At Will)								
Hourly				47.85	50.24	52.75	55.39	58.16
Bi-Weekly				3,828.00	4,019.20	4,220.00	4,431.20	4,652.80
Monthly				8,294.00	8,708.27	9,143.33	9,600.93	10,081.07
Annual				99,528.00	104,499.20	109,720.00	115,211.20	120,972.80
Engineering Technician (FBEO)								
Hourly				28.99	30.44	31.96	33.56	35.24
Bi-Weekly				2,319.20	2,435.20	2,556.80	2,684.80	2,819.20
Monthly				5,024.93	5,276.27	5,539.73	5,817.07	6,108.27
Annual				60,299.20	63,315.20	66,476.80	69,804.80	73,299.20
Environmental Compliance Coordinator (FBEO)								
Hourly				33.53	35.21	36.97	38.82	40.76
Bi-Weekly				2,682.40	2,816.80	2,957.60	3,105.60	3,260.80
Monthly				5,811.87	6,103.07	6,408.13	6,728.80	7,065.07
Annual				69,742.40	73,236.80	76,897.60	80,745.60	84,780.80
Finance Technician I (FBEO)								
Hourly				21.34	22.41	23.53	24.71	25.95
Bi-Weekly				1,707.20	1,792.80	1,882.40	1,976.80	2,076.00
Monthly				3,698.93	3,884.40	4,078.53	4,283.07	4,498.00
Annual				44,387.20	46,612.80	48,942.40	51,396.80	53,976.00
Finance Technician II (FBEO)								
Hourly				23.53	24.71	25.95	27.25	28.61
Bi-Weekly				1,882.40	1,976.80	2,076.00	2,180.00	2,288.80
Monthly				4,078.53	4,283.07	4,498.00	4,723.33	4,959.07
Annual				48,942.40	51,396.80	53,976.00	56,680.00	59,508.80
Finance Technician III (FBEO)								
Hourly				25.93	27.23	28.59	30.02	31.52
Bi-Weekly				2,074.40	2,178.40	2,287.20	2,401.60	2,521.60
Monthly				4,494.53	4,719.87	4,955.60	5,203.47	5,463.47
Annual				53,934.40	56,638.40	59,467.20	62,441.60	65,561.60
Government Accountant I (FBEO)								
Hourly				28.59	30.02	31.52	33.10	34.76
Bi-Weekly				2,287.20	2,401.60	2,521.60	2,648.00	2,780.80
Monthly				4,955.60	5,203.47	5,463.47	5,737.33	6,025.07
Annual				59,467.20	62,441.60	65,561.60	68,848.00	72,300.80

CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

Effective 08.29.2021 FBPA MOU Cost of Living Adjustment and add Code Enforcement Officer classification.
Removed Police Services Technician classification. Resolution XXXX-2021.

				Step 1	Step 2	Step 3	Step 4	Step 5
Grant Manager (Mid-Management; Non-Bargaining)								
Hourly				35.03	36.78	38.62	40.55	42.58
Bi-Weekly				2,802.40	2,942.40	3,089.60	3,244.00	3,406.40
Monthly				6,071.87	6,375.20	6,694.13	7,028.67	7,380.53
Annual				72,862.40	76,502.40	80,329.60	84,344.00	88,566.40
Grants Coordinator (FBEO)								
Hourly				28.59	30.02	31.52	33.10	34.76
Bi-Weekly				2,287.20	2,401.60	2,521.60	2,648.00	2,780.80
Monthly				4,955.60	5,203.47	5,463.47	5,737.33	6,025.07
Annual				59,467.20	62,441.60	65,561.60	68,848.00	72,300.80
Housing and Economic Development Coordinator (Confidential; Non-Bargaining)								
Hourly				31.97	33.57	35.25	37.01	38.86
Bi-Weekly				2,557.60	2,685.60	2,820.00	2,960.80	3,108.80
Monthly				5,541.47	5,818.80	6,110.00	6,415.07	6,735.73
Annual				66,497.60	69,825.60	73,320.00	76,980.80	80,828.80
Human Resources Analyst (Confidential; Non-Bargaining)								
Hourly				25.68	26.96	28.31	29.73	31.22
Bi-Weekly				2,054.40	2,156.80	2,264.80	2,378.40	2,497.60
Monthly				4,451.20	4,673.07	4,907.07	5,153.20	5,411.47
Annual				53,414.40	56,076.80	58,884.80	61,838.40	64,937.60
Intern (Part-time, Less than 20 hours week; Non-Bargaining)								
Hourly				18.00				
Laborer (Part-time, Less than 20 hours week; Non-Bargaining)								
Hourly				18.00				
Maintenance Worker I - Janitor (FBEO)								
Hourly				17.19	18.05	18.95	19.90	20.90
Bi-Weekly				1,375.20	1,444.00	1,516.00	1,592.00	1,672.00
Monthly				2,979.60	3,128.67	3,284.67	3,449.33	3,622.67
Annual				35,755.20	37,544.00	39,416.00	41,392.00	43,472.00
Maintenance Worker II (FBEO)								
Hourly				22.73	23.87	25.06	26.31	27.63
Bi-Weekly				1,818.40	1,909.60	2,004.80	2,104.80	2,210.40
Monthly				3,939.87	4,137.47	4,343.73	4,560.40	4,789.20
Annual				47,278.40	49,649.60	52,124.80	54,724.80	57,470.40
Maintenance Worker III (FBEO)								
Hourly				23.87	25.06	26.31	27.63	29.01
Bi-Weekly				1,909.60	2,004.80	2,104.80	2,210.40	2,320.80
Monthly				4,137.47	4,343.73	4,560.40	4,789.20	5,028.40
Annual				49,649.60	52,124.80	54,724.80	57,470.40	60,340.80

CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

Effective 08.29.2021 FBPA MOU Cost of Living Adjustment and add Code Enforcement Officer classification.
Removed Police Services Technician classification. Resolution XXXX-2021.

				Step 1	Step 2	Step 3	Step 4	Step 5
Maintenance Worker IV (FBEO)								
Hourly				25.05	26.30	27.62	29.00	30.45
Bi-Weekly				2,004.00	2,104.00	2,209.60	2,320.00	2,436.00
Monthly				4,342.00	4,558.67	4,787.47	5,026.67	5,278.00
Annual				52,104.00	54,704.00	57,449.60	60,320.00	63,336.00
Maintenance Worker Lead (FBEO)								
Hourly				27.55	28.93	30.38	31.90	33.50
Bi-Weekly				2,204.00	2,314.40	2,430.40	2,552.00	2,680.00
Monthly				4,775.33	5,014.53	5,265.87	5,529.33	5,806.67
Annual				57,304.00	60,174.40	63,190.40	66,352.00	69,680.00
Mechanic (FBEO)								
Hourly				25.68	26.96	28.31	29.73	31.22
Bi-Weekly				2,054.40	2,156.80	2,264.80	2,378.40	2,497.60
Monthly				4,451.20	4,673.07	4,907.07	5,153.20	5,411.47
Annual				53,414.40	56,076.80	58,884.80	61,838.40	64,937.60
Office Assistant (Temporary Position)								
Hourly				20.00				
Operations Manager (Mid-Management; Non-Bargaining)								
Hourly				35.03	36.78	38.62	40.55	42.58
Bi-Weekly				2,802.40	2,942.40	3,089.60	3,244.00	3,406.40
Monthly				6,071.87	6,375.20	6,694.13	7,028.67	7,380.53
Annual				72,862.40	76,502.40	80,329.60	84,344.00	88,566.40
Operations Supervisor (FBEO)								
Hourly				33.53	35.21	36.97	38.82	40.76
Bi-Weekly				2,682.40	2,816.80	2,957.60	3,105.60	3,260.80
Monthly				5,811.87	6,103.07	6,408.13	6,728.80	7,065.07
Annual				69,742.40	73,236.80	76,897.60	80,745.60	84,780.80
Police Captain (Mid-Management; Non-Bargaining)								
Hourly				52.51	55.14	57.90	60.80	63.84
Bi-Weekly				4,200.80	4,411.20	4,632.00	4,864.00	5,107.20
Monthly				9,101.73	9,557.60	10,036.00	10,538.67	11,065.60
Annual				109,220.80	114,691.20	120,432.00	126,464.00	132,787.20
Police Chief (Executive; At Will)								
Hourly				60.79	63.83	67.02	70.37	73.89
Bi-Weekly				4,863.20	5,106.40	5,361.60	5,629.60	5,911.20
Monthly				10,536.93	11,063.87	11,616.80	12,197.47	12,807.60
Annual				126,443.20	132,766.40	139,401.60	146,369.60	153,691.20
Interim Police Chief (Temporary Executive; At Will)								
Hourly				60.79	63.83	67.02	70.37	73.89

CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

Effective 08.29.2021 FBPA MOU Cost of Living Adjustment and add Code Enforcement Officer classification.
Removed Police Services Technician classification. Resolution XXXX-2021.

				Step 1	Step 2	Step 3	Step 4	Step 5
Police Sergeant Intermediate POST (FBPA)								
Hourly				39.79	41.78	43.87	46.06	48.36
Bi-Weekly				3,183.20	3,342.40	3,509.60	3,684.80	3,868.80
Monthly				6,896.93	7,241.87	7,604.13	7,983.73	8,382.40
Annual				82,763.20	86,902.40	91,249.60	95,804.80	100,588.80
Police Sergeant Advance POST (FBPA)								
Hourly				42.07	44.17	46.38	48.70	51.14
Bi-Weekly				3,365.60	3,533.60	3,710.40	3,896.00	4,091.20
Monthly				7,292.13	7,656.13	8,039.20	8,441.33	8,864.27
Annual				87,505.60	91,873.60	96,470.40	101,296.00	106,371.20
Police Officer Basic POST (FBPA)								
Hourly				31.25	32.81	34.45	36.17	37.98
Bi-Weekly				2,500.00	2,624.80	2,756.00	2,893.60	3,038.40
Monthly				5,416.67	5,687.07	5,971.33	6,269.47	6,583.20
Annual				65,000.00	68,244.80	71,656.00	75,233.60	78,998.40
Police Officer Intermediate POST (FBPA)								
Hourly				32.82	34.46	36.18	37.99	39.89
Bi-Weekly				2,625.60	2,756.80	2,894.40	3,039.20	3,191.20
Monthly				5,688.80	5,973.07	6,271.20	6,584.93	6,914.27
Annual				68,265.60	71,676.80	75,254.40	79,019.20	82,971.20
Police Officer Advance POST (FBPA)								
Hourly				34.42	36.14	37.95	39.85	41.84
Bi-Weekly				2,753.60	2,891.20	3,036.00	3,188.00	3,347.20
Monthly				5,966.13	6,264.27	6,578.00	6,907.33	7,252.27
Annual				71,593.60	75,171.20	78,936.00	82,888.00	87,027.20
Police Recruit (1040 hours; FBPA)								
Hourly				25.30				4.00
Police Services Transporter: (Part-Time/On-Call, 1000 Max Annual Hours; Non-Bargaining)								
Hourly				18.00				
Public Works Administrative Analyst (FBEO)								
Hourly				24.37	25.59	26.87	28.21	29.62
Bi -Weekly				1,949.60	2,047.20	2,149.60	2,256.80	2,369.60
Monthly				4,224.13	4,435.60	4,657.47	4,889.73	5,134.13
Annual				50,689.60	53,227.20	55,889.60	58,676.80	61,609.60
Seasonal: Laborer (1000 Maximum Annual Hours; Non-Bargaining)								
Hourly				18.00				
Seasonal: Parking Enforcement Attendant (Part-Time, 1000 Max Annual Hours; Non-Bargaining)								
Hourly				18.00				

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				Step 1	Step 2	Step 3	Step 4	Step 5
Senior Government Accountant (Mid-Management; Non-Bargaining)								
Hourly				35.03	36.78	38.62	40.55	42.58
Bi-Weekly				2,802.40	2,942.40	3,089.60	3,244.00	3,406.40
Monthly				6,071.87	6,375.20	6,694.13	7,028.67	7,380.53
Annual				72,862.40	76,502.40	80,329.60	84,344.00	88,566.40
Senior Planner (Mid-Management; Non-Bargaining)								
Hourly				35.03	36.78	38.62	40.55	42.58
Bi-Weekly				2,802.40	2,942.40	3,089.60	3,244.00	3,406.40
Monthly				6,071.87	6,375.20	6,694.13	7,028.67	7,380.53
Annual				72,862.40	76,502.40	80,329.60	84,344.00	88,566.40
Systems Analyst - Lead (Confidential; Non-Bargaining)								
Hourly				31.97	33.57	35.25	37.01	38.86
Bi-Weekly				2,557.60	2,685.60	2,820.00	2,960.80	3,108.80
Monthly				5,541.47	5,818.80	6,110.00	6,415.07	6,735.73
Annual				66,497.60	69,825.60	73,320.00	76,980.80	80,828.80
Systems Analyst (Confidential; Non-Bargaining)								
Hourly				28.59	30.02	31.52	33.10	34.76
Bi-Weekly				2,287.20	2,401.60	2,521.60	2,648.00	2,780.80
Monthly				4,955.60	5,203.47	5,463.47	5,737.33	6,025.07
Annual				59,467.20	62,441.60	65,561.60	68,848.00	72,300.80
Systems Technician (FBEO)								
Hourly				21.93	23.03	24.18	25.39	26.66
Bi-Weekly				1,754.40	1,842.40	1,934.40	2,031.20	2,132.80
Monthly				3,801.20	3,991.87	4,191.20	4,400.93	4,621.07
Annual				45,614.40	47,902.40	50,294.40	52,811.20	55,452.80
Treatment Plant Operator-in-Training (FBEO)								
Hourly				19.49	20.46	21.48	22.55	23.68
Bi-Weekly				1,559.20	1,636.80	1,718.40	1,804.00	1,894.40
Monthly				3,378.27	3,546.40	3,723.20	3,908.67	4,104.53
Annual				40,539.20	42,556.80	44,678.40	46,904.00	49,254.40
Treatment Plant Operator I (FBEO)								
Hourly				24.19	25.40	26.67	28.00	29.40
Bi-Weekly				1,935.20	2,032.00	2,133.60	2,240.00	2,352.00
Monthly				4,192.93	4,402.67	4,622.80	4,853.33	5,096.00
Annual				50,315.20	52,832.00	55,473.60	58,240.00	61,152.00
Treatment Plant Operator II (FBEO)								
Hourly				25.41	26.68	28.01	29.41	30.88
Biweekly				2,032.80	2,134.40	2,240.80	2,352.80	2,470.40
Monthly				4,404.40	4,624.53	4,855.07	5,097.73	5,352.53
Annual				52,852.80	55,494.40	58,260.80	61,172.80	64,230.40

CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

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				Step 1	Step 2	Step 3	Step 4	Step 5
Treatment Plant Operator - Wastewater, Lead (FBEO)								
Hourly				29.22	30.68	32.21	33.82	35.51
Biweekly				2,337.60	2,454.40	2,576.80	2,705.60	2,840.80
Monthly				5,064.80	5,317.87	5,583.07	5,862.13	6,155.07
Annual				60,777.60	63,814.40	66,996.80	70,345.60	73,860.80
Treatment Plant Operator - Water, Collection and Distribution, Lead (FBEO)								
Hourly				30.68	32.21	33.82	35.51	37.29
Biweekly				2,454.40	2,576.80	2,705.60	2,840.80	2,983.20
Monthly				5,317.87	5,583.07	5,862.13	6,155.07	6,463.60
Annual				63,814.40	66,996.80	70,345.60	73,860.80	77,563.20



City of Fort Bragg

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

Text File

File Number: 21-478

Agenda Date: 9/13/2021

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: 5C.

Adopt City Council Resolution Authorizing Submission of Co-Application with Danco Communities for Permanent Local Housing Allocation Program Non-Entitlement Local Government Competitive Funds in the Amount of \$2,400,000 to Support the Development of a 69-Unit Affordable Housing Project Located at 441 South Street

In 2017, Governor Brown signed a 15-bill housing package aimed at addressing the state's housing shortages and high housing costs. Specifically, it included the Building Homes and Jobs Act (SB2, 2017), which provides funding to the California Department of Housing and Community Development (HCD) Permanent Local Housing Allocation (PLHA) program.

Eligible activities under the PLHA Notice of Funding Availability (NOFA) include:

1. Development of new multifamily rental housing that is affordable to households at or below 60 percent of area median income (AMI) or substantial rehabilitation of multifamily rental housing that will be affordable to households at or below 60 percent of AMI, but which is not currently restricted as affordable housing. In order to be eligible as "substantial rehabilitation," a project must complete a minimum of \$40,000 per unit in hard construction costs; or
2. Assistance to persons who are experiencing or at risk of homelessness, including, but not limited to, through rapid re-housing, rental assistance, supportive services, and case management services that allow people to obtain and retain housing, operating and capital costs for Navigation Centers, or new construction, rehabilitation, or preservation of permanent or transitional rental housing.

The City has been working with Danco, the developer of The Cottages at Cypress, on a 69-unit affordable housing project currently under construction at 441 South Street, called The Plateau. The Plateau includes twenty units of Permanently Supportive Housing (PSH) designed to assist persons experiencing homelessness by providing affordable housing linked to a range of supportive services. The project also includes twenty three units of affordable senior housing, twenty five 3-bedroom affordable housing units, and an on-site manager unit. Danco has requested the City submit a co-application for the PLHA Program Non-Entitlement Local Government Competitive funds in the amount of \$2,400,000 to support development of The Plateau.

The attached Resolution must be included in the application submittal no later than 11:59 PM Pacific Daylight Time on September 14, 2021. The application, along with documentation from Danco stating intent for utilizing funds are included as Attachments 1 and 2.

RESOLUTION NO. ____-2021

RESOLUTION OF THE FORT BRAGG CITY COUNCIL AUTHORIZING THE APPLICATION FOR THE PERMANENT LOCAL HOUSING ALLOCATION PROGRAM NON-ENTITLEMENT LOCAL GOVERNMENT COMPETITIVE COMPONENT

WHEREAS, the State of California (the “State”), Department of Housing and Community Development (“Department”) issued a Notice of Funding Availability (“NOFA”) dated 06/07/2021 under the Permanent Local Housing Allocation (PLHA) Program Competitive Component; and

WHEREAS, the Department is authorized to provide up to \$29 million under the SB 2 Permanent Local Housing Allocation Program Competitive Component from the Building Homes and Jobs Trust Fund for assistance to Cities and Counties (as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes of 2017 (SB 2))); and

WHEREAS, the City of Fort Bragg is an eligible non-entitlement local government who has applied for program funds to administer an eligible activity; and

WHEREAS, the Department may award, subject to selection criteria set forth in PLHA guidelines section 403, funding allocations for applicants recommended for funding, subject to the terms and conditions of the Guidelines, NOFA, Program requirements, the Standard Agreement and other contracts between the Department and PLHA competitive grant recipients; and

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

1. If Applicant is awarded a grant of PLHA funds from the Department pursuant to the above referenced PLHA Competitive Component NOFA, it represents and certifies that it will use all such funds in a manner consistent and in compliance with all applicable state and federal statutes, rules, regulations, and laws, including without limitation all rules and laws regarding the PLHA Program, as well as any and all contracts Applicant may have with the Department; and
2. Applicant hereby agrees to use the PLHA funds for the eligible activity for which the Applicant has submitted an application, as set forth in Section 401 of the Guidelines, and as awarded and approved by the Department in accordance with all Program requirements, Guidelines, other rules and laws, as well as in a manner consistent and in compliance with the Standard Agreement and other contracts between the Applicant and the Department; and
3. Pursuant to Applicant’s certification in this resolution, the PLHA funds will be expended only for the eligible Activity for which the Applicant has submitted an application, and consistent with all program requirements; and
4. Applicant certifies that, if funds are awarded for the development of new multifamily housing at or below 60 percent of area median income (AMI) or substantial rehabilitation of

multifamily rental housing at or below 60 percent of AMI, Applicant shall comply with Uniform Multifamily Regulations Subchapter 19, Title 25, Division 1, Chapter 7, commencing with Section 8300 and the Multifamily Housing Program Guidelines commencing with Section 7300; and

5. Applicant certifies that, if funds are awarded for the development of an Affordable Rental Housing Development, the Local Government shall make PLHA assistance in the form of a low-interest, deferred loan to the Sponsor of the Project, and such loan shall be evidenced through a Promissory Note secured by a Deed of Trust and a Regulatory Agreement shall restrict occupancy and rents in accordance with the Department-approved underwriting of the Project for a term of at least 55 years; and
6. Applicant shall be subject to the terms and conditions as specified in the Standard Agreement, the PLHA Program Guidelines and any other applicable SB 2 Guidelines published by the Department; and
7. The City Manager is authorized to execute the PLHA Competitive Component Program Application, the PLHA Competitive Component Standard Agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the PLHA Competitive Component grant awarded to Applicant, as the Department may deem appropriate.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby authorize the application for the Permanent Local Housing Allocation Program Non-Entitlement Local Government Competitive Grant component and authorizes the City Manager to execute the same.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the Fort Bragg City Council held on the 13th day of September, 2021, by the following vote:

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

BERNIE NORVELL
Mayor

ATTEST:

June Lemos, CMC
City Clerk

2021 TCAC Threshold Basis Limit for HCD Developer Fee 2017 UMR §8312(c) & (b) and High Cost Test for HCD Limits on Development Costs 2017 UMR §8311(a) & (b) (revised 2/19/21) Complete all yellow shaded cells; see cell comments for tips										
Project Name:		The Plateau			County:		Mendocino		HCD Phase:	Origination
Unit Size		1/5/21 TCAC Threshold Basis Limits (TBL)			Number of Units			Basis x Number of Units		
SRO/Studio		\$262,291			0			\$0		
1 Bedroom		\$302,419			35			\$10,584,665		
2 Bedrooms		\$364,800			9			\$3,283,200		
3 Bedrooms		\$466,944			25			\$11,673,600		
4+ Bedrooms		\$520,205			0			\$0		
Number of Manager Units in Project:				1		Total units:		69		
TOTAL UNADJUSTED THRESHOLD BASIS LIMIT (TBL):								\$25,541,465		
TBL ADJUSTMENTS §10327(c)(5)(A-F):								Yes/No		
Proposed energy efficiency/resource conservation/indoor air quality items	(A) Project paid in whole or part out of public funds subject to a legal requirement for the payment of state or federal prevailing wages or financed in part by a labor-affiliated organization requiring the employment of construction workers who are paid at least state or federal prevailing wages. (20%)							No	\$0	
	Project certifies that (1) they are subject to a project labor agreement within the meaning of §2500(b)(1) of the Public Contract Code, or (2) they will use a skilled and trained workforce as defined by §25536.7 of the Health and Safety Code to perform all onsite work within an apprenticeship occupation in the building and construction trades. (5%)							No	\$0	
	New construction project required to provide parking beneath residential units (not "tuck under" parking) or through construction of an on-site parking structure of two or more levels. (10%)							No	\$0	
	Project where a day care center is part of the development. (2%)							No	\$0	
	Project where 100 percent of the Low Income units are for Special Needs populations. (2%)							No	\$0	
	Project where at least 95% of the project's upper floor units are serviced by an elevator. (10%)								\$0	
	Project wherein at least 95% of the building(s) is constructed as Type I as defined in the California Building Code, in which case, the Type III 10% increase below is not allowed. (15%)							No	\$0	
	Project wherein at least 95% of the building(s) is constructed as a Type III as defined in the California Building Code, or a Type III/Type I combination, in which case, the Type I 15% increase above is not allowed. (10%)							No	\$0	
	(B) Project applying under §10325 or §10326 of these regulations that include one or more of the features below. (up to 10%)								\$1,021,659	
	(1) Project shall have onsite renewable generation estimated to produce 50% or more of annual tenant electricity use. If the combined available roof area of the Project structures, including carports, is insufficient for provision of 50% of annual electricity use, then the Project shall have onsite renewable generation based on at least 90% of the available solar accessible roof area. Available solar accessible area is defined as roof area less north facing roof area for sloped roofs, equipment, solar thermal hot water and required local or state fire department set-backs and access routes. A Project not availing itself of the 90% roof area exception may also receive an increase under paragraph (2) only if the renewable generation used to calculate each basis increase does not overlap. (5%)							No		
	(2) Project shall have onsite renewable generation estimated to produce 75% or more of annual common area electricity use. If the combined available roof area of the Project structures, including carports, is insufficient for provision of 75% of annual electricity use, then the Project shall have onsite renewable generation based on at least 90% of the available solar accessible roof area. Available solar accessible area is defined as roof area less north facing roof area for sloped roofs, equipment, solar thermal hot water and required local or state fire department set-backs and access routes. A Project not availing itself of the 90% roof area exception may also receive an increase under paragraph (1) only if the renewable generation used to calculate each basis increase does not overlap. (2%)							No		
	(3) Newly constructed Project buildings shall be 15% or more energy efficient than the 2016 Energy Efficiency Standards (California Code of Regulations, Part 6 of Title 24), except that if the local building department has determined that building permit applications submitted on or before December 31, 2016 are complete, then newly constructed Project buildings shall be fifteen percent (15%) or more energy efficient than the 2013 Energy Efficiency Standards (California Code of Regulations, Part 6 of Title 24). (4%)							No		
	(4) Rehab Project buildings shall have 80% decrease in estimated TDV energy use (or improvement in energy efficiency) post rehab as demonstrated using the appropriate performance module of CEC software. (4%)							No		
	(5) Irrigate only with reclaimed water, greywater, or rainwater (excepting water used for Community Gardens) or irrigate with reclaimed water, grey water, or rainwater in an amount that annually equals or exceeds 20,000 gallons or 300 gallons per unit, whichever is less. (1%)							Yes		
	(6) Community Gardens of at least 60 square feet per unit. Permanent site improvements that provide a viable growing space within the Project including solar access, fencing, watering systems, secure storage space for tools, and pedestrian access. (1%)							Yes		
(7) Install bamboo, cork, salvaged or FSC-Certified wood, natural linoleum, natural rubber, or ceramic tile in all kitchens, living rooms, and bathrooms (where no VOC adhesives or backing is also used). (1%)							No			
(8) Install bamboo, stained concrete, cork, salvaged or FSC-Certified wood, ceramic tile, or natural linoleum in all common areas. (2%)							Yes			
(9) Meet all requirements of the U.S. Environmental Protection Agency Indoor Air Plus Program. (2%)							No			
(D) Project requires seismic upgrading of existing structures, and/or requires toxic or other environmental mitigation as certified by the Project architect/ engineer. (lesser of costs or 15% basis adjustment)							No	\$0		
If Yes, select type of work:					Enter Certified Costs of Work:		\$0			
(E) Local development impact fees required to be paid to local government entities. Certification from local entities assessing fees also required. WAIVED IMPACT FEES ARE INELIGIBLE.							Yes	\$932,035		
							<i>Please Enter Amount Above:</i>			
(F) Projects within a county with an unadjusted 9% threshold basis limit for a 2-bedroom unit equal or less than \$400,000 and within a census tract designated on the TCAC/HCD Opportunity Map as Highest or High Resource. (10%)							No	\$0		
County eligibility:		Yes	TCAC/HCD Opportunity Area Map Tract ID #:	60450105004	Opportunity Map Resource level:	Moderate Resource		In yellow cells, enter Tract ID # and TCAC/HCD Opportunity Map Resource level		

Permanent Local Housing Allocation (PLHA) Program

Notice of Funding Availability (NOFA) June 7, 2021

Non-Entitlement Local Government Competitive Application

Rev. 6/24/21



**Gavin Newsom, Governor
State of California**

**Lourdes Castro Ramirez, Secretary
Business, Consumer Services and Housing Agency**

**Gustavo Velasquez, Director
Department of Housing and Community Development (HCD)
2020 West El Camino Avenue, Suite 500
Sacramento, CA 95833
Phone: (916) 263-2771**

**PLHA Program Email: CPLHA@hcd.ca.gov
<http://www.hcd.ca.gov/grants-funding/nofas.shtml>**

**Application Technical Support email:
AppSupport@hcd.ca.gov**

Overview										Rev. 6/24/21	
Proposed Activity §401; Funding Limits/Request NOFA											
(a) Select below the proposed Activity you are applying for. Note: you may only apply for one Project or one Program Activity and the eligible Activity must take place within the jurisdiction of the Applicant.											
(1) Development of a new or substantial rehabilitation of a multifamily rental housing project that is Affordable to households at or below 60% of AMI, but which is not currently restricted as Affordable housing											
Fully describe the proposed Activity above. If your proposed program Activity is assistance to persons who are experiencing homelessness or At-risk of homelessness (2d), describe all subactivities.											
Construction of 69-unit housing project in Fort Bragg, CA. There are a total of 68 affordable units with a mix of special needs, senior and family units as well as a manager's unit. Project includes community building and site amenities.											
Funding limit	\$5,000,000	Funds requested including admin expenses (min. \$500,000)		\$2,400,000	Admin limit 5%	\$120,000	Admin requested	\$120,000			
Have you applied, do you plan to apply, or have you been awarded other HCD program funds for the proposed Activity?											Yes
Other HCD Program(s) Name(s):		Funding Amount		Funding Status		NOFA Date		Award Date/Expected Award Date			
IIG		\$3,089,000		Funding awarded		10/30/19		6/26/20			
Applicant §400											
(a) Eligible Applicants for this non-entitlement competitive allocation described in §100(b)(3) are limited to non-entitlement local governments. For development of Rental Housing Projects, Sponsor(s) must be co-Applicant(s). If there are two co-Applicants (two General Partners) both must complete and submit co-applicant information and documentation.											
Applicant Name		Fort Bragg				Organization Type:		Local Government			
Address		416 N Franklin Street		City		Fort Bragg		County		Mendocino	
Auth Rep: Name		Tabatha Miller		Title		City Manager		Email		TMiller@FortBragg.com	
Contact: Name		Sarah McCormick		Title				Email		SMcCormick@fortbragg.com	
File Name:		App Cert & Legal		Reference 'Certifications & Legal Status' worksheet. Only complete Certification part.				Uploaded to HCD?			
File Name:		App TIN Form		Taxpayer Identification Number (TIN) on the PLHA webpage .				Uploaded to HCD?			
Co-Applicant 1 Name		Danco Communities				Organization Type:		For-profit			
Address		5251 Ericson Way		City		Arcata		County		Humboldt	
Auth Rep: Name		Chris Dart		Title		Secretary		Email		cdart@danco-group.com	
Contact: Name		McKenzie Dibble		Title		Project Manager		Email		mdibble@danco-group.com	
File Name:		Co-App1 Cert & Legal		Reference 'Certifications & Legal Status' worksheet.				Uploaded to HCD?		Yes	
File Name:		Co-App1 OrgDoc1, OrgDoc2,		Reference Sponsor Org Docs worksheet				Uploaded to HCD?		Yes	
File Name:		Co-App1 OrgChart		Sponsor Organization Chart				Uploaded to HCD?		Yes	
File Name:		Co-App1 Signature Block		Signature Block - upload in Microsoft Word document.				Uploaded to HCD?		Yes	
File Name:		Co-App1 Payee Data Record		Payee Data Record STD-204 on the PLHA webpage .				Uploaded to HCD?		Yes	
File Name:		Co-App1 Cert of Good Standing		Must be dated 30 days or less from the application due date.				Uploaded to HCD?			
File Name:		Co-App1 Tax-Exempt Status		Evidence of tax-exempt status from IRS and from FTB for Corporations.				Uploaded to HCD?		N/A	
Co-Applicant 2 Name		Community Revitalization and Development Corporation				Organization Type:		Nonprofit			
Address		635 Parkview Ave		City		Redding		County		Shasta	
Auth Rep: Name		David Rutledge		Title		President		Email		david@crdc-housing.org	
Contact: Name		David Rutledge		Title		President		Email		david@crdc-housing.org	
File Name:		Co-App2 Cert & Legal		Reference 'Certifications & Legal Status' worksheet.				Uploaded to HCD?		Yes	
File Name:		Co-App2 OrgDoc1, OrgDoc2,		Reference Sponsor Org Docs worksheet				Uploaded to HCD?		Yes	
File Name:		Co-App2 OrgChart		Sponsor Organization Chart				Uploaded to HCD?		Yes	
File Name:		Co-App2 Signature Block		Signature Block - upload in Microsoft Word document.				Uploaded to HCD?		Yes	
File Name:		Co-App2 Payee Data Record		Payee Data Record STD-204 on the PLHA webpage .				Uploaded to HCD?		Yes	
File Name:		Co-App2 Cert of Good Standing		Must be dated 30 days or less from the application due date.				Uploaded to HCD?			
File Name:		Co-App2 Tax-Exempt Status		Evidence of tax-exempt status from IRS and from FTB for Corporations.				Uploaded to HCD?		Yes	
Threshold Requirements §402											
(a) Does the Applicant have a Housing Element that has been adopted by the jurisdiction's governing body by the application due date and subsequently determined to be in substantial compliance with state Housing Element Law pursuant to GC §65585. Current Housing Element compliance status can be obtained by referencing the Department's website at http://www.hcd.ca.gov/community-development/housing-element .											Yes
(b) Has the Applicant submitted to HCD the Annual Progress Report (APR) required by GC §65400 for the current or prior year by the application due date?											Yes
(c)(2) and (3) Submission of an application by the Applicant and one or more co-Applicants must be authorized by resolutions of the governing boards of both the Applicant and all co-Applicants. Applicants may use their own resolution format as long as it contains ALL of the authorizations as in the sample. The person attesting to the resolution signing cannot be the same person authorized to execute the documents in the name of the Applicant. If more than one authorized signatory is identified, state whether both signatories are required or only one signatory is required to submit and execute Program docs. If the application is being signed by a designee of the authorized signatory, the Applicant must also submit a designee letter or other proof of signing authority.											
File Name		App Reso		Copy of the local government Resolution - sample on the PLHA webpage				Uploaded to HCD?			
File Name		Co-App1 Reso		Copy of the Resolution - sample on the PLHA webpage				Uploaded to HCD?		Yes	
File Name		Co-App2 Reso		Copy of the Resolution - sample on the PLHA webpage				Uploaded to HCD?		Yes	

Legislative and Congressional Information			Rev. 6/24/21
<i>Provide the Legislative and Congressional information for the applicant and each activity location, (if different than applicant location). To locate or verify the Legislative and Congressional information, click on the respective links below and enter the applicant office location zip code, the activity location site zip code(s) (i.e. zip code(s) where activities are performed), and any additional activity location site(s), as applicable.</i>			
California State Assembly	California State Senate		U.S. House of Representatives
Applicant Office Location			
	District #	First Name	Last Name
State Assembly Member	2	Jim	Wood
State Senate Member	2	Mike	McGuire
US House of Representatives	2	Jared	Huffman
Activity Location 1 (if different from applicant location)			
	District #	First Name	Last Name
State Assembly Member	2	Jim	Wood
State Senate Member	2	Mike	McGuire
US House of Representatives	2	Jared	Huffman
Activity Location 2 (if different from applicant location)			
	District #	First Name	Last Name
State Assembly Member			
State Senate Member			
US House of Representatives			
Activity Location 3 (if different from applicant location)			
	District #	First Name	Last Name
State Assembly Member			
State Senate Member			
US House of Representatives			
Activity Location 4 (if different from applicant location)			
	District #	First Name	Last Name
State Assembly Member			
State Senate Member			
US House of Representatives			
Activity Location 5 (if different from applicant location)			
	District #	First Name	Last Name
State Assembly Member			
State Senate Member			
US House of Representatives			

Multifamily Rental Housing (MF) or Navigation Center (NC)											Rev. 6/24/21	
Development Name		The Plateau				Type		New construction		County		Mendocino
If the Development is known under another name(s) or was formerly known under another name(s), provide the name(s).						NA						
Address		441 South Street				City		Fort Bragg		Zip		95437
Census Tract #1	105.00	APN #1	018-340-04	Census Tract #2	105.00	APN #2	018-340-06	Census Tract 3	NA	APN #3	NA	
Number of units in the Development:				69		MF only: Number of rental units in the Development that will be restricted to 60% of AMI or less:					68	
Rehabilitation Projects only (rows 7-10)												
MF Substantial Rehabilitation projects only:				Total rehabilitation costs (must complete Dev Budget worksheet):				0		Rehab cost per unit:		\$0
Rehabilitation projects only: Provide a description of the current condition of the structure(s) and a general description of the overall scope of work. Include a discussion of any proposed modification to the unit configurations, unit mix, need for seismic retrofit, or modifications in use (e.g., commercial/tourist hotel to SRO or studio apartments). All projects must submit a Physical Needs Assessment (PNA) or Capital Needs Assessment (CNA) by a qualified independent third party contractor, which supports the proposed scope of work. Both the contractor and the PNA are subject to HCD approval. Include in the CNA upload, the current rent roll and tenant income and household size information, submit by unit.												
File Name:	Rehab Description		Narrative of current condition of structure(s) and description of overall scope of work. Include a discussion of any proposed modification to unit configurations, unit mix, need for seismic retrofit, or modifications in use (e.g., commercial/tourist hotel to SRO).						Uploaded to HCD?		N/A	
File Name:	CNA		PNA or CNA by qualified independent third party contractor.						Uploaded to HCD?		N/A	
Explain any specific development issues (demolition, relocation, environmental, historical, topography, etc.) at the Development site.												
NA - Not Rehab												
File Name:	EFC1; EFC2; EFC3; etc.		Provide Enforceable Funding Commitments for development funding sources.						Uploaded to HCD?			
MF only: Does market study demonstrate financial feasibility? - Must submit a market study that meets the requirements specified in TCAC Regs §10322(h)(10)												
File Name:	Market Study		MF only: Completed market study prepared or updated within one year prior to the application due date.						Uploaded to HCD?			
(c)(4) Site Control: Does Sponsor have Site Control of the Development? If yes, enter form of site control and most recent execution date below.												Yes
Form of site control:			Fee Title			Most recent document execution date:			11/20/20			
If leasehold estate, answer the following:		Is rent based on restricted land value?		N/A		Is acquisition cost \$0 in Development Budget?		N/A		Prepaid lease loan used? If Yes, answer (a-c) below		N/A
(a) Funding amount based on the Present Value of lease payments?				N/A		(b) Lender requesting Res. Receipts (not permissible)		N/A		(c) Has loan amount been entered as a finance cost?		N/A
Purchase price of the site(s):		\$2,760,000		Appraised value:		\$2,760,000		MF only: has Applicant completed any other units in this subdivision?			N/A	
Describe any special circumstances regarding site control:												
None.												
File Name:	Site Control		Provide appropriate documentation to demonstrate the form of site control indicated above.						Uploaded to HCD?		Yes	
File Name:	Prelim		Provide the Preliminary Title Report to verify the accuracy of the site control document.						Uploaded to HCD?			
File Name:	Appraisal		If available, provide a current appraisal of the site(s). If land and/or acquisition costs are shown on the Dev Budget, provide an appraisal report dated within 24 months prior to the application due date.						Uploaded to HCD?		Yes	
File Name:	Site Map		Provide a site map of proposed site.						Uploaded to HCD?		Yes	
(c)(4) Status of all discretionary local land use approvals: Provide a listing and status of all discretionary local land use approvals, excluding design review, required to complete the Development that have been granted, submitted or to be applied for to the appropriate local agencies, or consistent with local planning documents. This information must match the information provided on the Verification of the Status of Environmental Review and Land Use Entitlements worksheet.												
Agency / Issuer			Land Use Approval Date		Approval Type			Type and Comments				
City of Fort Bragg			2/3/19		Site Plan Approval			Site Plan Review				
Not Applicable			NA		NA			Conditional Use Permits				
NA - Zoned for the intended use			NA		NA			Zoning Approval				
(c)(4) Environmental: is the Development free from adverse environmental conditions that are economically infeasible to remove and cannot be mitigated?												Yes
Attach all available Phase I and Phase II Environmental Site Assessments (ESA) prepared or updated within 12 months prior to the application due date. Include any follow-up analysis, (e.g., asbestos or lead-based paint analysis), or information on mitigation completed. It is NOT necessary to include a copy of the Database Records Search section of the ESA.												
File Name	Env Report 1		Phase I						Uploaded to HCD?			
File Name	Env Report 2								Uploaded to HCD?			
File Name	Env Report 3								Uploaded to HCD?			
File Name	Env Report 4								Uploaded to HCD?			
File Name	Env Report 5								Uploaded to HCD?			
Soils/engineering/geotechnical: has a site report been prepared?												
File Name:	Soils-Engineering-Geo		Attach the Soils, Engineering, or Geotechnical report.						Uploaded to HCD?		Yes	
File Name:	Rehab Env Reports		Attach the lead-based paint, mold, and asbestos reports related to rehab						Uploaded to HCD?		N/A	

Multifamily Rental Housing (MF) or Navigation Center (NC)										Rev. 6/24/21	
(c)(4) and NOFA II(D)(1)(d)(4) Are at least 40% of the permanent funds committed for the Development Project (must complete "Dev Sources" worksheet)?										Yes	
Americans with Disabilities Act											
Sponsor certifies Development will comply with Americans with Disabilities Act and its implementing regulations.										Yes	
Violence Against Women Act											
Sponsor certifies Development will comply with Violence Against Women Act.										Yes	
Davis-Bacon Wage & State Prevailing Wage Requirements											
Sponsor certifies the Development will comply with Davis-Bacon wage requirements and State prevailing wage law, as set forth in Labor Code Section 1720 et seq., which requires the payment of prevailing wages unless the Development meets one of the exceptions of Labor Code 1720(c) as determined by the Department of Industrial Relations (DIR). Sponsors are urged to seek professional advice as to how to comply with State prevailing wage law.										Yes	
If your Development requires demolition of existing residential units, are the number of bedrooms in the proposed Development at least equal to the total number of bedrooms in the demolished structures per UMR §8303(b)? Explain below how this requirement is satisfied including how many bedrooms in the units to be demolished and how many replacement units.										Yes	
Article XXXIV											
Article XXXIV legal opinion submitted to HCD demonstrates that the Sponsor has considered both the legal requirements of Article XXXIV and the relevant facts of the Development. Any conclusion that the Development is exempt from Article XXXIV is supported by specific facts and a specific legal theory for exemption that itself is supported by the Constitution, statute, and/or case law. Documentation provided shall be subject to HCD review and approval.										Yes	
File Name:	Article XXXIV Legal Opinion	Demonstrate legal requirements of Article XXXIV and relevant Project facts have been considered.						Uploaded to HCD?	Yes		
File Name:	Article XXXIV Authority	Copy of document providing Authority.						Uploaded to HCD?	Yes		
Tenant Selection UMR §8305											
Sponsor certifies the Development will comply with the requirements of UMR §8305 as applicable.										Yes	
Fair Housing Act											
Does Development propose to restrict occupancy based on gender or age? If yes, include in legal opinion how Development satisfies fair housing laws (include supporting materials). Attach a specific legal opinion labeled "Fair Housing" with supporting materials describing how the Development complies with fair housing laws. For senior Developments, attach evidence that units are lawfully restricted to senior households in compliance with state and federal fair housing laws.										Yes	
File Name:	Fair Housing	Legal opinion with supporting materials describing how Development complies.						Uploaded to HCD?	Yes		
Pet Friendly Housing Act											
Sponsor certifies that residents of the housing development will be authorized to own or otherwise maintain one or more common household pets pursuant to the Pet Friendly Housing Act of 2017 (California Health & Safety Code, Section 50466)										Yes	
Tax Credits (TC)											
Type (Select One)	4%	Federal	Yes	Proposed Equity Investor Contribution (\$)	\$8,553,880	Anticipated TC Factor	0.920	App. Rate	#####		
		State	Yes	Proposed Equity Investor Contribution (\$)	\$4,774,563	Anticipated TC Factor	0.700	App. Rate	#####		
Timeframe for Applying for tax credits	Proposed Month	January	Proposed Year	2020	If already awarded, enter TCAC Reservation date:				4/14/20		
File Name:	Tax Credit Reservation	If Development has received a tax credit reservation, attach documentation.						Uploaded to HCD?	Yes		

Rental Development Team										Rev. 6/24/21
Owner/Borrower Entity										
Legal Name	Fort Bragg South Street LP						Organization Type	Nonprofit		
Address	5251 Ericson Way, Suite A				City	Arcata	State	CA	Zip	95521
Auth Rep Name	Daniel J. Johnson		Title	Member	Email	djohnson@danco-group.com			Phone	(707) 825-1588
Contact Name	McKenzie Dibble		Title	Project Manager	Email	mdibble@danco-group.com			Phone	(707) 825-1588
Address	5251 Ericson Way, Suite A				City	Arcata	State	CA	Zip	95521
File Name	Bwr Applicant Reso	Copy of the local government Resolution - sample on the PLHA webpage						Uploaded to HCD?		
File Name:	Bwr Cert & Legal	Reference 'Certifications & Legal Status' Worksheet.						Uploaded to HCD?		
File Name:	Bwr OrgDoc1, OrgDoc2, etc...	Reference Sponsor Org Docs worksheet						Uploaded to HCD?		
File Name:	Bwr OrgChart	Sponsor Organization Chart						Uploaded to HCD?		
File Name:	Bwr Signature Block	Signature Block - upload in Microsoft Word Document.						Uploaded to HCD?		
File Name	Bwr Payee Data Record	Payee Data Record STD-204 on the PLHA webpage .						Uploaded to HCD?		
File Name:	Bwr Cert of Good Standing	Must be dated 30 days or less from the application due date.						Uploaded to HCD?		
File Name:	Bwr Tax-Exempt Status	Evidence of tax-exempt status from IRS and from FTB for Corporations.						Uploaded to HCD?		
Managing General Partner										
Legal Name	Community Revitalization and Development Corporation						Organization Type	Nonprofit		
Address	P.O. Box 990490				City	Redding	State	CA	Zip	96099
Auth Rep Name	David Rutledge		Title	President	Email	david@crdc-housing.org			Phone	(530) 241-6960
Contact Name	David Rutledge		Title	President	Email	david@crdc-housing.org			Phone	(530) 241-6960
Address	P.O. Box 990490				City	Redding	State	CA	Zip	(530) 241-6960
File Name	MGP Applicant Reso	Copy of the local government Resolution - sample on the PLHA webpage						Uploaded to HCD?		
File Name:	MGP Cert & Legal	Reference 'Certifications & Legal Status' Worksheet.						Uploaded to HCD?		
File Name:	MGP OrgDoc1, OrgDoc2, etc...	Reference Sponsor Org Docs worksheet						Uploaded to HCD?		
File Name:	MGP OrgChart	Sponsor Organization Chart						Uploaded to HCD?		
File Name:	MGP Signature Block	Signature Block - upload in Microsoft Word Document.						Uploaded to HCD?		
File Name	MGP Payee Data Record	Payee Data Record STD-204 on the PLHA webpage .						Uploaded to HCD?		
File Name:	MGP Cert of Good Standing	Must be dated 30 days or less from the application due date.						Uploaded to HCD?		
File Name:	MGP Tax-Exempt Status	Evidence of tax-exempt status from IRS and from FTB for Corporations.						Uploaded to HCD?		
Administrative General Partner #1										
Legal Name	Johnson & Johnson Investments LLC						Organization Type	Limited Liability Company		
Address	5251 Ericson Way, Suite A				City	Arcata	State	CA	Zip	95521
Auth Rep Name	Daniel J. Johnson		Title	Member	Email	djohnson@danco-group.com			Phone	(707) 825-1588
Contact Name	McKenzie Dibble		Title	Project Manager	Email	mdibble@danco-group.com			Phone	(707) 825-1588
Address	5251 Ericson Way, Suite A				City	Arcata	State	CA	Zip	95521
File Name	AGP Applicant Reso	Copy of the local government Resolution - sample on the PLHA webpage						Uploaded to HCD?		
File Name:	AGP Cert & Legal	Reference 'Certifications & Legal Status' Worksheet.						Uploaded to HCD?		
File Name:	AGP OrgDoc1, OrgDoc2, etc...	Reference Sponsor Org Docs worksheet						Uploaded to HCD?		
File Name:	AGP OrgChart	Sponsor Organization Chart						Uploaded to HCD?		
File Name:	AGP Signature Block	Signature Block - upload in Microsoft Word Document.						Uploaded to HCD?		
File Name	AGP Payee Data Record	Payee Data Record STD-204 on the PLHA webpage .						Uploaded to HCD?		
File Name:	AGP Cert of Good Standing	Must be dated 30 days or less from the application due date.						Uploaded to HCD?		
File Name:	AGP Tax-Exempt Status	Evidence of tax-exempt status from IRS and from FTB for Corporations.						Uploaded to HCD?		
Property Management Agent										
Legal Name	Danco Property Management		Contact Name	Blair Brown			Email	blairbrown@danco-group.com		
Phone	(707) 825-1528	Address	5251 Ericson Way, Suite A		City	Arcata	State	Ca	Zip	95521
Financial Consultant										
Legal Name	NA		Contact Name				Email			
Phone		Address			City		State		Zip	
Lead (primary) Service Provider										
Legal Name	Redwood Quality Management Co		Contact Name	Camille Shraeder			Email	camille@rqmc.org		
Phone	(707) 472-0350	Address	350 E Gobbi St		City	Ukiah	State	CA	Zip	95482
Borrower Legal Counsel										
Legal Name	Odu & Associates		Contact Name	Nkechi Odu			Email	nkechi@odulaw.com		
Phone	(951) 215-6212	Address	31805 Temecula Parkway, #720		City	Temecula	State	CA	Zip	92592
General Contractor										
Legal Name	Danco Builders Northwest		Contact Name	Dan Johnson			Email	djohnson@danco-group.com		
Phone	(707) 822-9000	Address	5251 Ericson Way, Suite A		City	Arcata	State	CA	Zip	95521
Architect										
Legal Name	McSorley Architecture		Contact Name	Garrett McSorley			Email	garrett.mcsorley@gmail.com		
Phone	707.633.9283	Address	PO Box 2472		City	McKinleyville	State	CA	Zip	95519
Development Funding Source										
Legal Name	RedStone Equity Partners		Contact Name				Email			
Phone		Address			City		State		Zip	
Development Funding Source										
Legal Name	Pacific Western Bank		Contact Name				Email			
Phone		Address			City		State		Zip	
Development Funding Source										
Legal Name	IIG (HCD)		Contact Name				Email			
Phone		Address			City		State		Zip	
Development Funding Source										
Legal Name	HEAP - Fort Bragg & Mendocino		Contact Name				Email			
Phone		Address			City		State		Zip	
Rent/Operating Subsidy Source										
Legal Name	Danco Communities		Contact Name				Email			
Phone		Address			City		State		Zip	
Rent/Operating Subsidy Source										
Legal Name			Contact Name				Email			
Phone		Address			City		State		Zip	

Sources of Funds													Rev. 6/24/21	
Construction Period Sources of Funds														
Funding Committed by Application Due Date?		Source Name (listed in order of lien priority)	Source Type	Local Support	Lien No.	Residential Amount	Commercial Amount	Total Amount	Interest Rate	Required Payment	Loan Term (months)	*Details of Deferred Costs		
												Amount	Description	
1	Yes	HCD PLHA Funds	State-HCD	No				\$0						
2	Yes	Pacific Western Bank Construction Loan	Private			\$15,900,000		\$15,900,000	4.10%					
3								\$0						
4								\$0						
5								\$0						
6								\$0						
7								\$0						
8								\$0						
9								\$0						
10								\$0						
11								\$0						
12								\$0						
13								\$0						
14								\$0						
15								\$0						
16								\$0						
17								\$0						
18								\$0						
19								\$0						
20		Deferred costs (detail at right)					\$0	\$0						
21		Equity Investor						\$0						
		\$15,900,000	<Total funds committed	100.00%	<% Funds committed		\$15,900,000	\$0	\$15,900,000			\$0		
Permanent Sources of Funds														
Funding Committed by Application Due Date?		Source Name (listed in order of lien priority)	Source Type	Local Support	Lien No.	Residential Amount	Commercial Amount	Total Amount	Interest Rate		Repayment Terms		Required Residential Debt Service	Required Commercial Debt Service
									Type	Rate	Type	Due in (yrs)		
1	Yes	HCD PHLA Funds	State-HCD	No		\$2,400,000		\$2,400,000						
2	Yes	City of Fort Bragg & County of Mendocino HEP	Local			\$3,250,000		\$3,250,000						
3	Yes	IIG Funds	State-HCD			\$3,089,000		\$3,089,000						
4	Yes							\$0						
5	Yes	Developer Note	Private			\$784,026		\$784,026						
6	Yes	Pacific Western Bank Permanent Loan	Private			\$6,077,000		\$6,077,000		5.10%				
7	Yes	Solar Tax Credit Equity				\$118,696		\$118,696						
8								\$0						
9								\$0						
10								\$0						
12								\$0						
12								\$0						
13								\$0						
14		Private mortgage financing						\$0						
15		Deferred costs						\$0						
16	Yes	Equity Investor	RedStone				\$13,209,747	\$13,209,747	Project Tax Credit Type:					
			Totals			\$28,928,469	\$0	\$28,928,469	Totals			\$0	\$0	
		\$28,928,469	<Total funds committed	100.00%	<% Funds committed									
File:	Perm EFC #1, #2, etc		Commitment letter or other evidence documenting permanent financing commitments (see Guidelines for explanation of funding commitments)									Uploaded to HCD?		
Applicant comments: Include a description of ballon payments and unusual or extraordinary circumstances that have resulted in higher than expected project costs and provide a justification as to why these costs are reasonable.														

Rev. 6/24/21	Residential Permanent Sources/Uses of Funds												Tax Credit Basis		Commercial Sources		
USES OF FUNDS	HCD PHLA Funds	City of Fort Bragg & County of Mendocino HEP	IIG Funds	0	Developer Note	Pacific Western Bank Permanent Loan	Solar Tax Credit Equity	0	Private mortgage financing	Deferred costs	Equity Investor	Total Residential Sources	30% PVC for New Const/Rehab	30% PVC for Acquisition	Total Commercial Sources	Source Name:	Source Name:
Project Development Costs																	
LAND COST/ACQUISITION																	
Land Cost or Value											\$2,760,000	\$2,760,000			\$0		
Demolition												\$0			\$0		
Legal												\$0			\$0		
Land Lease Rent Prepayment												\$0			\$0		
Total Land Cost or Value	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,760,000	\$2,760,000			\$0	\$0	\$0
Existing Improvements Cost or Value												\$0			\$0		
Off-Site Improvements												\$0			\$0		
Total Acquisition Cost	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		\$0	\$0	\$0	\$0
Total Land Cost / Acquisition Cost	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,760,000	\$2,760,000			\$0	\$0	\$0
Predevelopment Interest/Holding Cost												\$0			\$0		
Assumed, Accrued Interest on Existing Debt (Rehab/Acq)												\$0			\$0		
Excess Purchase Price Over Appraisal												\$0			\$0		
REHABILITATION																	
Site Work												\$0					
Structures												\$0					
General Requirements												\$0					
Contractor Overhead												\$0					
Contractor Profit												\$0					
Prevailing Wages												\$0					
General Liability Insurance												\$0					
Urban Greening												\$0					
Other Rehabilitation: (Specify)												\$0					
Other Rehabilitation: (Specify)												\$0					
Other Rehabilitation: (Specify)												\$0					
Total Rehabilitation Costs	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Relocation Expenses												\$0			\$0		
NEW CONSTRUCTION																	
Site Work											\$1,009,220	\$1,009,220	\$1,009,220		\$0		
Structures						\$6,077,000	\$118,696				\$778,996	\$6,974,692	\$6,974,692		\$0		
General Requirements											\$671,035	\$671,035	\$671,035		\$0		
Contractor Overhead											\$237,099	\$237,099	\$237,099		\$0		
Contractor Profit											\$711,297	\$711,297	\$711,297		\$0		
Prevailing Wages												\$0	\$0		\$0		
General Liability Insurance											\$203,422	\$203,422	\$203,422		\$0		
Urban Greening												\$0	\$0		\$0		
IIG Budget			\$3,089,000									\$3,089,000	\$3,089,000		\$0		
Supportive Housing Construction		\$3,000,000									\$200,000	\$3,200,000	\$3,200,000		\$0		
Other New Construction: (Specify)												\$0			\$0		
Total New Construction Costs	\$0	\$3,000,000	\$3,089,000	\$0	\$0	\$6,077,000	\$118,696	\$0	\$0	\$0	\$3,811,069	\$16,095,765	\$16,095,765	\$0	\$0	\$0	\$0
ARCHITECTURAL FEES																	
Design											\$300,000	\$300,000	\$300,000		\$0		
Supervision											\$150,000	\$150,000	\$150,000		\$0		
Total Architectural Costs	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$450,000	\$450,000	\$450,000	\$0	\$0	\$0	\$0
Total Survey & Engineering											\$250,000	\$250,000	\$250,000		\$0		
CONSTRUCTION INTEREST & FEES																	
Construction Loan Interest											\$869,986	\$869,986	\$869,986		\$0		
Origination Fee											\$159,000	\$159,000	\$159,000		\$0		
Credit Enhancement/Application Fee											\$45,000	\$45,000	\$45,000		\$0		
Bond Premium												\$0	\$0		\$0		
Cost of Issuance											\$169,528	\$169,528	\$169,528		\$0		
Title & Recording											\$52,500	\$52,500	\$52,500		\$0		
Taxes											\$55,200	\$55,200	\$55,200		\$0		
Insurance												\$0	\$0		\$0		
Employment Reporting												\$0	\$0		\$0		
3rd Party Reports											\$16,000	\$16,000	\$16,000		\$0		
Inspection Fees											\$20,000	\$20,000	\$20,000		\$0		
Consultants											\$30,000	\$30,000	\$30,000		\$0		
Other Construction Int. & Fees: (Specify)												\$0			\$0		
Total Construction Interest & Fees	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,417,214	\$1,417,214	\$1,417,214	\$0	\$0	\$0	\$0
PERMANENT FINANCING																	
Loan Origination Fee												\$0			\$0		
Credit Enhancement/Application Fee											\$5,000	\$5,000			\$0		
Title & Recording											\$2,500	\$2,500			\$0		
Taxes												\$0			\$0		

Rev. 6/24/21	Residential Permanent Sources/Uses of Funds												Tax Credit Basis		Commercial Sources		
USES OF FUNDS	HCD PHLA Funds	City of Fort Bragg & County of Mendocino HEP	IIG Funds	0	Developer Note	Pacific Western Bank Permanent Loan	Solar Tax Credit Equity	0	Private mortgage financing	Deferred costs	Equity Investor	Total Residential Sources	30% PVC for New Const/Rehab	30% PVC for Acquisition	Total Commercial Sources	Source Name:	Source Name:
Insurance												\$0			\$0		
Syndication Fee											\$40,000	\$40,000			\$0		
Other Perm. Financing Costs: (Specify)												\$0			\$0		
Other Perm. Financing Costs: (Specify)												\$0			\$0		
Other Perm. Financing Costs: (Specify)												\$0			\$0		
Total Permanent Financing Costs	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$47,500	\$47,500			\$0	\$0	\$0
Subtotals Forward	\$0	\$3,000,000	\$3,089,000	\$0	\$0	\$6,077,000	\$118,696	\$0	\$0	\$0	\$8,735,783	\$21,020,479	\$18,212,979	\$0	\$0	\$0	\$0
LEGAL FEES																	
Legal Paid by Applicant											\$55,000	\$55,000	\$55,000		\$0		
Borrowers Attorney											\$65,000	\$65,000	\$65,000		\$0		
Other Attorney Costs: (Specify)												\$0			\$0		
Other Attorney Costs: (Specify)												\$0			\$0		
Total Attorney Costs	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$120,000	\$120,000	\$120,000	\$0	\$0	\$0	\$0
RESERVES																	
Operating Reserve											\$174,291	\$174,291			\$0		
Replacement Reserve												\$0			\$0		
Transition Reserve												\$0			\$0		
Rent Reserve											\$30,000	\$30,000			\$0		
COSR	\$2,280,000											\$2,280,000			\$0		
Other Reserve Costs: (Specify)												\$0			\$0		
Other Reserve Costs: (Specify)												\$0			\$0		
Total Reserve Costs	\$2,280,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$204,291	\$2,484,291			\$0	\$0	\$0
CONTINGENCY COSTS																	
Construction Hard Cost Contingency											\$804,788	\$804,788	\$804,788		\$0		
Soft Cost Contingency											\$90,000	\$90,000	\$90,000		\$0		
Total Contingency Costs	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$894,788	\$894,788	\$894,788	\$0	\$0	\$0	\$0
OTHER PROJECT COSTS																	
TCAC App/Allocation/Monitoring Fees											\$38,725	\$38,725			\$0		
Environmental Audit											\$7,000	\$7,000	\$7,000		\$0		
Local Development Impact Fees		\$250,000									\$682,035	\$932,035	\$932,035		\$0		
Permit Processing Fees											\$106,461	\$106,461	\$106,461		\$0		
Capital Fees												\$0			\$0		
Marketing												\$0			\$0		
Furnishings											\$40,000	\$40,000	\$40,000		\$0		
Market Study											\$22,000	\$22,000	\$22,000		\$0		
Accounting/Reimbursable											\$20,000	\$20,000	\$20,000		\$0		
Appraisal Costs											\$10,000	\$10,000	\$10,000		\$0		
Predevelopment Interest											\$10,000	\$10,000	\$10,000		\$0		
County Legal											\$16,000	\$16,000	\$16,000		\$0		
												\$0	\$0		\$0		
Incentive Leasing Fee											\$75,000	\$75,000	\$75,000		\$0		
Cost Segregation Study											\$10,000	\$10,000	\$10,000		\$0		
City of Fort Bragg PLHA 5% Fee	\$120,000											\$120,000			\$0		
Total Other Costs	\$120,000	\$250,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,037,221	\$1,407,221	\$1,248,496	\$0	\$0	\$0	\$0
SUBTOTAL PROJECT COST	\$2,400,000	\$3,250,000	\$3,089,000	\$0	\$0	\$6,077,000	\$118,696	\$0	\$0	\$0	\$10,992,083	\$25,926,779	\$20,476,263	\$0	\$0	\$0	\$0
DEVELOPER COSTS																	
Developer Overhead/Profit					\$784,026						\$2,217,664	\$3,001,690	\$3,001,690		\$0		
Consultant/Processing Agent												\$0			\$0		
Project Administration												\$0			\$0		
Broker Fees Paid to a Related Party												\$0			\$0		
Construction Oversight by Developer												\$0			\$0		
Other Developer Costs: (Specify)												\$0			\$0		
Total Developer Costs	\$0	\$0	\$0	\$0	\$784,026	\$0	\$0	\$0	\$0	\$0	\$2,217,664	\$3,001,690	\$3,001,690	\$0	\$0	\$0	\$0
Total Project Costs	\$2,400,000	\$3,250,000	\$3,089,000	\$0	\$784,026	\$6,077,000	\$118,696	\$0	\$0	\$0	\$13,209,747	\$28,928,469	\$23,477,953	\$0	\$0	\$0	\$0
													\$23,477,953	\$0			
				DF 2021	Total Eligible Basis: \$23,477,953												
Total Developer Fee (equals Total Developer Costs above):				\$3,001,690													
Total Developer Fee paid from development funding sources:				\$2,200,000													
Deferred Developer Fee payable on a priority basis from available Cash Flow:				\$801,690													
Deferred Developer Fee payable from allowable 50% Distribution:				\$0													
Developer Fee Contributed as Capital:				\$0													

HCD 2021 Developer Fee Calculator - revised 2/4/21 (complete YELLOW shaded cells)					
Project Phase:	Origination	Proposed Project Type:	4% Credits New Construction		
Project Name:	The Plateau				
Project's Developer Fee Summary			HCD Limit	Project Amt.	
Maximum Total Developer Fee - 2d			\$3,071,439	\$3,001,690	
Max Developer Fee payable from development funding sources - lesser of 1e & 2d			\$2,200,000	\$2,200,000	
Deferred Developer Fee payable on a priority basis from available Cash Flow			\$871,439	\$801,690	
Deferred Developer Fee payable exclusively from Sponsor Distributions			\$0	\$0	
Total Budgeted or Actual Developer Fee		\$3,001,690			
Developer Fee Contributed as Capital		\$0	Deferred Developer Fee	\$801,690	
Section 1. UMR §8312(c)(1) Max Developer Fee payable from funding sources - 4% Projects use TCAC 9% rules					
a. Project's type of construction:	New Construction				\$2,200,000
b. Project's Unadjusted Eligible Basis (excluding Developer Fee) - §10327(c)(2)(A)		\$20,476,263	x 15% =		\$3,071,439
c. Project's Unadjusted Eligible Acquisition Basis (excluding Developer Fee) - §10327(c)(2)(A)		\$0	x 5% =		\$0
d. Project's Non-Residential Costs (excluding Developer Fee) - §10327(c)(2)(A)		\$0	x 15% =		\$0
e. Maximum Developer Fee payable from development funding sources - UMR §8312(c)(1) - lesser of 1a or (1b + 1c + 1d)					\$2,200,000
Section 2. UMR §8312(c) - Maximum Developer Fee using TCAC 4% rules					
a. BIPOC Project meeting CDLAC §5230(f)(1)(B) - §10327(c)(2)(E)					No
b. New Construction & Rehab - Unadjusted Eligible Basis (exclude Developer Fee) - §10327(c)(2)(B)(i)		\$20,476,263	x 15% =		\$3,071,439
c. Basis for non-residential project costs (exclude Developer Fee) - §10327(c)(2)(B)(ii)		\$0	x 15% =		\$0
d1. Not Applicable					
d2. Not Applicable					
d3. Not Applicable					
d4. Not Applicable		\$0	X 5% =		\$0
e. Maximum Total Developer Fee using TCAC 4% rules §8312(c)					\$3,071,439
f. Total Budgeted or Actual Developer Fee				\$3,001,690	
g. Budgeted Developer Fee paid from Development Sources		\$801,690	<i>Sum of Deferred and Contributed Developer Fee</i>	\$2,200,000	
h. Deferred Developer Fee payable on a priority basis from available Cash Flow					\$801,690

Supportive Services Costs - HCD 2017 UMR Limits (for projects with HCD funding) - 2.5% annual increase

HCD UMR §8301(t): “Supportive Services” - social, health, educational, income support and employment services and benefits, coordination of community building and educational activities, individualized needs assessment, and individualized assistance with obtaining services and benefits.

HCD UMR §8301(u): “Supportive Services Costs” - the costs of providing tenants service coordination, case management, and direct resident and Supportive Services. It includes: (1) the cost of providing tenants with information on and referral to social, health, educational, income support and employment services and benefits, coordination of community building and educational activities, individualized needs assessment, and individualized assistance with obtaining services and benefits; (2) salaries, benefits, contracted services, telecommunication expenses, travel costs, supplies, office expenses, staff training, maintenance of on-site equipment used in services programs, such as computer labs, incidental costs related to resident events, and other similar costs approved by the Department.

A. Supportive Services Units:	Total number of units:	69	Certification Year - based on completion or update date from Universal Application ('General' worksheet cell K10):	2021	Total Units	Max PUPY Expense	Max Costs
(1) UMR §8314(e)(1): Total number of Supportive Housing (SH) units anticipated to be restricted to individuals or families experiencing chronic homelessness as defined consistent with Health and Safety Code (HSC) §50675.14.					20	\$4,504	\$90,080
(2) UMR §8314(e)(2): Total number of Supportive Housing (SH) units (other than those restricted to individuals or families experiencing chronic homelessness pursuant to HSC §50675.14), PLUS the total number of units restricted to occupancy by Special Needs Populations (SNP)* under any HCD program. (* click here for definition - §7301(s) of the MHP Regulations). Do not include units included in (1) above.						\$3,377	\$0
(3) UMR §8314(e)(3): Total number of units where the Sponsor, their affiliate, or a service provider under contract to provide Supportive Services at the Project has both: (A) qualified staff devoted exclusively to oversight and quality control of resident services in affordable housing, including the Project; and (B) a system to track and report on tenant outcomes, such as changes in employment status and income. Do not include units included in items (1) and (2) above.					48	\$1,160	\$55,680
(4) UMR §8314(e)(4): Total number of units anticipated to be offered Supportive Services provided by the Project Sponsor, a Sponsor affiliate, or contracted service provider that do not satisfy the criteria in items (1), (2) and (3) above.						\$276	\$0
(5) Maximum Supportive Services Costs					68		\$145,760

The Plateau					
Rev. 6/24/21		Year 1 Annual Income and Expenses			
Employee Information				Comments	
No.	FTE	Employee Job Title	Salary/Wages	Value of Free Rent	
		On-Site Manager(s)	\$58,281	\$0	
		On-Site Assistant Manager(s)	\$0	\$0	
		Supportive Services Staff Supervisor(s)	\$0		
		Supportive Services Coordinator, On-Site	\$0		
		Other Supportive Services Staff (inc. Case Manager)	\$0		
		On-Site Maintenance Employee(s)	\$12,047	\$0	
		On-Site Leasing Agent/Administrative Employee(s)	\$0	\$0	
		On-Site Security Employee(s)	\$0	\$0	
			\$0	\$0	
			\$0	\$0	
Total Salaries and Value of Free Rent Units			\$70,328	\$0	
	6711	Payroll Taxes	\$4,223	Show free rent as an expense?	
	6722	Workers Compensation	\$0		
	6723	Employee Benefits	\$0		
Employee(s) Payroll Taxes, Workers Comp. & Benefits			\$4,223	Yes	
Total Employee(s) Expenses			\$74,551		
Employee Units					
Income Limit	Job Title(s) of Employee(s) Living On-Site		Unit Type (No. of bdrms.)	Square Footage	
			0	0	
			0	0	
			0	0	
Total Square Footage			0		
Year 1 Annual Operating Budget					
Acct. No.	Revenue - Income		Residential	Commercial	Comments
5120/5140	Rent Revenue - Gross Potential			\$0	
	Restricted Unit Rents		\$648,888		
	Unrestricted Unit Rents		\$0		
5121	Tenant Assistance Payments				
	Section 8 PBVs		\$252,696		
	Subsidy Program Name		\$0		
	Operating Subsidies		\$152,000		COSR for \$152,000/yr for 15 years
	Other: (specify)		\$0	\$0	
5910	Laundry and Vending Revenue		\$17,940		
5170	Garage and Parking Spaces		\$0	\$0	
5990	Miscellaneous Rent Revenue		\$0	\$0	
Gross Potential Income (GPI)			\$1,071,524	\$0	
	Vacancy Rate: Restricted Units		7.0%		
	Vacancy Rate: Unrestricted Units		5.0%		
	Vacancy Rate: Tenant Assistance Payments		5.0%		
	Vacancy Rate: Other: (specify)		7.0%		
	Vacancy Rate: Laundry & Vending & Other Income		7.0%		
	Vacancy Rate: Commercial Income			50.0%	
5220/5240	Vacancy Loss(es)		\$59,313	\$0	
Effective Gross Income (EGI)			\$1,012,211	\$0	
Acct. No.	Expenses		Residential	Commercial	Comments
Administrative Expenses: 6200/6300					
6203	Conventions and Meetings		\$0	\$0	
6210	Advertising and Marketing		\$3,571	\$0	
6250	Other Renting Expenses		\$0	\$0	
6310	Office/Administrative Salaries -- from above		\$0	\$0	
6311	Office Expenses		\$0	\$0	
6312	Office or Model Apartment Rent		\$0	\$0	
6320	Management Fee		\$43,377	\$0	
6330	Site/Resident Manager(s) Salaries -- from above		\$58,281	\$0	
6331	Administrative Free Rent Unit -- from above		\$0	\$0	
6340	Legal Expense -- Project		\$1,894	\$0	
6350	Audit Expense		\$5,030	\$0	
6351	Bookkeeping Fees/Accounting Services		\$3,949	\$0	
6390	Miscellaneous Administrative Expenses		\$4,000	\$0	
6263T	Total Administrative Expenses		\$120,102	\$0	
Acct. No.	Expenses		Residential	Commercial	Comments
Utilities Expenses: 6400					
6450	Electricity		\$7,980	\$0	

The Plateau				
Rev. 6/24/21	Year 1 Annual Income and Expenses			
6451	Water	\$30,000	\$0	
6452	Gas	\$0	\$0	
6453	Sewer	\$30,330	\$0	
	Other Utilities: (specify)	\$0	\$0	
6400T	Total Utilities Expenses	\$68,310	\$0	
Operating and Maintenance Expenses: 6500				Comments
6510	Payroll -- from above	\$12,047	\$0	
6515	Supplies	\$8,911	\$0	
6520	Contracts	\$0	\$0	
6521	Operating & Maintenance Free Rent Unit -- from above	\$0	\$0	
6525	Garbage and Trash Removal	\$20,089	\$0	
6530	Security Contract	\$145,000	\$0	
6531	Security Free Rent Unit -- from above	\$0	\$0	
6546	Heating/Cooling Repairs and Maintenance	\$38,129	\$0	
6548	Snow Removal	\$0	\$0	
6570	Vehicle & Maintenance Equipment Operation/Reports	\$0	\$0	
6590	Miscellaneous Operating and Maintenance Expenses	\$18,133	\$0	Grounds Maint & Painting
6500T	Total Operating & Maintenance Expenses	\$242,309	\$0	
Taxes and Insurance: 6700				Comments
6710	Real Estate Taxes	\$0	\$0	
6711	Payroll Taxes (Project's Share) -- from above	\$4,223	\$0	
6720	Property and Liability Insurance (Hazard)	\$20,555	\$0	
6729	Other Insurance (e.g. Earthquake)	\$0	\$0	
6721	Fidelity Bond Insurance	\$0	\$0	
6722	Worker's Compensation -- from above	\$0	\$0	
6723	Health Insurance/Other Employee Benefits--from above	\$0	\$0	
6790	Miscellaneous Taxes, Licenses, Permits & Insurance	\$0	\$0	
6700T	Total Taxes and Insurance	\$24,778	\$0	
Supportive Services Costs: 6900				Comments
6990	Staff Supervisor(s) Salaries - from above	\$0	\$0	
6990	Services Coordinator Salaries, On-Site - from above	\$0	\$0	
6990	Other Supportive Services Staff Salaries - from above	\$0	\$0	
6990	Supportive Services Admin Overhead	\$0	\$0	
6990	Other Supportive Services Costs: (specify)	\$39,250	\$0	
6990	Other Supportive Services Costs: (specify)	\$70,000	\$0	
6900T	Total Supportive Services Costs	\$109,250	\$0	
Total Operating Expenses		\$564,749	\$0	Comments
Funded Reserves: 7200		Residential	Commercial	
7210	Required Replacement Reserve Deposits	\$34,500	\$0	
7220	Other Reserves: (specify)	\$0	\$0	
7230	Other Reserves: (specify)	\$0	\$0	
7240	Other Reserves: (specify)	\$0	\$0	
Total Reserves		\$34,500	\$0	
Ground Lease		Residential	Commercial	
Ground Lease		\$0	\$0	
Total Ground Lease		\$0	\$0	
Net Operating Income		\$412,962	\$0	
Financial Expenses: 6800				Comments
6820	1st Mortgage Debt Service	\$356,481	\$0	
6830	2nd Mortgage Debt Service	\$0	\$0	
6840	3rd Mortgage Debt Service	\$0	\$0	
6890	Monitoring Fee	\$0	\$0	
6890	Miscellaneous Financial Expenses: (specify)	\$0	\$0	
6890	Miscellaneous Financial Expenses: (specify)	\$0	\$0	
6890	Miscellaneous Financial Expenses: (specify)	\$0	\$0	
6800T	Total Financial Expenses	\$356,481	\$0	
Cash Flow		\$56,481	\$0	
7190	Asset Management/Similar Fees	\$0	\$0	
Total Operating Expenses Per Unit		Per Year	Per Month	
Without any Adjustments		\$8,185	\$682	
With the Value of Rent-Free Units Included		\$8,185	\$682	
Without RE Taxes, Social Services Coordinator or Social Services/Social Programs and With the Value of Rent Fee Units Included		\$6,601	\$550	

HCD Reserve Requirements <i>(all reserve withdrawals will require prior HCD approval)</i>						
Project Name:		The Plateau		Number of Project Units:	69	Rev. 6/24/21
Replacement Reserve Calculator UMR §8309						
(a)	0.6% of new construction costs (structures excluding contractor profit, overhead, and general requirements and insurance):			\$14,272,912	\$85,637	
(b)	\$500 per unit:			\$500	\$34,500	
(c)	If a third-party physical needs assessment (PNA) was performed for this Project, must attach PNA:		PNA per unit amount:		\$0	
(d)	Replacement Reserve amount = <i>New construction: lesser of (a), (b) and (c) above; Rehab: lesser of (b) and (c)</i>				\$34,500	
	HCD Required Replacement Reserve Amount - <i>must be included in 'Operating' budget</i>				\$34,500	
Operating Reserve Calculator UMR §8308						
1	Total Operating Expenses <i>(including Property Taxes and excluding Service Coordinator salary):</i>				\$564,749	
2	Replacement Reserve amount (from above):				\$34,500	
3	Mandatory Permanent Debt Service <i>(enter lender name below):</i>					
(a)	1st Mortgage Debt Service	Pacific Western Bank			\$356,481	
(b)	2nd Mortgage Debt Service				\$0	
(c)	3rd Mortgage Debt Service				\$0	
(d)	Misc. Financial Expenses:				\$0	
	Total Annual Mandatory Debt Service:				\$356,481	
4a	HCD Required Operating Reserve Amount <i>(Tax Credit Project - 3 months)</i> - <i>must be included in 'Dev Budget' for tax credit projects</i>				\$238,933	
4b	HCD Required Operating Reserve Amount (Non-Tax Credit Project - 4 months) - <i>must be included in 'Dev Budget' if no tax credits</i>				\$318,577	
If Reserve amounts are different than the required amount, enter reserve amounts and how they are calculated below:						

The Plateau

Cash Flow Analysis																Rev. 6/24/21
Is Income from Restricted Units based on Restricted or Proposed Rents?							Proposed Rents									
Income From Housing Units	Inflation	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15
Restricted Unit Rents	2.5%	648,888	665,110	681,738	698,781	716,251	734,157	752,511	771,324	790,607	810,372	830,631	851,397	872,682	894,499	916,862
Unrestricted Units	2.5%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tenant Assistance Payments																
Section 8 PBVs	2.5%	252,696	259,013	265,489	272,126	278,929	285,902	293,050	300,376	307,886	315,583	323,472	331,559	339,848	348,344	357,053
Subsidy Program Name	2.5%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Operating Subsidies	0.0%	152,000	152,000	152,000	152,000	152,000	152,000	152,000	152,000	152,000	152,000	152,000	152,000	152,000	152,000	152,000
Other: (specify)	2.5%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gross Potential Income - Housing		1,053,584	1,076,124	1,099,227	1,122,907	1,147,180	1,172,060	1,197,561	1,223,700	1,250,493	1,277,955	1,306,104	1,334,956	1,364,530	1,394,844	1,425,915
Other Income																
Laundry & Vending	2.5%	17,940	18,389	18,848	19,319	19,802	20,297	20,805	21,325	21,858	22,405	22,965	23,539	24,127	24,730	25,349
Other Income	2.5%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Commercial Income	2.5%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gross Potential Income - Other		17,940	18,389	18,848	19,319	19,802	20,297	20,805	21,325	21,858	22,405	22,965	23,539	24,127	24,730	25,349
Gross Potential Income - Total		1,071,524	1,094,512	1,118,075	1,142,227	1,166,982	1,192,357	1,218,366	1,245,025	1,272,351	1,300,359	1,329,068	1,358,495	1,388,658	1,419,574	1,451,263
Vacancy Assumptions																
Restricted Units	7.0%	45,422	46,558	47,722	48,915	50,138	51,391	52,676	53,993	55,342	56,726	58,144	59,598	61,088	62,615	64,180
Unrestricted Units	5.0%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tenant Assistance Payments	5.0%	12,635	12,951	13,274	13,606	13,946	14,295	14,652	15,019	15,394	15,779	16,174	16,578	16,992	17,417	17,853
Other: (specify)	7.0%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Laundry/Vending/Other Income	7.0%	1,256	1,287	1,319	1,352	1,386	1,421	1,456	1,493	1,530	1,568	1,608	1,648	1,689	1,731	1,774
Commercial Income	50.0%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Vacancy Loss		59,313	60,796	62,315	63,873	65,470	67,107	68,785	70,504	72,267	74,074	75,925	77,823	79,769	81,763	83,807
Effective Gross Income		1,012,211	1,033,717	1,055,759	1,078,353	1,101,512	1,125,250	1,149,581	1,174,521	1,200,084	1,226,286	1,253,143	1,280,672	1,308,888	1,337,811	1,367,456
Operating Expenses & Reserve Deposits																
Residential Exp. (w/o Real Estate																
Taxes & Sup. Services)	3.5%	455,499	471,441	487,942	505,020	522,696	540,990	559,925	579,522	599,805	620,798	642,526	665,015	688,290	712,380	737,314
Real Estate Taxes	2.0%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Supportive Services Costs	2.5%	109,250	111,981	114,781	117,650	120,592	123,606	126,697	129,864	133,111	136,438	139,849	143,345	146,929	150,602	154,367
Replacement Reserve	0.0%	34,500	34,500	34,500	34,500	34,500	34,500	34,500	34,500	34,500	34,500	34,500	34,500	34,500	34,500	34,500
Other Reserves	0.0%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ground Lease	2.0%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Commercial Expenses	3.5%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Expenses & Reserves		599,249	617,923	637,223	657,170	677,787	699,096	721,121	743,886	767,416	791,737	816,876	842,860	869,719	897,483	926,181
Net Operating Income		412,962	415,794	418,537	421,183	423,725	426,154	428,460	430,635	432,668	434,549	436,268	437,811	439,169	440,328	441,275
Debt Service																
1st Mortgage		356,481	356,481	356,481	356,481	356,481	356,481	356,481	356,481	356,481	356,481	356,481	356,481	356,481	356,481	356,481
Bridge Loan (repaid from Investor equity)		0	0	0	0	0										
2nd Mortgage		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3rd Mortgage Debt Service		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Monitoring Fee	0.0%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Misc. Financial Expenses: (specify)		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Required Debt Service		356,481	356,481	356,481	356,481	356,481	356,481	356,481	356,481	356,481	356,481	356,481	356,481	356,481	356,481	356,481
Cash Flow after all debt service		56,481	59,313	62,056	64,702	67,244	69,673	71,979	74,154	76,187	78,068	79,787	81,330	82,688	83,847	84,794
Debt Service Coverage Ratio (DSCR)		1.16	1.17	1.17	1.18	1.19	1.20	1.20	1.21	1.21	1.22	1.22	1.23	1.23	1.24	1.24
Use of Cash Flow After Debt Service - HCD Projects																
Asset Mgmt./ Similar Fees		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Deferred Developer Fee prior to																
Distributions & residual receipt payments		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Cash Available for Residual Receipts Loans																
and Sponsor Distributions		56,481	59,313	62,056	64,702	67,244	69,673	71,979	74,154	76,187	78,068	79,787	81,330	82,688	83,847	84,794
Sponsor Distributions	50%	28,241	29,656	31,028	32,351	33,622	34,836	35,990	37,077	38,094	39,034	39,893	40,665	41,344	41,923	42,397
Jurisdiction Residual Payment	50%	28,241	29,656	31,028	32,351	33,622	34,836	35,990	37,077	38,094	39,034	39,893	40,665	41,344	41,923	42,397
Other Residual Payments	0%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other Residual Payments	0%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other Residual Payments	0%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other Residual Payments	0%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Max Asset Mgmt./Similar Fees	3.5%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Cumulative paid Deferred Dev. Fee		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Deferred Developer Fee budgeted for payment prior to distributions and residual receipt payer		0														

Certifications		
State of California On behalf of the entity identified in the signature block below, I certify that:		
1. The information, statements and attachments included in this application are, to the best of my knowledge and belief, true and correct.		
2. I possess the legal authority to submit this application on behalf of the entity identified in the signature block.		
3. The following is a complete disclosure of all identities of interest -- of all persons or entities, including affiliates, that will provide goods or services to the Project either (a) in one or more capacity or (b) that qualify as a "Related Party" to any person or entity that will provide goods or services to the project. "Related Party" is defined in Section 10302 of the California Code of Regulations (TCAC Regulations):		
Daniel J. Johnson is a member of Johnson & Johnson Investments, LLC, AGP of Fort Bragg South Street LP. He is also the President & CFO of Danco Communities, Developer, President & CFO of Danco Builders Northwest and Danco Property Management, the intended GC and Property Manager. Daniel J. Johnson is member of Johnson & Johnson Investments, LLC, the AGP. Chris Dart is the secretary of Danco Communities, Danco Builders Northwest and Danco Property Management. No other party of entity involved in Fort Bragg South Street LP serves in more than one capacity or qualifies as a related party. The project's MGP, Community Revitalization and Development Corporation does not have any identities of interest with the aforementioned parties.		
4. As of the date of application, the Project, or the real property on which the Project is proposed (Property) is not part to or the subject of any claim or action at the State or Federal appellate level.		
5. I have disclosed and described below any claim or action undertaken which affects or potentially affects the feasibility of the Project.		
6. The identified public owner of the facility which is responsible for the long-term operation and maintenance of the Project has approved the technical feasibility of the proposed Project.		
In addition, I acknowledge that all information in this application and attachments is public, and may be disclosed by the State.		
Daniel J. Johnson, Member		8/24/21
Printed Name and Title of Signatory	Signature	Date
Legal Disclosure		
For purposes of the following questions, and with the exceptions noted below, the term "applicant" shall include the applicant and joint applicant, and any subsidiary of the applicant or joint applicant if the subsidiary is involved in (for example, as a guarantor) or will be benefited by the application or the Project.		
In addition to each of these entities themselves, the term "applicant" shall also include the direct and indirect holders of more than ten percent (10%) of the ownership interests in the entity, as well as the officers, directors, principals and senior executives of the entity if the entity is a corporation, the general and limited partners of the entity if the entity is a partnership, and the members or managers of the entity if the entity is a limited liability company. For projects using tax-exempt bonds, it shall also include the individual who will be executing the bond purchase agreement.		
The following questions must be responded to for each entity and person qualifying as an "applicant," or "joint applicant" as defined above.		
Exceptions:		
Public entity applicants without an ownership interest in the proposed project, including but not limited to cities, counties, and joint powers authorities with 100 or more members, are not required to respond to this questionnaire.		
Members of the boards of directors of non-profit corporations, including officers of the boards, are also not required to respond. However, chief executive officers (Executive Directors, Chief Executive Officers, Presidents or their equivalent) must respond, as must chief financial officers (Treasurers, Chief Financial Officers, or their equivalent).		
Civil Matters		
1. Has the applicant filed a bankruptcy or receivership case or had a bankruptcy or receivership action commenced against it, defaulted on a loan or been foreclosed against in <i>past ten years</i> ?		
2. Is the applicant currently a party to, or been notified that it may become a party to, any civil litigation that may materially and adversely affect (a) the financial condition of the applicant's business, or (b) the project that is the subject of the application?		
3. Have there been any administrative or civil settlements, decisions, or judgments against the applicant within the past ten years that materially and adversely affected (a) the financial condition of the applicant's business, or (b) the project that is the subject of the application?		
4. Is the applicant currently subject to, or been notified that it may become subject to, any civil or administrative proceeding, examination, or investigation by a local, state or federal licensing or accreditation agency, a local, state or federal taxing authority, or a local, state or federal regulatory or enforcement agency?		
5. In the past ten years, has the applicant been subject to any civil or administrative proceeding, examination, or investigation by a local, state or federal licensing or accreditation agency, a local, state or federal taxing authority, or a local, state or federal regulatory or enforcement agency that resulted in a settlement, decision, or judgment?		
Criminal Matters		
6. Is the applicant currently a party to, or the subject of, or been notified that it may become a party to or the subject of, any criminal litigation, proceeding, charge, complaint, examination or investigation, of any kind, involving, or that could result in, felony charges against the applicant?		
7. Is the applicant currently a party to, or the subject of, or been notified that it may become a party to or the subject of, any criminal litigation, proceeding, charge, complaint, examination or investigation, of any kind, involving, or that could result in, misdemeanor charges against the applicant for matters relating to the conduct of the applicant's business?		
8. Is the applicant currently a party to, or the subject of, or been notified that it may become a party to or the subject of, any criminal litigation, proceeding, charge, complaint, examination or investigation, of any kind, involving, or that could result in, criminal charges (whether felony or misdemeanor) against the applicant for any financial or fraud related crime?		
9. Is the applicant currently a party to, or the subject of, or been notified that it may become a party to or the subject of, any criminal litigation, proceeding, charge, complaint, examination or investigation, of any kind, that could materially affect the financial condition of the applicant's business?		
10. Within the past ten years, has the applicant been convicted of any felony?		
11. Within the past ten years, has the applicant been convicted of any misdemeanor related to the conduct of the applicant's business?		
12. Within the past ten years, has the applicant been convicted of any misdemeanor for any financial or fraud related crime?		
Please provide a letter of explanation if you responded "Yes" to any of the questions above.		
Johnson & Johnson Investments, LLC		8/24/21
Printed Name of Applicant or Joint Applicant	Signature of Applicant or Joint Applicant	Date
Daniel J. Johnson	Member	
Printed Name of Signatory	Printed Title of Signatory	

Verification of Environmental Review & Land Use Entitlements										Rev. 6/24/21			
TO THE APPLICANT: Submit this form to the Agency or Department of local government responsible for administration of the items listed. This form may be submitted to more than one Agency or Department, if necessary. Applicants need only submit one completed form per locality. If the NEPA Responsible Entity is not a local government, submit a copy of this form to the appropriate NEPA Responsible Entity. If an item is not required, include the reason why in the box provided.													
Applicant													
Entity Name						City of Fort Bragg			Applicant Type		City		
Address						416 N Franklin Street			City		Fort Bragg		
						State		CA		Zip			
										95437			
Rental Project or Navigation Center													
Project Name						The Plateau			Project County		Mendocino		
Address						441 South Street			City		Fort Bragg		
						State		CA		Zip			
										95437			
Census Tract				105.00		APN				018-340-04			
Census Tract				105.00		APN				018-340-06			
Environmental Review													
To the Local Jurisdiction or NEPA Responsible Entity: The Applicant named above will submit an application to the State of California, Department of Housing and Community Development, requesting funding for the project named above under the PLHA Program. Projects will be evaluated based upon readiness. Please answer the following questions:													
Is this Rental Project or Navigation Center approved "by-right"?											No		
This form must be completed in its entirety regardless of the answer to the preceding question.													
All Environmental Clearances NEPA and California Environmental Quality Act (CEQA) necessary to begin construction:			Not Required for this Project		Has a Negative Declaration been issued?		Final Date of Public Comment Period		Date(s) EIR Certified / Notice of Determination filed		Date Appeal Period Ends		
NEPA			Required		Yes		8/9/19		8/26/19		8/26/19		
CEQA			Required		Yes		2/27/19		2/13/19		2/27/19		
In the box below, explain why any items are not required and include documentation, if applicable:													
Signature Block for Environmental Review													
I certify that the information on this form is true and correct to the best of my knowledge.								Date:					
Printed name of party completing form:			Tabatha Miller				Signature of party completing form:						
Title of party completing form:			City Manager				Agency and/or Dept. name:			City of Fort Bragg			
Agency/Dept. Address			416 N Franklin Street				City			Fort Bragg			
							State			CA			
							Zip			95437			
File Name:		Auth to Use Grant Funds		For National Environmental Policy Act (NEPA) only, provide a copy of the HUD 7015.16 "Authority To Use Grant Funds" or clarify current status of the issuance of HUD form.						Uploaded to HCD?		Yes	
File Name:		Environmental		Provide a copy of all environmental clearances or Notice of Exemption.						Uploaded to HCD?		Yes	
File Name:		Environmental Verify		Provide a PDF copy of this worksheet with the wet signature of the person(s) completing the Environmental Review.						Uploaded to HCD?		Yes	
Land Use Entitlements (indicate below the status of the following local approvals)													
All necessary and discretionary public land use approvals except building permits and other ministerial approvals are:				Not Required for this Project		Project is consistent with local planning documents & zoning ordinances			An Application has been submitted, accepted and deemed complete for processing.			Date Approved	
General Plan Amendment:				Not Required		Yes			No			NA	
Site Plan Review:				Required		Yes			Yes			2/13/19	
Zoning Approval:				Not Required		Yes			No			NA	
Conditional Use Permits:				Not Required		Yes			No			NA	
Density Bonus:				Not Required		Yes			No			NA	
Other Variances:													
Other Variances:													
Other Variances:													
Other Variances:													
Other Variances:													
In the box below, explain why any items are not required and include documentation, if applicable:													
Signature Block for Land Use Entitlements													
I certify that the information on this form is true and correct to the best of my knowledge.								Date:					
Printed name of party completing form:			Tabatha Miller				Signature of party completing form:						
Title of party completing form:			City Manager				Agency and/or Dept. name:			City of Fort Bragg			
Agency/Dept. Address			416 N Franklin Street				City			Fort Bragg			
							State			CA			
							Zip			95437			
File Name:		Land Use Verify		Provide a PDF copy of this sheet with the wet signature of the person(s) completing the Land Use Entitlements section.						Uploaded to HCD?		Yes	

Sponsor Organizational Documents

Corporations - click here for sample resolution

Articles of Incorporation (Corp. Code §154, 200 and 202) as certified by the CA Secretary of State.

Bylaws and any amendments thereto (Corp. Code §207(b), 211 and 212)

Certificate of Amendment of Articles of Incorporation (Corp. Code §900-910 (general stock), §5810-5820 (public benefit and religious corporations), §7810-7820 (mutual benefit corporations), or §12500-12510 (general cooperative corporations)) as applicable.

Restated Articles of Incorporation (Corp. Code §901, 906, 910 (general stock), §5811, 5815, 5819 (public benefit and religious corporations), §7811, 7815 and 7819 (mutual benefit corporations) and §12501, 12506 and 12510 (general cooperative corporations)) as applicable.

Statement of Information (CA Secretary of State form SI-100 or SI-200)

Shareholder Agreements (Corp. Code §186) if applicable.

Certificate of Good Standing certified by Secretary of State.

[Any other CA Secretary of State filings applicable to revivals, conversions or mergers.](#)

Limited Liability Company - click here for sample resolution

Articles of Organization (CA Secretary of State form LLC-1)

Certificate of Amendment (CA Secretary of State form LLC-2) if applicable.

Restated Articles of Organization (CA Secretary of State form LLC-10) if applicable.

Certificate of Correction (CA Secretary of State form LLC-11) if applicable.

Statement of Information (CA Secretary of State form LLC-12 or LLC-12NC)

Operating Agreement (Corp. Code §17707.02(s) and 17701.10.)

Certificate of Good Standing certified by Secretary of State.

[Any other CA Secretary of State filings applicable to revivals, conversions or mergers.](#)

Limited Partnership - click here for sample resolution

Certificate of Limited Partnership (CA Secretary of State form LP-1)

Amendment to Certificate of Limited Partnership (CA Secretary of State form LP-2) if applicable.

Certificate of Correction (CA Secretary of State form LP-2) if applicable.

Limited Partnership Agreement (CA Corp. Code §15901.02(x) and 15901.10)

Certificate of Good Standing certified by Secretary of State.

[Any other CA Secretary of State filings applicable to revivals, conversions or mergers.](#)

Selection Criteria §403(a)										Rev. 6/24/21			
100 Points Max (points in blue shaded cells)										Total Score		90	
(1) Priority - 25 Points Max												25	
(A) Population: Is the Applicant a county that has a population of 200,000 or less within the unincorporated areas of the county? - 5 points										Yes		5	
(B) Prior Award: Did the Applicant receive an award based on the formula specified in 42 USC, Section 5306 in 2016? 5 points										No		5	
(C)(i) Assistance for Homeless Persons through Program Activities: Application will assist persons experiencing or At risk of homelessness, including but not limited to, through programs providing rapid rehousing, or rental assistance, or operating assistance to navigation centers? - 15 points; OR										No		0	
(C)(ii) Assistance for Homeless Persons through Development of Navigation Centers: Application is for construction of a navigation center(s)? - 15 points; OR										No		0	
(C)(ii) Assistance for Homeless Persons through Rental Projects: Application is for the new construction, rehabilitation, or preservation of permanent or transitional rental housing in which all or at least 10% of the units are restricted to occupancy by tenants who are homeless or At risk of homelessness? - 15 points										Yes		15	
(2) Evaluation Criteria - 75 Points Max												35	
(A) Community Need: Select the rate (percentage) of households experiencing the most severe housing need according to the most recent HUD CHAS dataset in the Applicant Local Government - 30 points max										0.33		20	
(B) Applicant Administrative Experience: (i) Applicants with prior experience in the past five years from the NOFA date administering local, state or federal affordable housing or community development programs or who have entered into a contract with an entity with prior experience in the past five years from the NOFA date in the implementation of local, state, or federal affordable housing or community development programs - 15 points max												15	
NOTE: Data must be entered in all fields to earn points.													
Name of Affordable Housing or Community Development Program		Program Type	Program Description		Who Administers the Program	If Contracted with an Entity, enter Entity Name		Date Completed					
1	X	Local	X		Applicant	X			1/1/19				
2	X	Local	X		Applicant	X			1/2/19				
3	X	Local	X		Applicant	X			1/3/19				
4	X	Local	X		Applicant	X			1/4/19				
5	X	Local	X		Applicant	X			1/5/19				
6	X	Local	X		Applicant	X			1/6/19				
7	X	Local	X		Applicant	X			1/7/19				
8	X	Local	X		Applicant	X			1/8/19				
9	X	Local	X		Applicant	X			1/9/19				
10													
11													
12													
(C) Demonstrated Capacity: 30 points max										NOTE: Data must be entered in all fields below to earn points.		30	
(i)(a) Sponsor experience in affordable housing development and ownership in the past five years from the NOFA date - 30 points max; OR												30	
Name of Affordable Rental Housing Development		Project Address and City		Currently owned by the Co-Applicant	Had comprehensive development responsibilities	Project Units		Date Completed					
1	Phyllis Rex Townhomes	65 Vance Ave, Samoa, CA 95555		Yes	Yes	80		5/29/21					
2	Bayview Heights	108 4th St, Eureka, CA 95501		Yes	Yes	51		4/30/20					
3	River Bluff Cottages	355 Center St, Rio Dell, CA 95562		Yes	Yes	26		1/30/20					
4	Creamery Row	977 8th St, Arcata, CA 95521		Yes	Yes	18		12/28/18					
5	Inn at Temescal	3720 Telegraph Ave, Oakland, CA		Yes	Yes	22		3/1/21					
6	Lodge at Eureka	428 8th St, Eureka, CA 95501		Yes	Yes	50		1/30/17					
7													
8													
File Name:	RHD Comp1, RHD Comp2, RHD Comp3, etc...		Document with Notice of Completion, Placed in Service, Certificate of Occupancy or equivalent.					Uploaded to HCD?					
(i)(b) Navigation center development and ownership experience of Applicant or Co-Applicant (for development and operation of these facilities) in the past five years from the NOFA date - 30 points max; OR												0	
Name of Navigation Center		Project Address and City		Currently operated by the Applicant or Co-Applicant	Had comprehensive development responsibilities	Project Beds		Date Completed					
1													
2													

Selection Criteria §403(a)						Rev. 6/24/21
3						
4						
5						
File Name:	NC1, NC2, NC3	Narrative description of Development/Operating Experience to document experience for each project listed above.			Uploaded to HCD?	N/A
File Name:	NC Comp1, NC Comp2, NC Comp3, etc...	Document with Notice of Completion, Placed in Service, Certificate of Occupancy or equivalent.			Uploaded to HCD?	N/A
(i)(c) Program Operator experience (for non-development Activities) in the past five years from the NOFA date - 30 points max						0
Name and Description of Program that Applicant or Co-Applicant has Operated			Program Address and City		Total Program Funding Amount	
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
File Name:	Operator1, Operator2, Operator3, etc.	Narrative description of Program Operating Experience to document experience for each program listed above.			Uploaded to HCD?	N/A

Application Development Team (ADT) Support Form								Rev. 6/24/21						
For application related issues/questions only complete the "yellow" cells in the form below and email a copy to: AppSupport@hcd.ca.gov . A member of the Application Development Team will respond to your request ASAP.														
Full Name:						Date Requested:				Application Version Date:				
Organization:					Email:					Contact Phone:				
Justification:														
Issue #	Program Name &	Tab	Section	Cell#	Update/Comment	Urgency	ADT Status	Status Date						
1														
2														
3														
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15														

August 27, 2021

Fort Bragg City Council
416 N Franklin Street
Fort Bragg, CA 95467

RE: PLHA Application - 2021

Dear City Council:

Please let this letter confirm that the funds requested to be made available to the project by bringing in additional construction funding from the PLHA application will remain in the Plateau project. If we are awarded PLHA funds for construction an operating reserve will be funded with tax credit equity to fund the supportive and security services needed at the project.

Please contact us with any questions.

Best,

McKenzie Dibble
Project Manager
Danco Communities
mdibble@danco-group.com
(707) 672-4002



31805 Temecula Parkway #720
Temecula, CA 92592
Telephone: 951.215.6212

City of Fort Bragg
416 North Franklin Street
Fort Bragg, CA 95437

Re: The Plateau Housing Project

To Whom It May Concern:

Our firm is serving as special counsel for Danco Communities (“**Developer**”), as developer of the Plateau Housing Project (the “**Project**”), for the purpose of issuing this letter to the City of Fort Bragg (the “**City**”). The Project was originally financed with low-income housing tax credit equity, a construction to permanent loan financed by the proceeds of tax-exempt bonds, a loan from the City and County of Mendocino, and a loan of Infill Infrastructure Grant funds from the California Department of Housing and Community Development (“**HCD**”). The Project is currently under construction, and the Developer intends to apply for up to \$3,000,000 in Permanent Local Housing Allocation (“**PLHA**”) funds from HCD to fund the costs of the construction. In connection therewith, existing tax credit equity funds that were previously benchmarked for construction costs will instead be used to fund a reserve to pay for increased Project operating expenses, which include security costs, supportive service costs, and maintenance costs.

The City has requested this letter to confirm that receipt of the PLHA funds and the reallocation of the project sources and uses as described above will not violate any rules or regulations of the California Tax Credit Allocation Committee (“**TCAC**”) or HCD relative to this Project. For purposes of this letter, we have reviewed California Code of Regulations, Title 4, Division 17, Chapter 1, effective June 16, 2021 (the “**TCAC Regulations**”), and the Infill Infrastructure Grant Program of 2019 Amended Guidelines dated October 30, 2019 and Amended February 14, 2020, the Infill Infrastructure Grant Program of 2019 Amended Notice of Funding Availability for Small Jurisdictions, dated February 14, 2020, and Part 12.5 (commencing with Section 53559) of Division 31 of the California Health and Safety Code (collectively, the “**IIG Regulations**”).

TCAC requires that an applicant identify all of its funding sources and the uses of Project funds in their application for a tax credit reservation. Within one year of completing construction of the Project, the TCAC Regulations require the owner to submit a placed-in-service package to TCAC that includes an updated application, and the

developer must explain any changes to the sources and uses and financing plan from the original application. Notwithstanding this requirement, the TCAC Regulations do not prohibit or abridge the right to make these changes and these changes will not result in any remedial action from TCAC.

IIG funds are used to finance capital improvement projects that are a component of qualifying infill projects. The Project is the qualifying infill project for purposes of the IIG funds. Although HCD requires that the applicant demonstrate that it has sufficient financing commitments to develop the qualifying infill project and imposes affordability restrictions on the qualifying infill project, the IIG Regulations do not otherwise govern how funds are spent on the qualifying infill project or restrict the addition of new funds to a qualifying infill project. The Developer has confirmed that the PLHA funds will not be used in connection with any capital improvement project financed with IIG funds and will not impact the use or disbursement of the IIG funds in any way.

Based upon the foregoing, we conclude that the addition of the PLHA funds to the Project financing and the resultant changes to the Project financing plan do not violate the TCAC Regulations or the IIG Regulations.

This letter is furnished solely for the benefit of the City in connection with the subject Project and may not be relied upon for any other purpose.

Very truly yours,

A handwritten signature in black ink, consisting of a stylized 'O' followed by a horizontal line extending to the right.

Odu & Associates, PC



City of Fort Bragg

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

Text File

File Number: 21-484

Agenda Date:

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: 5D.

Adopt Joint City Council/Improvement District Board/Redevelopment Successor Agency Resolution Approving a Second Amendment to the Agreement Between the City of Fort Bragg and Jones & Mayer for the Provision of Legal Services and Authorizing the City Manager to Execute the Same

The City of Fort Bragg originally entered into a contract with Jones & Mayer for legal services in October of 2017. The contract provided for up to 45 hours per month and travel time, lodging and meal expenses and mileage reimbursement for 2 meetings at the City per month for a monthly fee of \$10,960. Legal services in excess of 45 hours would be billed at \$205 per hour and specialized legal services at \$225 per hour. In July, 2019 a revised contract was executed that reduced the hours billed to 35 per month at a rate of \$205 per hour or \$7,175 per month, including travel for 1 meeting at the City a month. The revised contract was the result of a request by the City for an adjustment because of issues with gaps in services. One of the issues was the lack of access to the firm's specialist in the various practice areas. The City Attorney assigned to Fort Bragg was also replaced. City staff is satisfied with the current service levels provided by Jones & Mayer.

The current amendment to the July 2019 contract provides for 45 hours of service per month at a cost of \$9,900 or \$220 per hour, including travel for 1 meeting at the City a month. All hours exceeding 45 cumulative hours will be billed at \$220 per month. The increase in hourly rate equates to a 7.3% increase over the four year period or a 1.8% annual cost of living increase. The monthly cost is \$1,060 less than the 2017 contract and includes one less in-person meeting. With COVID and the changes in how public meetings are managed, this is certainly adequate. The City Attorney tracks the trips to Fort Bragg for in-person meetings and, like unused monthly legal hours, these accrue for future use.

The increase in retainer hours from 35 to 45 per month is consistent with the current demand for City Attorney Services.

RESOLUTION NO. ____-2021

RESOLUTION OF THE FORT BRAGG CITY COUNCIL

and

RESOLUTION NO. ID ____-2021

RESOLUTION OF THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT BOARD

and

RESOLUTION NO. RS ____-2021

RESOLUTION OF THE FORT BRAGG REDEVELOPMENT SUCCESSOR AGENCY

APPROVING A SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF FORT BRAGG AND JONES & MAYER FOR THE PROVISION OF LEGAL SERVICES AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAME

WHEREAS, the City of Fort Bragg ("City") entered into a Retainer Agreement for City Attorney Services with the Law Offices of Jones & Mayer ("Jones & Mayer") on July 8, 2019 pursuant to Resolution 4166-2019, Resolution ID 413-2019, and Resolution RS 21-2019; and

WHEREAS, the City and Jones & Mayer executed a First Amendment to the Agreement on April 14, 2021 pursuant to Resolution 4377-2021, Resolution ID 442-2021, and Resolution RS 30-2021; and

WHEREAS, the parties desire to amend the Agreement a second time to increase the amount of monthly legal services and compensation;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg, the District Board of the Fort Bragg Municipal Improvement District No. 1, and the Agency Board of the Fort Bragg Redevelopment Successor Agency each hereby approve a Second Amendment to the Retainer Agreement for City Attorney Services, as set forth in Exhibit "A," attached hereto and incorporated herein by reference, and authorize the City Manager to execute said Agreement on behalf of the City.

The above and foregoing Resolution was introduced by Council/Board/Agency Member _____, seconded by Council/Board/Agency Member _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg/District Board of the Fort Bragg Municipal Improvement District No. 1/Fort Bragg Redevelopment Successor Agency held on the 13th day of September, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN

RECUSE:

BERNIE NORVELL
Mayor/Chair

ATTEST:

June Lemos, CMC
City/District Clerk/
Successor Agency Secretary

**SECOND AMENDMENT TO
RETAINER AGREEMENT
FOR CITY ATTORNEY SERVICES
CITY OF FORT BRAGG**

This Second Amendment to Retainer Agreement for City Attorney Services ("Agreement") is made and entered into by and between the LAW OFFICES OF JONES & MAYER ("Jones & Mayer") and the CITY OF FORT BRAGG ("City") (collectively "Parties"), a municipal corporation of the State of California.

RECITALS

- A. The City entered into a Retainer Agreement with Jones & Mayer on July 8, 2019 to provide general legal services for the City.
- B. Jones & Mayer is a firm in the general practice of law with extensive municipal experience and is fully able to carry out the duties described in the Agreement and this Amendment.
- C. The Parties executed a First Amendment to the Agreement effective April 14, 2021 to appoint Scott Porter as the Assistant City Attorney.
- D. The Parties now desire to amend the Agreement a second time to increase the amount of monthly legal service hours from 35 to 45 and to increase the compensation amount accordingly.

AMENDMENT

NOW, THEREFORE, in consideration of the mutual terms and conditions set forth in this Amendment, the Parties agree as follows:

- 1. The first paragraph of Section 3.A. of the Retainer Agreement is hereby amended to read as follows:

The City will pay Jones & Mayer a retainer of \$9,900 per month, which amount will cover general legal services up to 45 hours per month and travel time for one (1) meeting at the City per month. General legal services in excess of a total of 45 hours shall be billed at the rate of \$220 per hour. After six months of Jones & Mayer providing legal services for the City, and on an annual basis thereafter, the City may evaluate whether 45 hours of general legal services adequately serves the City's legal needs. Should the City desire more or less than 45 hours of general legal services, the City and Jones & Mayer shall reasonably agree to adjust the number of hours under the retainer accordingly.

- 2. Except as expressly amended herein, the Retainer Agreement between the City and Jones & Mayer dated July 8, 2019 and amended on April 14, 2021 is hereby reaffirmed.

IN WITNESS WHEREOF, the duly authorized representatives of the parties have executed this Second Amendment to Agreement effective on the ____ day of September, 2021.

CITY OF FORT BRAGG

JONES & MAYER

By: _____
Tabatha Miller, City Manager

By: _____
Richard D. Jones, Owner

ATTEST:

June Lemos, CMC, City Clerk

**RETAINER AGREEMENT
FOR CITY ATTORNEY SERVICES
CITY OF FORT BRAGG**

This Retainer Agreement for City Attorney Services ("Agreement") is made and entered into by and between the LAW OFFICES OF JONES & MAYER ("Jones & Mayer") and the CITY OF FORT BRAGG (the "City"), a municipal corporation of the State of California.

RECITALS

- A. Jones & Mayer is a firm in the general practice of law with extensive municipal experience, and is fully able to carry out the duties described in this Agreement.
- B. The City desires to contract with Jones & Mayer to provide contract legal services to the City.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual terms and conditions set forth in this Agreement, Jones & Mayer and the City agree as follows:

1. **APPOINTMENT OF CONTRACT CITY ATTORNEY**

A. Keith F. Collins is hereby designated and appointed as Contract City Attorney ("City Attorney") of the City, effective May 13, 2019, with Ryan R. Jones as the designated Assistant City Attorney, and they shall serve and be compensated as provided by this Agreement. The City Attorney shall process, coordinate, and direct, as necessary, all legal services provided under this Agreement in order to maximize the timeliness and usefulness of the delivery of such services. To the extent required by the City Council, the City Attorney shall attend all City Council meetings and other meetings, and be available at all reasonable times to the Mayor and City Council, the City Manager, and persons designated by the City Manager, in relationship to all legal services to be furnished by Jones & Mayer under this Agreement. The City Attorney shall also direct and coordinate all internal activities so that all services provided by Jones & Mayer under this Agreement to the City shall be fully competent, professional, consistent, timely, and in accordance with the standards prevalent in the industry. It is expressly understood that the experience, knowledge, capability, and reputation of the designated and appointed City Attorney are a substantial inducement for the City to enter into this Agreement. The City Attorney shall be responsible during the term of this Agreement for directing all activities of Jones & Mayer on behalf of the City and devoting such time as necessary to personally supervise such services. The primary assignment of the City Attorney shall not be changed by Jones & Mayer without the express approval of the City.

B. All attorneys of Jones & Mayer assigned to perform approved City business shall, at all times while this Agreement is in effect and at their sole cost and expense, be fully qualified and licensed to practice law in the State of California and before all appropriate federal courts and other bodies and tribunals.

C. The term of this Agreement shall commence on January 01, 2019 and shall continue unless it is terminated in accordance with Section 11 of this Agreement, or amended by mutual written agreement of the parties.

2. SCOPE OF WORK

A. Jones & Mayer agrees to perform all necessary legal services as Contract City Attorney, and shall:

1. Attend one regularly scheduled City Council meeting per month as assigned by the Mayor or City Manager, and special City Council meetings and City Council study sessions when requested by the Mayor or City Manager.
2. Attend other meetings at City Hall or via conference call as required by the City Council or the City Manager.
4. Advise the City Council; appointed Commissions, Committees, and Boards; City staff; and other City officials on all legal matters pertaining to City business.
5. Prepare, review, and approve as to form, contracts, agreements, resolutions, ordinances, and all other standard City documents.
6. Prepare such written and oral legal opinions as shall, from time to time, be requested by the City.
7. Perform such other routine legal services as are required, from time to time, by the City Council or the City Manager.
8. Represent the City and the City's officials, officers, and employees in litigation and administrative proceedings as directed by the City Council or the City Manager.
9. At the request of the City, Jones and Mayer may be asked to provide an estimate of hours and cost to complete a special project or task assigned by the City Manager, or designee, the City Council.
10. Prosecution of Fort Bragg Municipal Code violations shall be provided by Jones & Mayer, if requested under this Agreement. The City Prosecutor or his/her designees shall provide those legal services which are determined to be reasonably required to represent City, and shall take reasonable steps to keep City informed of progress and to respond to City's inquiries. City understands that the City Prosecutor and his designees will be exercising their independent prosecutorial judgment in connection with all code enforcement matters in consultation with City's staff.

B. The City reserves the right to retain, at its sole option, other legal counsel for specialized legal matters. The City Attorney will supervise outside legal counsel's work. This

reservation of rights does not preclude the City from assigning these matters to Jones & Mayer as part of the scope of duties under this Section 2 or requesting recommendations concerning the selection of outside legal counsel.

3. COMPENSATION

Jones and Mayer shall be compensated under the terms of this Agreement as follows:

A. General Legal Services

The City shall pay Jones & Mayer a retainer of \$7,175 per month, which amount will cover general legal services up to 35 hours per month and travel time for 1 meeting at the City per month. General legal services in excess of a total of 35 hours shall be billed at the rate of \$225.00 per hour. After six months of Jones & Mayer providing legal services for the City, and on an annual basis thereafter, the City may evaluate whether 35 hours of general legal services adequately serves the City's legal needs. Should the City desire more or less than 35 hours of general legal services, the City and Jones & Mayer shall reasonably agree to adjust the number of hours under the retainer accordingly.

General legal services are those services which involve regular, recurring legal and factual issues. General legal services include: Attendance at City Council and other committee or commission meetings as necessary including travel time, attendance at regular Staff meetings, providing legal counsel and advice to elected and appointed Officials as to City business, work with City Staff on all agenda items for City meetings, drafting, review and revision of City agendas, agreements, contracts, instruments, ordinances, reports, resolutions, and other documents as requested by City, and providing legal advice concerning Brown Act, Public Records Act, Political Reform Act and other conflict of interest compliance, and supervision of legal services performed by special counsel.

If any part of the retainer hours or a scheduled meeting is not used in a particular month, those excess hours and/or trips would roll over and be available to the City in the next month. Any roll over hours will be deducted from the retainer billing on a quarterly basis at the applicable hourly rate.

B. Specialized Legal Services/Special Projects

Specialized projects and non-litigation legal services not included within the retainer shall be billed to the City at the rate of \$225 per hour. Paralegal services, for non-litigation legal services not included in the retainer shall be billed at the rate of \$115 per hour. All costs and expenses, except for those as set forth in Section 3.F below shall be deemed included in the foregoing hourly billing rates. The retainer shall be prorated for the first partial month of services provided hereunder.

Special legal services or special projects include those matters which present unique legal and/or factual issues. Special legal services differ from general legal services in that they are of an irregular non-recurring basis. Examples includes work of unusual complexity or requiring an

extraordinary dedication of attorney time, as determined by the City Manager or City Council, such as preparation and review of environmental documents under CEQA, NEPA, the Integrated Waste Management Act, the Clean Water Act, initiatives and referendums, interagency conflicts/issues, negotiation and drafting of complex real estate and development agreements, etc. The City Attorney may not unilaterally designate any matter as a special project.

C. Litigation Services

Litigation matters approved by the City Manager and/or City Council shall not be included in the retainer amount. Litigation legal services shall be billed at the rate of \$225 per hour. Paralegal services shall be billed at the rate of \$115 per hour. All costs and expenses, except for those as set forth in Section 3.F below shall be deemed included in the foregoing hourly billing rates. The City Attorney will first get approval from the City Manager or City Council before commencing work on litigation matters.

D. Code Enforcement Services

Jones & Mayer agrees to perform all necessary legal services as Contract City Prosecutor. Fees for code enforcement matters shall be \$225.00 per hour. Paralegal services shall be billed at the rate of \$115 per hour. All costs and expenses, except for those as set forth in Section 3.F below shall be deemed included in the foregoing hourly billing rates.

E. Third Party Reimbursable Rate. Whenever the City provides work on a project that is reimbursed by a third party (for example, cost recovery for processing applications from developers, or litigation funded by a third party) to the City, such work will be billed at the rate of \$245 per hour and will not be charged against the retainer.

F. Billing and Rate Increases

Jones & Mayer shall provide a monthly billing report indicating actual time spent under the retainer, litigation matters, and additional specialized projects.

The foregoing retainer and hourly rates shall remain in full force and effect for two (2) years. Thereafter, the foregoing billing rates shall be adjusted annually (effective as of the anniversary date of this Agreement) to reflect any increase in the cost of living based on the Consumer Price Index increase for the prior year utilizing the standard as established by the Bureau of Labor Statistics of the U.S. Department of Labor for consumers in the Mendocino County area, or another mutually agreed upon index based on comparable data should the Consumer Price Index established by the Bureau of Labor Statistics be unavailable not to exceed 5% per year.

G. Billable Activities for General Legal Services/Expenses

Jones & Mayer will pay for travel expenses to Fort Bragg for one City Council meeting per month, while travel expenses for additional trips to Fort Bragg will be borne by the City. The firm will bill automobile mileage at the standard rate for business use as announced from time to

time by the Internal Revenue Service for travel to and from the City, or other locations as the City may direct. Otherwise, the firm does not bill mileage, fax, word processing, small reproduction matters (under 100 pages), or simple computer legal research costs. Additionally, it is agreed that the cost for administrative staff to perform clerical duties including but not limited to reviewing emails, scheduling meetings or general office filing will not be billable expenditures. When billing for legal research, the entry must reflect a description of the topic researched and its relevance to the effort.

Jones & Mayer shall be reimbursed for direct out-of-pocket expenses actually and necessarily incurred in the course of providing legal services under this Agreement in preparation for and maintaining the prosecution or defense of litigation, including without limitation: court costs, jury fees, service costs, witness fees, deposition costs, reporters' fees, title reports, photographs, diagrams, maps, and similar expenses.

H. Monthly Statements

Jones & Mayer shall submit statements of all payments due under this Agreement on a monthly basis to the City Manager. All work performed by Jones & Mayer shall be billed in increments of tenths of an hour. The statement shall be in a form approved by the City, and shall set forth a description of all work performed, the hours worked, the identity of each person performing the work, the rate charged, the identity of the person requesting work, and any litigation costs or expenses eligible for reimbursement.

I. Payment

All hours shall be billed by the 15th day of each month following the close of the month for which hours are being provided. Payment for hours shall be due and payable within thirty days following submission of the billing statement to the City.

4. PROHIBITION AGAINST SUBCONTRACTING DELEGATING OR ASSIGNMENT

Jones & Mayer shall not contract with or delegate to any individual or other entity to perform on the City's behalf, in whole or in part, any of the services required under this Agreement without the prior express approval of the City Council, or if they so delegate, the City Manager. In addition, neither this Agreement nor any interest herein may be assigned or transferred, voluntarily or by operation of law, without the prior express approval of the City.

5. CONFLICT OF INTEREST

Jones & Mayer shall at all times avoid conflicts of interest in the performance of this Agreement. In the event that a conflict arises, Jones & Mayer shall immediately notify City. Within thirty (30) days following execution of this Agreement, Jones & Mayer shall file a conflict of interest disclosure statement setting forth any information related to potential conflicts

of interest to the extent such disclosure is required by law, including City's adopted conflict of interest code.

6. INDEPENDENT CONTRACTOR

Jones & Mayer shall perform all services required under this Agreement as an independent contractor of the City, and shall remain at all times as to City a wholly independent contractor with only such obligations as are consistent with that role. Jones & Mayer shall not at any time or in any manner represent that it or any of its employees or agents are City employees.

7. DISPUTE RESOLUTION

If any dispute or disagreement arises between the City and Jones & Mayer as to any matter relating to this Agreement, including but not limited to the scope of services, the performance of the respective responsibilities of the City and Jones & Mayer, the quality of the services rendered, and the billing of such services, the City and Jones & Mayer agree to confer and attempt to resolve the matter informally. If the parties cannot agree, they agree that they will refer the dispute for resolution to mediation to the fullest extent permitted by law. The parties are aware that mediation is a voluntary process and pledge to cooperate fully and fairly with the mediator in an attempt to reach a mutually satisfactory compromise of any dispute or disagreement. The mediator shall be chosen by mutual agreement of the parties, and mediation shall commence within thirty (30) days of either party's written request to the other for mediation. Any agreement reached by the mediation shall be reduced to writing, be signed by the parties, and be binding on them. This provision for mediation is an effort to protect, preserve, and respect the requisites of a productive attorney-client relationship, but shall be without prejudice to either party pursuing its other lawful remedies.

8. INSURANCE AND INDEMNIFICATION

A. Insurance

1. Jones & Mayer shall procure and maintain, at its cost:
 - a. Commercial General Liability insurance with limits not less than \$1 million per occurrence. Such insurance shall designate City, its elected and appointed officials, employees, and volunteers as additional insureds. Such insurance shall be primary and not contribute with any insurance or self-insurance maintained by City.
 - b. Business automobile liability insurance with limits not less than \$1 million per occurrence. Such insurance shall include coverage for owned, non-owned, and hired automobiles.
 - c. Professional liability insurance with limits not less than \$2,000,000 per occurrence.

- d. Workers' compensation insurance as required by California law and Employer's Liability insurance with limits not less than \$1 million per accident for bodily injury or disease. The workers' compensation insurance shall contain an endorsement stating the insurer waives any right of subrogation against City, its elected and appointed officials, employees and volunteers.
2. All such policies shall provide City 30 days' notice of cancellation. Self-insured retentions must be declared and approved by City.
3. Prior to commencement of work, and throughout the term of this Agreement, Jones & Mayer shall furnish City with certificates evidencing compliance with the insurance requirements above. Jones & Mayer agrees to provide complete, certified copies of all required insurance policies if requested by the City.
4. Insurance shall be placed with insurers that maintain an A.M. Best rating of A-, VII or better, or otherwise meet the written approval of the City.
5. The Contractor shall ensure that subcontractors maintain insurance that complies with the requirements stated herein.

B. Indemnification

Jones & Mayer shall defend, indemnify, and hold harmless the City, and its officers and employees, from and against any and all actions, suits, proceedings, claims, demands, losses, costs and expenses, including legal costs and attorneys' fees, for injury to person(s) or damages to property (including property owned by the City), and for errors and omissions committed by Jones & Mayer, its officers, employees, and agents, to the extent arising out of Jones & Mayer's performance under this Agreement, except where such injury, damage, error(s) or omission(s) may be caused by City's sole negligence, active negligence, or willful misconduct or that of the City's officers or employees.

9. RECORDS AND REPORTS

A. Records

Jones & Mayer shall keep such books and records as shall be necessary to perform the services required by this Agreement and to enable the City to evaluate the performance of the required services. The City shall have full and free access to such books and records that deal specifically with the services performed by Jones & Mayer for City at all reasonable times, including the right to inspect, copy, audit, and make summaries and transcripts from such records.

B. Ownership of Documents

All reports, records, documents, and other materials prepared by Jones & Mayer, its employees and agents in the performance of this Agreement shall be the property of the City and shall be delivered to the City upon request by the City or upon termination of this Agreement. Jones & Mayer shall have no claim for further or additional compensation as a result of the exercise by the City of its full rights of ownership of the documents and material hereunder. Jones & Mayer may retain copies of such documents for its own use.

C. Release of Documents

No report, record, document, or other material prepared by Jones & Mayer in the performance of services under this Agreement shall be released publicly without prior written approval of the City, except as may be required by law.

10. NONDISCRIMINATION

Jones & Mayer pledges there shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, sexual orientation, national origin, or ancestry in the performance of services under this Agreement.

11. TERMINATION

A. Termination By City

Jones & Mayer shall at all times serve under the terms of this Agreement at the pleasure of the City Council, and the City Council hereby reserves the right to terminate this Agreement at will, with or without cause, by providing written notice to Jones & Mayer. Upon receipt of any notice of termination, Jones & Mayer shall cease all services under this Agreement except as may be specifically approved by the City. At that time, all further obligations of the City to pay Jones & Mayer for services rendered under this Agreement shall thereupon cease, except as set forth in Section 11.C below; provided, however, that the City shall be obliged to pay for all services, costs, and expenditures lawfully incurred by Jones & Mayer prior to the effective date of such termination, or subsequent to the date of termination at the direction of City.

B. Termination By Jones & Mayer

Jones & Mayer reserves the right to terminate this Agreement by giving sixty (60) days' advance written notice to City.

C. Mutual Obligations Upon Termination By Either Party

In the event of termination of this Agreement by either party, Jones & Mayer shall cooperate with the City in transferring the files and assignments to the City Clerk or other person designated by City pending the hiring of another City Attorney. Jones & Mayer shall be compensated at the hourly rates set forth in Section 3.A of this Agreement should Jones & Mayer be called upon to perform any services after the effective date of termination, including the transfer of files and assignments.

12. NOTICES

Notices regarding this Agreement shall be given in writing to the parties at the following addresses:

City Manager
City of Fort Bragg
416 N. Franklin Street
Fort Bragg, CA 95437

Jones & Mayer
8150 Sierra College Boulevard
Roseville, CA 95661

13. AMENDMENT OF AGREEMENT

This Agreement contains all of the agreements of Jones & Mayer and the City. This Agreement may be amended at any time by mutual consent of the parties by an instrument in writing.

14. LEGAL REPRESENTATION

Both parties have had the opportunity to consult with legal counsel of its choice in the negotiation, review and execution of this Agreement. Each party shall bear its own fees in connection with the preparation and negotiation of this Agreement.

15. WARRANTY OF AUTHORIZED SIGNATURES

Each of the signatories hereto warrants and represents that he or she is competent and authorized to enter into this Agreement on behalf of the party for whom he or she purports to sign.

IN WITNESS WHEREOF, the duly authorized representatives of the parties have executed this Agreement in duplicate the 8th day of July, 2019.

CITY OF FORT BRAGG
Municipal Corporation of the State of
California

By: William V. Lee
William V. Lee, Mayor

ATTEST:

June Lemos
June Lemos, City Clerk

JONES & MAYER

By: See attached signature
Richard D. Jones, Owner

CITY OF FORT BRAGG
Municipal Corporation of the State of
California

By: _____
William V. Lee, Mayor

ATTEST:

June Lemos, City Clerk

JONES & MAYER

By: _____
Richard D. Jones, Owner

**FIRST AMENDMENT TO
RETAINER AGREEMENT
FOR CITY ATTORNEY SERVICES
CITY OF FORT BRAGG**

This First Amendment to Retainer Agreement for City Attorney Services ("Agreement") is made and entered into by and between the LAW OFFICES OF JONES & MAYER ("Jones & Mayer") and the CITY OF FORT BRAGG (the "City"), a municipal corporation of the State of California.

RECITALS

- A. Jones & Mayer is a firm in the general practice of law with extensive municipal experience, and is fully able to carry out the duties described in this Amendment to Agreement.
- B. The City entered into a Retainer Agreement with Jones & Mayer on July 8, 2019 to provide contract legal services for the City.
- C. The City desires to amend its contract with Jones & Mayer to appoint Scott Porter as Assistant City Attorney for the City of Fort Bragg, Assistant District General Counsel for the Fort Bragg Municipal Improvement District No. 1 and Assistant Agency General Counsel for the Fort Bragg Redevelopment Successor Agency in the place and stead of Ryan R. Jones.

AGREEMENT

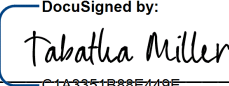
NOW, THEREFORE, in consideration of the mutual terms and conditions set forth in this Agreement, Jones & Mayer and the City agree as follows:

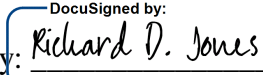
- 1. Paragraph 1.A. of the Retainer Agreement is hereby amended to replace all references to Ryan R. Jones with Scott E. Porter.
- 2. Except as expressly amended herein, the Retainer Agreement between the City and Jones & Mayer dated July 8, 2019, is hereby reaffirmed.

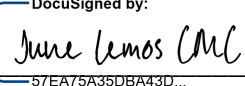
IN WITNESS WHEREOF, the duly authorized representatives of the parties have executed this First Amendment to Agreement on the 14 day of April, 2021.

CITY OF FORT BRAGG

JONES & MAYER

By: 
C1A3351B88E449E...
Tabatha Miller, City Manager

By: 
5B85DA9E114A440...
Richard D. Jones, Owner

ATTEST:

57EA75A35DBA43D...
June Lemos, CMC, City Clerk

**RETAINER AGREEMENT
FOR CITY ATTORNEY SERVICES
CITY OF FORT BRAGG**

This Retainer Agreement for City Attorney Services ("Agreement") is made and entered into by and between the LAW OFFICES OF JONES & MAYER ("Jones & Mayer") and the CITY OF FORT BRAGG (the "City"), a municipal corporation of the State of California.

RECITALS

- A. Jones & Mayer is a firm in the general practice of law with extensive municipal experience, and is fully able to carry out the duties described in this Agreement.
- B. The City desires to contract with Jones & Mayer to provide contract legal services to the City.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual terms and conditions set forth in this Agreement, Jones & Mayer and the City agree as follows:

I. APPOINTMENT OF CONTRACT CITY ATTORNEY

A. Russell A. Hildebrand is hereby designated and appointed as Contract City Attorney ("City Attorney") of the City, with Ryan R. Jones as the designated Assistant City Attorney, and they shall serve and be compensated as provided by this Agreement. The City Attorney shall process, coordinate, and direct, as necessary, all legal services provided under this Agreement in order to maximize the timeliness and usefulness of the delivery of such services. To the extent required by the City Council, the City Attorney shall attend all City Council meetings and other meetings, and be available at all reasonable times to the Mayor and City Council, the City Manager, and persons designated by the City Manager, in relationship to all legal services to be furnished by Jones & Mayer under this Agreement. The City Attorney shall also direct and coordinate all internal activities so that all services provided by Jones & Mayer under this Agreement to the City shall be fully competent, professional, consistent, timely, and in accordance with the standards prevalent in the industry. It is expressly understood that the experience, knowledge, capability, and reputation of the designated and appointed City Attorney are a substantial inducement for the City to enter into this Agreement. The City Attorney shall be responsible during the term of this Agreement for directing all activities of Jones & Mayer on behalf of the City and devoting such time as necessary to personally supervise such services. The primary assignment of the City Attorney shall not be changed by Jones & Mayer without the express approval of the City.

B. All attorneys of Jones & Mayer assigned to perform approved City business shall, at all times while this Agreement is in effect and at their sole cost and expense, be fully qualified and licensed to practice law in the State of California and before all appropriate federal courts and other bodies and tribunals.

C. The term of this Agreement shall commence on November 13, 2017, and shall continue unless it is terminated in accordance with Section 11 of this Agreement, or amended by mutual written agreement of the parties.

2. SCOPE OF WORK

A. Jones & Mayer agrees to perform all necessary legal services as Contract City Attorney, and shall:

1. Attend regularly scheduled and special City Council meetings and City Council study sessions.
2. Attend other meetings at City Hall or via conference call as required by the City Council or the City Manager.
4. Advise the City Council; appointed Commissions, Committees, and Boards; City staff; and other City officials on all legal matters pertaining to City business.
5. Prepare, review, and approve as to form, contracts, agreements, resolutions, ordinances, and all other standard City documents.
6. Prepare such written and oral legal opinions as shall, from time to time, be requested by the City.
7. Perform such other routine legal services as are required, from time to time, by the City Council or the City Manager.
8. Represent the City and the City's officials, officers, and employees in litigation and administrative proceedings as directed by the City Council or the City Manager.
9. At the request of the City, Jones & Mayer may be asked to provide an estimate of hours and cost to complete a special project or task assigned by the City Manager, or designee, or the City Council.
10. Prosecution of Fort Bragg Municipal Code violations shall be provided by Jones & Mayer, if requested under this Agreement. The City Prosecutor or his/her designees shall provide those legal services which are determined to be reasonably required to represent City, and shall take reasonable steps to keep City informed of progress and to respond to City's inquiries. City understands that the City Prosecutor and his/her designees will be exercising their independent prosecutorial judgment in connection with all code enforcement matters in consultation with City's staff.

B. The City reserves the right to retain, at its sole option, other legal counsel for specialized legal matters. The City Attorney will supervise outside legal counsel's work. This reservation of rights does not preclude the City from assigning these matters to Jones & Mayer as

part of the scope of duties under this Section 2 or requesting recommendations concerning the selection of outside legal counsel.

3. COMPENSATION

Jones & Mayer shall be compensated under the terms of this Agreement as follows:

A. General Legal Services

The City shall pay Jones & Mayer a retainer of \$10,960 per month, which amount will cover general legal services up to 45 hours per month and travel time, lodging, and meal expenses and mileage reimbursement for 2 meetings at the City per month. General legal services in excess of a total of 45 hours shall be billed at the rate of \$205.00 per hour. After six months of Jones & Mayer providing legal services for the City, and on an annual basis thereafter, the City may evaluate whether 45 hours of general legal services adequately serves the City's legal needs. Should the City desire more or less than 45 hours of general legal services, the City and Jones & Mayer shall reasonably agree to adjust the number of hours under the retainer accordingly.

General legal services are those services which involve regular, recurring legal and factual issues. General legal services include: Attendance at City Council and other committee or commission meetings as necessary, attendance at regular Staff meetings, providing legal counsel and advice to elected and appointed Officials as to City business, work with City Staff on all agenda items for City meetings, drafting, review and revision of City agendas, agreements, contracts, instruments, ordinances, reports, resolutions, and other documents as requested by City, and providing legal advice concerning Brown Act, Public Records Act, Political Reform Act and other conflict of interest compliance, and supervision of legal services performed by special counsel.

If any part of the retainer hours or a scheduled meeting is not used in a particular month, those excess hours and/or trips would roll over and be available to the City in the next month. The retainer shall be prorated for the first partial month of services provided hereunder.

B. Specialized Legal Services/Special Projects

Specialized projects and non-litigation legal services not included within the retainer shall be billed to the City at the rate of \$225 per hour. Paralegal services, for non-litigation legal services not included in the retainer shall be billed at the rate of \$115 per hour. All costs and expenses, except for those as set forth in Section 3.F below shall be deemed included in the foregoing hourly billing rates.

Special legal services or special projects include those matters which present unique legal and/or factual issues. Special legal services differ from general legal services in that they are of an irregular non-recurring basis. Examples includes work of unusual complexity or requiring an extraordinary dedication of attorney time, as determined by the City Manager or City Council, such as preparation and review of environmental documents under CEQA, NEPA, the Integrated

Waste Management Act, the Clean Water Act, initiatives and referendums, interagency conflicts/issues, negotiation and drafting of complex real estate and development agreements, etc. The City Attorney may not unilaterally designate any matter as a special project.

C. Litigation Services

Litigation matters approved by the City Manager and/or City Council shall not be included in the retainer amount. Litigation legal services shall be billed at the rate of \$225 per hour. Paralegal services shall be billed at the rate of \$115 per hour. All costs and expenses, except for those as set forth in Section 3.F below shall be deemed included in the foregoing hourly billing rates. The City Attorney will first get approval from the City Manager or City Council before commencing work on litigation matters.

D. Code Enforcement Services

Jones & Mayer agrees to perform all necessary legal services as Contract City Prosecutor. Fees for code enforcement matters shall be \$225.00 per hour. Paralegal services shall be billed at the rate of \$115 per hour. All costs and expenses, except for those as set forth in Section 3.F below shall be deemed included in the foregoing hourly billing rates.

E. Third Party Reimbursable Rate. Whenever the City provides work on a project that is reimbursed by a third party (for example, cost recovery for processing applications from developers, or litigation funded by a third party) to the City, such work will be billed at the rate of \$245 per hour and will not be charged against the retainer.

F. Billing and Rate Increases

Jones & Mayer shall provide a monthly billing report indicating actual time spent under the retainer, litigation matters, and additional specialized projects.

The foregoing retainer and hourly rates shall remain in full force and effect for two (2) years. Thereafter, the foregoing billing rates shall be adjusted annually (effective as of the anniversary date of this Agreement) to reflect any increase in the cost of living based on the Consumer Price Index increase for the prior year utilizing the standard as established by the Bureau of Labor Statistics of the U.S. Department of Labor for consumers in the Mendocino County area, or another mutually agreed upon index based on comparable data should the Consumer Price Index established by the Bureau of Labor Statistics be unavailable not to exceed 5% per year.

G. Billable Activities for General Legal Services/Expenses

Under General Legal Services, Jones & Mayer will bill travel to and from Fort Bragg at 50% of the time expended travelling between Jones & Mayer's Roseville office and the City. For travel not included in the retainer, the firm will bill automobile mileage at the standard rate for business use as announced from time to time by the Internal Revenue Service for travel to and from the City, or other locations as the City may direct, and lodging at a cost not to exceed

\$135 per night. Otherwise, the firm does not bill mileage, fax, word processing, small reproduction matters (under 100 pages), or simple computer legal research costs. Additionally, it is agreed that the cost for administrative staff to perform clerical duties including but not limited to reviewing emails, scheduling meetings or general office filing will not be billable expenditures. When billing for legal research, the entry must reflect a description of the topic researched and its relevance to the effort.

Jones & Mayer shall be reimbursed for direct out-of-pocket expenses actually and necessarily incurred in the course of providing legal services under this Agreement in preparation for and maintaining the prosecution or defense of litigation, including without limitation: court costs, jury fees, service costs, witness fees, deposition costs, reporters' fees, title reports, photographs, diagrams, maps, and similar expenses.

H. Monthly Statements

Jones & Mayer shall submit statements of all payments due under this Agreement on a monthly basis to the City Manager. All work performed by Jones & Mayer shall be billed in increments of tenths of an hour. The statement shall be in a form approved by the City, and shall set forth a description of all work performed, the hours worked, the identity of each person performing the work, the rate charged, the identity of the person requesting work, and any litigation costs or expenses eligible for reimbursement.

I. Payment

All hours shall be billed by the 15th day of each month following the close of the month for which hours are being provided. Payment for hours shall be due and payable within thirty (30) days following submission of the billing statement to the City.

4. PROHIBITION AGAINST SUBCONTRACTING DELEGATING OR ASSIGNMENT

Jones & Mayer shall not contract with or delegate to any individual or other entity to perform on the City's behalf, in whole or in part, any of the services required under this Agreement without the prior express approval of the City Council, or if they so delegate, the City Manager. In addition, neither this Agreement nor any interest herein may be assigned or transferred, voluntarily or by operation of law, without the prior express approval of the City.

5. CONFLICT OF INTEREST

Jones & Mayer shall at all times avoid conflicts of interest in the performance of this Agreement. In the event that a conflict arises, Jones & Mayer shall immediately notify City. Within thirty (30) days following execution of this Agreement, Jones & Mayer shall file a conflict of interest disclosure statement setting forth any information related to potential conflicts of interest to the extent such disclosure is required by law, including City's adopted conflict of interest code.

6. INDEPENDENT CONTRACTOR

Jones & Mayer shall perform all services required under this Agreement as an independent contractor of the City, and shall remain at all times as to City a wholly independent contractor with only such obligations as are consistent with that role. Jones & Mayer shall not at any time or in any manner represent that it or any of its employees or agents are City employees.

7. DISPUTE RESOLUTION

If any dispute or disagreement arises between the City and Jones & Mayer as to any matter relating to this Agreement, including but not limited to the scope of services, the performance of the respective responsibilities of the City and Jones & Mayer, the quality of the services rendered, and the billing of such services, the City and Jones & Mayer agree to confer and attempt to resolve the matter informally. If the parties cannot agree, they agree that they will refer the dispute for resolution to mediation to the fullest extent permitted by law. The parties are aware that mediation is a voluntary process and pledge to cooperate fully and fairly with the mediator in an attempt to reach a mutually satisfactory compromise of any dispute or disagreement. The mediator shall be chosen by mutual agreement of the parties, and mediation shall commence within thirty (30) days of either party's written request to the other for mediation. Any agreement reached by the mediation shall be reduced to writing, be signed by the parties, and be binding on them. This provision for mediation is an effort to protect, preserve, and respect the requisites of a productive attorney-client relationship, but shall be without prejudice to either party pursuing its other lawful remedies.

8. INSURANCE AND INDEMNIFICATION

A. Insurance

1. Jones & Mayer shall procure and maintain, at its cost:
 - a. Commercial General Liability insurance with limits not less than \$1 million per occurrence. Such insurance shall designate City, its elected and appointed officials, employees, and volunteers as additional insureds. Such insurance shall be primary and not contribute with any insurance or self-insurance maintained by City.
 - b. Business automobile liability insurance with limits not less than \$1 million per occurrence. Such insurance shall include coverage for owned, non-owned, and hired automobiles.
 - c. Professional liability insurance with limits not less than \$2 million per occurrence.
 - d. Workers' compensation insurance as required by California law and Employer's Liability insurance with limits not less than \$1 million per

accident for bodily injury or disease. The workers' compensation insurance shall contain an endorsement stating the insurer waives any right of subrogation against City, its elected and appointed officials, employees and volunteers.

2. All such policies shall provide City thirty (30) days' notice of cancellation. Self-insured retentions must be declared and approved by City.
3. Prior to commencement of work, and throughout the term of this Agreement, Jones & Mayer shall furnish City with certificates evidencing compliance with the insurance requirements above. Jones & Mayer agrees to provide complete, certified copies of all required insurance policies if requested by the City.
4. Insurance shall be placed with insurers that maintain an A.M. Best rating of A-, VII or better, or otherwise meet the written approval of the City.
5. The Contractor shall ensure that subcontractors maintain insurance that complies with the requirements stated herein.

B. Indemnification

Jones & Mayer shall defend, indemnify, and hold harmless the City, and its officers and employees, from and against any and all actions, suits, proceedings, claims, demands, losses, costs and expenses, including legal costs and attorneys' fees, for injury to person(s) or damages to property (including property owned by the City), and for errors and omissions committed by Jones & Mayer, its officers, employees, and agents, to the extent arising out of Jones & Mayer's performance under this Agreement, except where such injury, damage, error(s) or omission(s) may be caused by City's sole negligence, active negligence, or willful misconduct or that of the City's officers or employees.

9. RECORDS AND REPORTS

A. Records

Jones & Mayer shall keep such books and records as shall be necessary to perform the services required by this Agreement and to enable the City to evaluate the performance of the required services. The City shall have full and free access to such books and records that deal specifically with the services performed by Jones & Mayer for City at all reasonable times, including the right to inspect, copy, audit, and make summaries and transcripts from such records.

B. Ownership of Documents

All reports, records, documents, and other materials prepared by Jones & Mayer, its employees and agents in the performance of this Agreement shall be the property of the City and

shall be delivered to the City upon request by the City or upon termination of this Agreement. Jones & Mayer shall have no claim for further or additional compensation as a result of the exercise by the City of its full rights of ownership of the documents and material hereunder. Jones & Mayer may retain copies of such documents for its own use.

C. Release of Documents

No report, record, document, or other material prepared by Jones & Mayer in the performance of services under this Agreement shall be released publicly without prior written approval of the City, except as may be required by law.

10. NONDISCRIMINATION

Jones & Mayer pledges there shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, sexual orientation, national origin, or ancestry in the performance of services under this Agreement.

11. TERMINATION

A. Termination By City

Jones & Mayer shall at all times serve under the terms of this Agreement at the pleasure of the City Council, and the City Council hereby reserves the right to terminate this Agreement at will, with or without cause, by providing written notice to Jones & Mayer. Upon receipt of any notice of termination, Jones & Mayer shall cease all services under this Agreement except as may be specifically approved by the City. At that time, all further obligations of the City to pay Jones & Mayer for services rendered under this Agreement shall thereupon cease, except as set forth in Section 11.C below; provided, however, that the City shall be obliged to pay for all services, costs, and expenditures lawfully incurred by Jones & Mayer prior to the effective date of such termination, or subsequent to the date of termination at the direction of City.

B. Termination By Jones & Mayer

Jones & Mayer reserves the right to terminate this Agreement by giving ninety (90) days' advance written notice to City.

C. Mutual Obligations Upon Termination By Either Party

In the event of termination of this Agreement by either party, Jones & Mayer shall cooperate with the City in transferring the files and assignments to the City Clerk or other person designated by City pending the hiring of another City Attorney. Jones & Mayer shall be compensated at the hourly rates set forth in Section 3.A of this Agreement should Jones & Mayer be called upon to perform any services after the effective date of termination, including the transfer of files and assignments.

12. NOTICES

Notices regarding this Agreement shall be given in writing to the parties at the following addresses:

City Manager
City of Fort Bragg
416 N. Franklin Street
Fort Bragg, CA 95437

Jones & Mayer
8150 Sierra College Boulevard
Roseville, CA 95661

13. AMENDMENT OF AGREEMENT

This Agreement contains all of the agreements of Jones & Mayer and the City. This Agreement may be amended at any time by mutual consent of the parties by an instrument in writing.

14. LEGAL REPRESENTATION

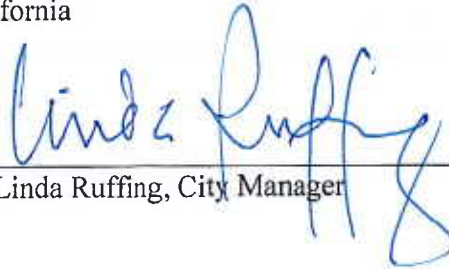
Both parties have had the opportunity to consult with legal counsel of its choice in the negotiation, review and execution of this Agreement. Each party shall bear its own fees in connection with the preparation and negotiation of this Agreement.

15. WARRANTY OF AUTHORIZED SIGNATURES

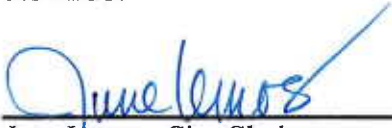
Each of the signatories hereto warrants and represents that he or she is competent and authorized to enter into this Agreement on behalf of the party for whom he or she purports to sign.

IN WITNESS WHEREOF, the duly authorized representatives of the parties have executed this Agreement in duplicate the 23rd day of October, 2017.

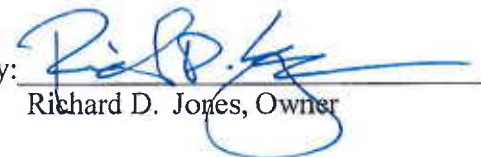
CITY OF FORT BRAGG
Municipal Corporation of the State of
California

By: 
Linda Ruffing, City Manager

ATTEST:


June Lemos, City Clerk

JONES & MAYER

By: 
Richard D. Jones, Owner

From: [Jacob Patterson](#)
To: [Lemos, June](#); [Munoz, Cristal](#); [Miller, Tabatha](#)
Subject: Public Comment -- 9/13/21 CC Mtg., Item No. 5D
Date: Wednesday, September 8, 2021 10:38:02 PM

City Council,

I am pleased that the second amendment was pulled for revision and that we now have a much-improved version for your consideration. These new changes seem fine, unlike the last round. (Did no one do the math last time?) Although I believe this still increases the cost to the City compared to the current contract, none of these amendments are objectionable, in my opinion. The City's contract attorney firm should probably have a performance review prior to considering contract amendments--the staff's opinions of their performance are not particularly relevant compared to the Council's opinions, in fact, staff claiming they are satisfied is probably a warning sign rather than an endorsement because one of the most important functions of an independent City Attorney is serving as a check on the City Manager. Regardless, as one of the most vocal critics of the current direction of the City, I have no serious objections to this revised contract amendment even though the City might be better served by a different engagement structure or, even better, a staff legal position rather than a contract arrangement.

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: 21-466

Agenda Date: 9/13/2021

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Minutes

Agenda Number: 5E.

Receive and File Minutes of the April 22, 2021 Special Public Works and Facilities Committee Meeting



City of Fort Bragg

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

Meeting Minutes Public Works and Facilities Committee

Thursday, April 22, 2021

3:00 PM

Via Video Conference

Special Meeting

MEETING CALLED TO ORDER

Chair Lindy Peters called meeting to order at 3:08 pm.

ROLL CALL

Present: 5 - Lindy Peters, Tess Albin-Smith, Chantell O'Neal, John Smith and Sandy Arellano

1. APPROVAL OF MINUTES

[21-046](#)

Approve Minutes of November 24, 2020 Special Meeting

This Committee Minutes was approved for Council review

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

One non-agenda public comment was received regarding the N. Fort Bragg water service annexation.

3. CONDUCT OF BUSINESS

3A. [21-174](#)

Receive Report and Discuss Activities in Support of the Mendocino Progressive Alliance Stop Litter Project

Staff presented. Committee members commented and exchanged questions and answers with staff. Director J. Smith commented on the overall trash issue and on involving volunteers. Chair Peters would like to revisit the item at a future meeting and invite the letter author of Stop Butts program.

This Staff Report was continued

3B. [21-169](#)

Provide Oral Report on Public Works Departmental Activities and Update on Items of Interest to Committee

Director J. Smith commented and responded to committees questions regarding current and future Public Works projects. Director Smith expressed a large amount future Capital Improvement Projects and related funding sources and how Water Projects and preparation on Safety for Seismic Activity is a high priority. Water distribution rehab and wastewater rehab was discussed. The consolidation of several projects to facilitate funding was possible for the Water Treatment Plant Rehab project. Timelines and funding for shovel ready projects was

discussed.

Director Smith explained how the Water Meter project benefits water conservation. Committee member Albin-Smith asked about energy sources for bio-solids disposal however Director Smith did not recommend due to the insufficient amount of bio-solids our plant produces when a significant higher amount of bio-solids is required to be able to produce enough energy. Water reclamation was mentioned however, the costs associated with the special state certifications staff would be required to obtain would be an expensive process.

Chair Peters agreed to prioritize water, water conservation and water treatment. Committee Albin-Smith inquired on the Dig Once policy and was advised, City Manager was working on it. The Guest House Museum, Micro-grid and Solar Energy was discussed. Committee Albin-Smith would like a list of Shovel-Ready projects. A former ordinance regarding a drilling of wells for landscape on private property was discussed and the moratorium of this during a water shortage was explained by Assistant Director of Engineering O'Neal.

4. MATTERS FROM COMMITTEE / STAFF

Committee Member Albin-Smith noted she will not be available for next month's committee meeting.

ADJOURNMENT

Meeting was adjourned at 4:37 pm by Chair Peters.



City of Fort Bragg

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

Text File

File Number: 21-465

Agenda Date: 9/13/2021

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Committee Minutes

Agenda Number: 5F.

Receive and File Minutes of the June 10, 2021 Public Works and Facilities Committee Meeting



City of Fort Bragg

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

Meeting Minutes Public Works and Facilities Committee

Thursday, June 10, 2021

3:00 PM

Via Video Conference

MEETING CALLED TO ORDER

Committee chair Lindy Peters called meeting to order at 3:04 p.m.

ROLL CALL

Staff in attendance included, Public Works Director John Smith, and Sandy Arellano

Present: 2 - Lindy Peters and Tess Albin-Smith

PLEASE TAKE NOTICE

Chair L. Peters read the Please Take Notice clause.

ZOOM WEBINAR INVITATION

1. APPROVAL OF MINUTES

This was accepted

1A. [21-287](#) Minutes of April 22, 2021 Special Meeting

Chair L. Peters accepted and approved the minutes of the Special Public Works and Facilities Committee meeting of April 23, 2021 as presented, committee member Albin-Smith seconded.

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

3. CONDUCT OF BUSINESS

Items presented by staff.

3A. [21-281](#) Provide Oral Report on Public Works Departmental Activities Including The Stop Litter Program

Director Smith provided an oral report to committee on the progress of litter removal including cigarette butts. Committee members shared the thought and agreement of purchasing cigarette receptacles and installing them in specific areas around town with signage to "Put Cigarette Butts Out" particularly before entering city parks.

Items of related discussion:

- Increase the amount of trash cans and increasing the need of maintenance staff was conversed.
- Stop Trash Campaign, PSA radio stations, educational videos regarding litter programs.

3B. [21-288](#) Discuss Remediation Measures for Minimizing Glare on the Roof of Water Tank #3 at the Water Treatment Facility

Director Smith shared the remediation attempts the department has tried to alleviate the glare affecting the residents in the area and indicated the tanks are intended for "no-maintenance" including special non-adherent paint. Chair L.Peters requested Director Smith look into other safe attempts to remedy the glare and connect with resident Clark.

Affected residents Paul Clark and Andrew Jordan shared their views and suggested alternative remedies.

4. MATTERS FROM COMMITTEE / STAFF

Committee member Albin-Smith commented:

- MCOG meetings, the need for bike trails, signage throughout town and the status of the pothole and patching on Bush Street.

Director John Smith provided an update on the WWTP odor situation and how hauling it off site is in progress. Biosolids dryer is scheduled to arrive in October 2021. Remedy alternatives were discussed. Committee members requested staff to provide a status report for the next PWF Committee meeting regarding the WWTP odor.

Committee directed staff to bring WWTP odor report to next PWF meeting.

ADJOURNMENT

Meeting adjourned at 3:42 p.m.



City of Fort Bragg

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

Text File

File Number: 21-470

Agenda Date: 9/13/2021

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Minutes

Agenda Number: 5G.

Approve Minutes of Special Meeting of August 30, 2021



City of Fort Bragg

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

Meeting Minutes Special City Council

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

Monday, August 30, 2021

6:00 PM

Via Video Conference

Special Meeting

CALL TO ORDER

Mayor Norvell called the meeting to order at 6:00 PM, all Councilmembers appearing via video conference.

ROLL CALL

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

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

(1) None. (2) None. (3) None.

2. CONSENT CALENDAR

Mayor Norvell requested that Item 2D be removed from the Consent Calendar so he could recuse himself from voting on the item, and that Item 2G be removed from the Consent Calendar for further discussion. Councilmember Albin-Smith requested that Item 2E be removed from the Consent Calendar for further discussion.

Approval of the Consent Calendar

A motion was made by Councilmember Peters, seconded by Vice Mayor Morsell-Haye, to approve the Consent Calendar with the exception of Items 2D, 2E and 2G. The motion carried by the following vote:

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

2A. [21-436](#)

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

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4434-2021

2B. [21-446](#)

Adopt City Council Resolution Approving the Revised Temporary Water Sharing Agreement Between the City of Fort Bragg and the Fort Bragg Unified School District

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4435-2021

- 2C. [21-451](#)** Adopt City Council Resolution Authorizing City Manager to Execute Contract Amendment with Coleman Engineering for Additional Water Emergency Project Services, Increasing the Amount of the Contract by \$40,000; Total Contract Amount not to Exceed \$55,000 (Account No. 651-6130-0731) and Approving Budget Amendment No. 2022-05 to Appropriate \$40,000 from the Water Enterprise Fund to Account No. 651-6130-0731

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4436-2021

- 2F. [21-462](#)** Adopt City Council Resolution Approving Mutual Aid Agreement Providing for Emergency Assistance Among the County of Mendocino, City of Ukiah, City of Fort Bragg and other Signatory Cities or Special Districts

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4437-2021

- 2H. [21-441](#)** Approve Minutes of August 9, 2021

These Minutes were approved on the Consent Calendar.

- 2I. [21-457](#)** Approve Minutes of Special Meeting of August 23, 2021

These Minutes were approved on the Consent Calendar.

ITEMS REMOVED FROM CONSENT CALENDAR

- 2D. [21-458](#)** Adopt Joint City Council/Municipal Improvement District Board Resolution Authorizing City Manager to Execute Contract Change Order With Akeff Construction Services, Inc. for the Maple Street Storm Drain and Alley Rehabilitation Project (PWP-00116), Increasing the Contract By \$82,700.00 and Approving Budget Amendment No. 2022-09 to Appropriate Funds from the Waste Water Enterprise Non-Routine Maintenance Fund (Account 714-4713-0751) to Streets Project Fund (Account 420-4870-0731) for a Total Contract Amount Not to Exceed \$1,334,054.00

Mayor Norvell recused himself from voting on this item, citing a conflict of interest due to his property's proximity to the project.

Public Comment: None.

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

Aye: 4 - Vice Mayor Morsell-Haye, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

Recuse: 1 - Mayor Norvell

Enactment No: RES 4438-2021 / ID 454-2021

- 2E. [21-459](#)** Adopt City Council Resolution Approving Budget Amendment 2022-08 Amending Fiscal Year 2021-22 Budget to Allocate \$25,000 for Purchase and Installation of Outdoor Kiosk

City Clerk Lemos responded to questions from Councilmembers about the new kiosk.

Public Comment: John Naulty, Jr. spoke about concerns regarding security controls for the device.

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

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

Enactment No: RES 4439-2021

- 2G. [21-463](#)** Adopt City Council Resolution Authorizing Submission of Co-Application with Danco Communities for Permanent Local Housing Allocation Program Non-Entitlement Local Government Competitive Funds in the Amount of \$2,400,000 to Support the Development of a 69-Unit Affordable Housing Project Located at 441 South Street

City Manager Miller noted that the deadline for this application is being extended and therefore staff would like an opportunity to take the extra time to exercise due diligence and review the application more thoroughly. Mayor Norvell continued this item to the regular City Council meeting of September 13, 2021.

This Resolution was continued to the Council meeting of September 13, 2021.

3. CONDUCT OF BUSINESS

- 3A. [21-452](#)** Receive Report and Consider Adoption of Municipal Improvement District Resolution Approving Budget Amendment 2022-06 Amending Fiscal Year 2021-22 Budget for Additional Shipping Costs of the Wastewater Treatment Plant's Biosolids Dryer

Public Works Director Smith presented the staff report on this agenda item.

Public Comment: None.

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

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

Enactment No: RES ID 455-2021

- 3B. [21-456](#)** Receive Report and Consider Adoption of City Council Resolution Ratifying and Authorizing the City Manager to Execute Purchase Order/Purchase Agreement for the Purchase of Groundwater Treatment Equipment and Spare Parts for the Desalination Pretreatment Filtration System, Amount Not to Exceed \$154,624, Budget Amendment No. 2022-07 (Account No. 651-6130-0731)

Public Works Director Smith gave the staff report on this agenda item.

Public Comment: None.

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

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

Enactment No: RES 4440-2021

4. CLOSED SESSION

Mayor Norvell recessed the meeting at 6:33 PM; the meeting reconvened to Closed Session at 6:35 PM.

- 4A. [21-461](#)**

PUBLIC EMPLOYEE PERFORMANCE EVALUATION; Pursuant to Government Code Section 54957: Title: City Manager

- 4B. [21-460](#)**

CONFERENCE WITH LABOR NEGOTIATORS: Pursuant to Government Code Section 54957.6: City Negotiator: Bernie Norvell, Mayor; Employee Classification: City Manager

Mayor Norvell reconvened the meeting to Open Session at 8:30 PM and reported that no reportable action was taken on the Closed Session items.

ADJOURNMENT

Mayor Norvell adjourned the meeting at 8:30 PM.

BERNIE NORVELL, MAYOR

June Lemos, CMC, 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: 21-473

Agenda Date: 9/13/2021

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Minutes

Agenda Number: 5H.

Approve Minutes of Special Meeting of September 1, 2021



City of Fort Bragg

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

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*

Wednesday, September 1, 2021

6:00 PM

Via Video Conference

Special Meeting

CALL TO ORDER

Mayor Norvell called the meeting to order at 6:00 PM, all Councilmembers appearing via video conference.

ROLL CALL

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

DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

Councilmembers Albin-Smith and Peters disclosed that they had conversations with Simeon Evans; Vice Mayor Morsell-Haye and Mayor Norvell also disclosed discussions with Simeon Evans.

1. PUBLIC HEARING

- 1A.** [21-464](#) Receive Report, Conduct Public Hearing, and Consider Upholding or Denying the Appeal of the Planning Commission's Decision to Deny Minor Use Permit Application 1-21 (MUP 1-21) for a Cannabis Dispensary at 144 N. Franklin Street

Vice Mayor Morsell-Haye recused herself from hearing this matter citing a conflict of interest because she owns a business within 500 feet of the subject property. She left the meeting at 6:05 PM.

Mayor Norvell noted that this public hearing was continued at the August 9, 2021 meeting, and reopened the hearing at 6:05 PM.

City Attorney Collins explained the process on the issue before the Council tonight. Associate Planner Gurewitz presented the staff report for this agenda item. Appellant's attorney, Gina Austin, made a presentation to Council on behalf of appellant/applicant Brandy Moulton. Public Comments in support of Sunshine Holistic's cannabis dispensary were received from Michael Katz, Jen Brown, Kyla Miller, Daniel Schultz, Barbara Counterman, Jude Thilman, and "Megan" (no last name given). Public comments in opposition to the cannabis dispensary were received from Gene and Dianna Mertle, Jay Koski and Jacob Patterson.

Mayor Norvell closed the public hearing at 7:17 PM.

The Councilmembers held deliberations regarding security issues, job opportunities, noticing,

the location of the project, neighbors' objections, consistency with the General Plan, CEQA, the City Ordinance regarding cannabis dispensaries, and the Planning Commission's decision to deny the permit. Two motions were made and seconded, one to uphold the appeal and one to deny the appeal. Both motions failed for lack of a majority.

A motion was made by Councilmember Peters, seconded by Mayor Norvell, that the Resolution upholding the appeal and overturning the Planning Commission decision on MUP 1-21 be adopted. The motion failed by the following vote:

Aye: 2 - Mayor Norvell and Councilmember Peters

No: 2 - Councilmember Albin-Smith and Councilmember Rafanan

Recuse: 1 - Vice Mayor Morsell-Haye

Enactment No: N/A

A motion was made by Councilmember Albin-Smith, seconded by Councilmember Rafanan, that the Resolution denying the appeal and upholding the Planning Commission's denial of MUP 1-21 be adopted. The motion failed by the following vote:

Aye: 2 - Councilmember Albin-Smith and Councilmember Rafanan

No: 2 - Mayor Norvell and Councilmember Peters

Recuse: 1 - Vice Mayor Morsell-Haye

Enactment No: N/A

ADJOURNMENT

Mayor Norvell adjourned the meeting at 8:06 PM.

BERNIE NORVELL, MAYOR

June Lemos, CMC, City Clerk

IMAGED (_____)



City of Fort Bragg

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

File Number: 21-477

Agenda Date: 9/13/2021

Version: 1

Status: Public Hearing

In Control: City Council

File Type: Resolution

Agenda Number: 7A.

Receive Report, Conduct Public Hearing, and Consider Adoption of City Council Resolution Declaring a Stage 4 Water Crisis and Implementing Stage 4 Mandatory Water Conservation Measures



AGENCY: City Council
MEETING DATE: September 13, 2021
DEPARTMENT: City Manager/Public Works
PRESENTED BY: T. Miller
EMAIL ADDRESS: tmiller@fortbragg.com

AGENDA ITEM SUMMARY

TITLE:

Receive Report, Conduct Public Hearing, and Consider Adoption of City Council Resolution Declaring a Stage 4 Water Crisis and Implementing Stage 4 Mandatory Water Conservation Measures

ISSUE:

The City of Fort Bragg Municipal Code Chapter 14.06, Water Conservation, updated on July 12, 2021, provides the City Manager with the discretion to determine whether the system's water supplies and sources available are sufficient to meet the current customer demands on the system after considering all relevant factors. The City Manager shall consider, among other things: 1) any variations in the reliability of the water supplies available to the system; 2) availability of well or other nonpotable water to meet the nonpotable demands on the water system; 3) weather forecast and other factors that impact flows in the City's surface water sources; and 4) the success, or lack thereof, of previous declarations of a less stringent water conservation stage in meeting the water-use reductions sought by the City.

While Chapter 14.06 provides that the City Manager determine the stage of water conservation, it requires the City Council to declare by resolution a Stage 4 Water Crisis, after a properly noticed public hearing. A final recommendation to the City Council on whether to declare a Stage 4 Water Crisis will be provided at the September 13, 2021 public hearing. There are too many factors and scenarios to make that recommendation as of writing this staff report but the next 30 days could be critical to the City's water supply.

ANALYSIS:

The months of September and October 2021 will be key to determining how well Fort Bragg managed the drought emergency this year. These months will also provide the City with invaluable information to prepare for what could be a third year of drought in the summer and fall of 2022. The impact from the high tides increases as the flows in the Noyo River drop over the course of the summer and early fall. At the start of September, the flows in the Noyo River are at record lows. This means that even during low tides the amount of water the City is able to pump from the river is limited and during high tides the saline content makes the water untreatable in the City's Water Treatment Plant.

The Summers Lane Reservoir levels were at capacity at the beginning of September, but we project using water from the reservoir for most of September to subsidize the limited amount available in the Noyo River. The arrival and implementation of the Desalination-Reverse Osmosis Treatment System so that Noyo River water can be treated during high tides and the Ground Water Treatment System to convert the FBUSD irrigation well water into potable water are critical to stabilizing the City's water supply. Both systems are

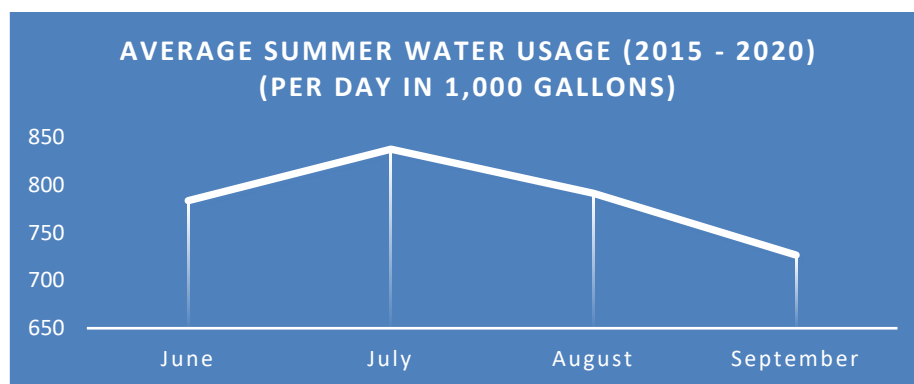
estimated to arrive near the end of September. The supply chain challenges that are plaguing industries and governments around the world are also challenging the City's suppliers' abilities to build the treatment systems and ship them to northern California. Any additional delays in receiving the treatment equipment will place additional stress on the City's water supply.

Water Supply Available

As explained before, the City of Fort Bragg's water supply system relies solely on three surface water sources: Waterfall Gulch (tributary to Hare Creek), Newman Gulch (tributary to Noyo River), and the Noyo River (diversion at Madsen Hole). In 2015, the City's water supply system could only store small amounts of water that provided enough to maintain proper water system pressure and to provide a safety margin for fire-fighting flows. Six years later, the City has made progress with water storage with the addition of a 1.5 million gallon finished water storage tank and the Summers Lane Reservoir with a raw water capacity of 14.7 million gallons. This brings our total water storage capacity to 22.6 million gallons, which is approximately 30 days of storage with average daily use, including water loss during production, of 750k gallons.¹

During the winter and spring, pumping of the Noyo River is used only to supplement the Waterfall Gulch and Newman Gulch sources. The two tributary sources generally provide a higher quality of raw water and gravity-feed to the water treatment plant, whereas water from the City's Noyo River diversion must be pumped.

As summer progresses and the flows in the tributary streams diminish, the Noyo River diversion is used more frequently and in greater quantities. In July, Waterfall Gulch and Newman Gulch provide approximately 40% of the City's water needs and 60% of summer water supply comes from the Noyo River. In August, the Noyo River provided less than 50% of summer water supply. The shortage was filled by conservation and temporary use of the Summers Lane Reservoir. As the water levels in the Noyo River drop and the high tide levels rise, increased salinity levels in the Noyo River impact the City's ability to pump from this water source. City water usage typically peaks in July as seen in the graph below.

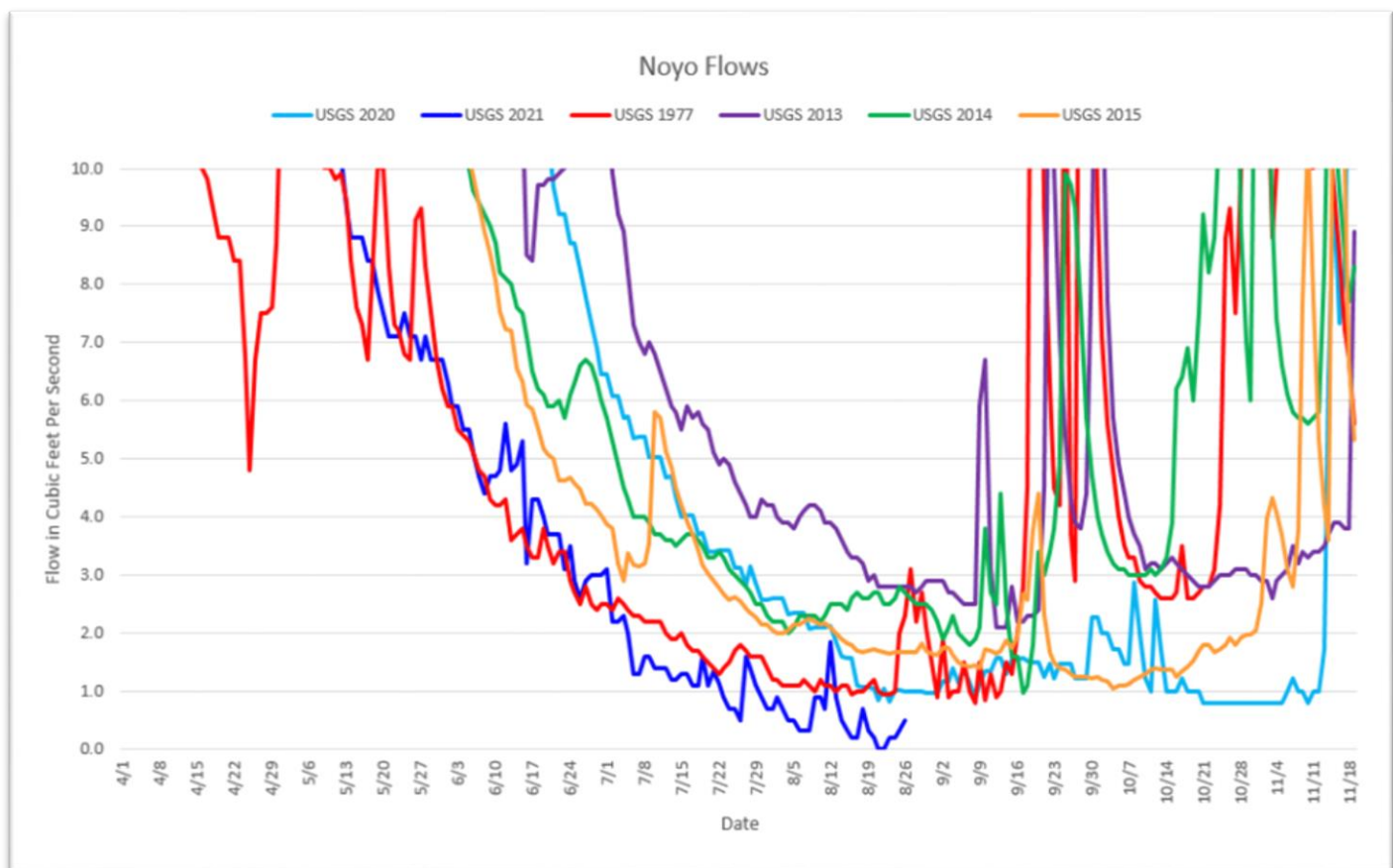


Most of the year, the City's three surface water sources exceed the City's daily usage. During these times, the 22.6 million gallons of storage is regularly replenished and remains

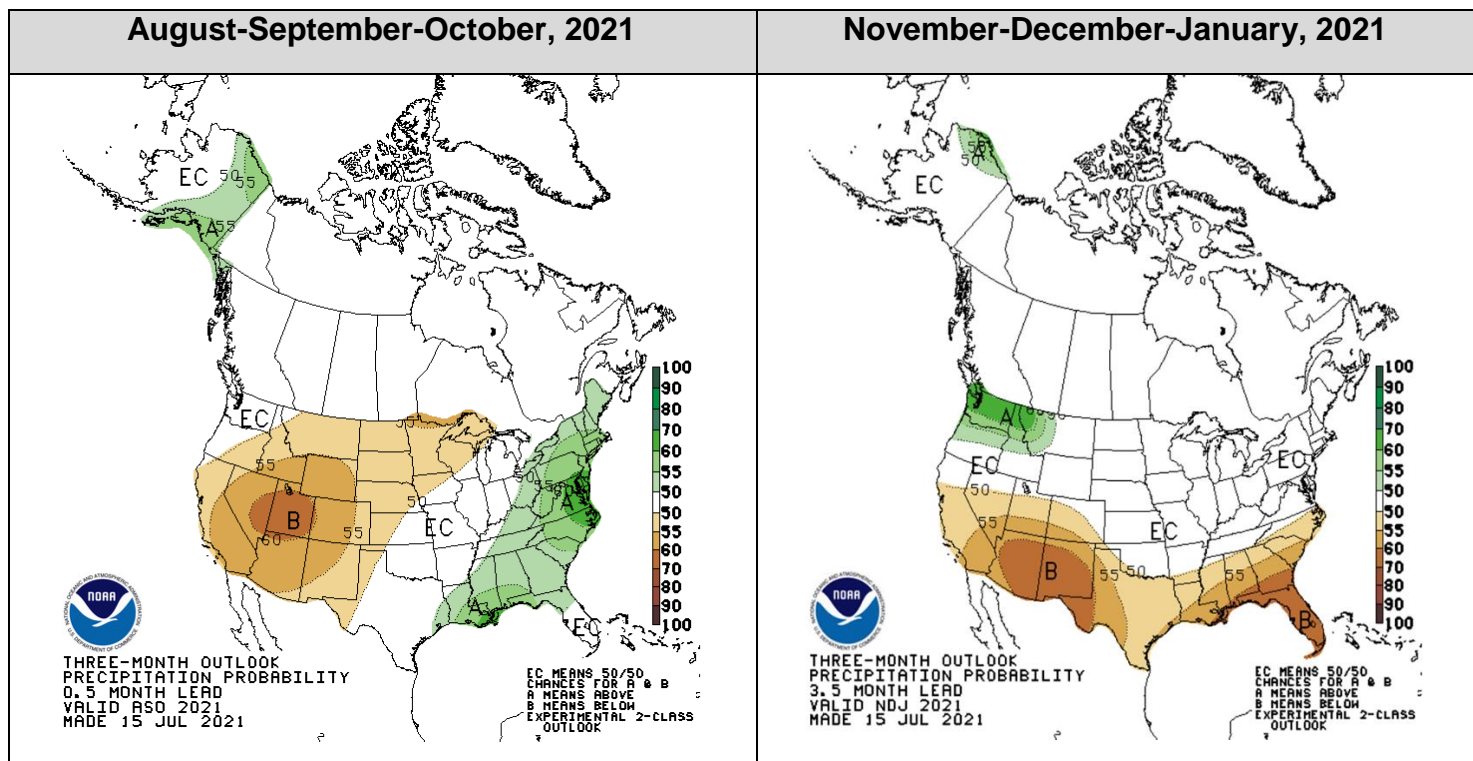
¹ Successful water conservation restrictions and reduced usage in the fall months will extend the 30 days of supply.

at capacity. Excess available water continues to feed the river or streams down water from the source. Therefore, while year-round conservation saves money and builds good habits that benefit our environment, unlike water systems heavily dependent on water drawn from reservoirs, it does not save water that is available later. This means that balancing daily use versus daily supply is important and reductions do not help the City's stored water supply until daily demand exceeds supply.

Flows in the Noyo River in the late summer and early fall depend on rainfall received, much more so than the Waterfall Gulch and Newman Gulch sources. Flows in the Noyo River typically hit the lowest levels in August and remain there until there is significant rainfall. When rainfall will reach levels that impact the Noyo flows for more than just a day or two depends on the year. In 2015 and 2020, flows remained low until the first part of November when the region experienced regular levels of rainfall (see graph below).



There is little indication that late summer and fall will see any significant precipitation in the Northern California region. Based on predictions provided by the National Oceanic and Atmospheric Administration (NOAA), our region will experience below average precipitation for the next six months (see prediction graphs on next page).



Like August, there are 17 days with tide levels predicted at or above 6.0 feet² in September, the level at which pumping during low flow periods is challenging. The high tides started on September 3 and are predicted to end on September 20. It is unlikely that the Desalination-Reverse Osmosis Treatment System will arrive in time to be placed into service during September. The high tides in October are predicted to start on October 5. Assuming the equipment is received and operational by that date, we will be able to supplement the City's water supply with brackish water on or just after October 5.

Based on historical flows and current flow levels, staff predicts that total sources will provide 10 million gallons during September. This excludes the Desalination-Reverse Osmosis Treatment System, the FBUSD well, and the Summers Lane Reservoir. Based on water usage during August, demand is predicted at 17.5 million gallons. This is a shortfall in supply of approximately 7.5 million gallons or just over 50% of the capacity of the Summers Lane Reservoir, which will be used to supplement that shortfall.

Without additional Noyo River water provided from the Desalination-Reverse Osmosis Treatment System, the treated well water from the FBUSD irrigation well, and/or measurable rainfall, this could leave the Summers Lane Reservoir dry by the end of October. However, with the Desalination-Reverse Osmosis Treatment System, the treated well water from the FBUSD irrigation well, and/or measurable rainfall, the City's water supply could be replenishing the Summers Lane Reservoir by the end of October.

² <https://tidesandcurrents.noaa.gov/noaatidepredictions.html?id=9417426&legacy=1>

Thus, the reason that September and early October are so critical to understanding the City's ability to implement new water sources.

Success of Prior Conservation Stages

Water usage for August 2021 was 17.96 million gallons, lower than any other August on record (records start in 1980). This is a 33.2% reduction from August 2019, the base year for our conservation comparisons. The City Council declared a Stage 3 Water Emergency on August 9 and implemented the Stage 3 Water Conservation Requirements on August 10. Stage 3 targeted a 20-30% reduction in seasonal water use. The 33.2% reduction for August exceeded the conservation goal that was only in effect for two-thirds of the month. This is a strong indication that declarations of water conservation requirements are effective in meeting the level of reduction sought by the City.

One source of reduction in usage is attributable to the City's decision to eliminate out of City water sales as of July 18, 2021. For the month of June 2021, outside water sales hit an all-time high of 745k gallons. This accounted for 3.6% of total water usage in June 2021. In comparison, in June 2020, outside water sales accounted for less than 1.0% of total usage or just 201k gallons. Outside water sales through July 18 were 652k gallons, an estimated 3.1% of the total demand for July 2021.

Water usage in summer of 2020 reflected a similar response to both the voluntary and mandatory water conservation restrictions. On August 10, 2020, the City Council asked for a voluntary reduction of 10% in usage. When compared to the prior year, August 2020 was down 12% from 2019. On August 31, 2020, a Stage 2 Water Emergency was declared and mandatory conservation restrictions targeting a 20% decrease were implemented, water usage dropped in September 2020 by 20% from September 2019.

The prior success of water conservation stages indicates that the City will be able to reduce usage during the Stage 4 Water Emergency by the upper end of the 30-40% target. If this goal is not attained, the City Manager may consider recommending the Council implement Stage 5 conservation requirements.

Stage 4 Water Emergency Conservation Restrictions

1. All Stage 3 restrictions shall continue to apply, except to the extent they are replaced by more restrictive requirements imposed by this subsection.
2. No landscape irrigation shall be allowed, including public and private streetscape landscaping (medians and frontage) and drip irrigation.
3. No water from the city water system shall be used to drain and refill swimming pools, artificial lakes, ponds or streams and no new permits for swimming pools, artificial lakes, ponds or streams shall be issued until the water conservation stage has been declared to be Stage 1.

4. Water use for ornamental ponds and fountains is prohibited unless required to maintain existing vegetation or to sustain existing fish/animal life.
5. New or expanded landscaping on properties is limited to drought-tolerant trees, shrubs, and ground cover and no new turf or grass shall be planted, hydro-seeded or laid.
6. Washing of automobiles or equipment shall only be done at a commercial establishment that uses recycled, reclaimed water or private well water.
7. All water leaks shall be repaired within twenty-four hours of notification by the utilities department or discovery by the owner, or service may be discontinued.
8. Discontinued use of hot tubs and in-room spa tubs at hotels/motels and lodging establishments.
9. Base water allocations, as established by the City pursuant to Section 14.06.030 for the appropriate customer class may be implemented to establish a maximum water usage limitation.

Recommendation to be presented at September 13, 2021 Public Hearing

This is the worst water drought on record for the City of Fort Bragg. However, the City has prepared for this event by increasing water storage by more than 70% since the last major drought in 2015. Voluntary conservation measures implemented on May 10th, earlier than any other year, have been very successful and exceeded the conservation target goals. The City has also arranged for additional supply to be available in late September and early October to supplement usage at the point when the Noyo River flows reach the lowest points of the year and pumping is disrupted by high tides. As of writing this staff report, some conditions are still speculative and unknown. The City Manager will take into account the most current information available to provide the City Council a recommendation at the September 13, 2021 public hearing.

RECOMMENDED ACTION:

Based on the updated recommendation presented on September 13, 2021, consider adopting a Resolution declaring a Stage 4 Water Crisis and implementation of Stage 4 Conservation measures, which target a 30-40% decrease in seasonal water usage from the most recent non-drought year (2019).

ALTERNATIVE ACTION(S):

1. Do not adopt Resolution.
2. Provide alternative direction to staff.

FISCAL IMPACT:

Reduced water usage will impact Water Fund revenues during the time frame customers practice water conservation, however, the water fund's reserves and fund balance can absorb the loss.

GREENHOUSE GAS EMISSIONS IMPACT:

Reduced water usage will have an incremental reduction in pumping and water treatment, which will result in a small decrease in the use of electricity and resulting greenhouse gas emissions.

CONSISTENCY:

N/A

IMPLEMENTATION/TIMEFRAMES:

Compliance with a Stage 4 water emergency would be immediate and if implemented, water usage should be reduced immediately.

ATTACHMENTS:

1. Resolution
2. Noyo River Flows Graphs
3. Notice of Public Hearing

NOTIFICATION:

N/A

RESOLUTION NO. ____-2021

RESOLUTION OF THE FORT BRAGG CITY COUNCIL DECLARING A STAGE 4 WATER CRISIS AND IMPLEMENTING STAGE 4 WATER CONSERVATION MEASURES

WHEREAS, the City of Fort Bragg has experienced significantly less rainfall in the last twenty-four (24) months than would be considered normal; and

WHEREAS, the water flow in the Noyo River has declined to and below water levels in the summer of 1977, which is the worst drought on record for the City of Fort Bragg; and

WHEREAS, historically, in the months of August, September and October, the Noyo River experiences high tides, where the gravitational pull between the sun and the moon increase tide levels to a foot or two higher than normal tide levels. High tides during periods of low flow levels on the Noyo River increase salinity content and shorten pump run times, impairing the City's ability to replenish water supply from the Noyo River; and

WHEREAS, the weather forecasts continue to show no significant rainfall in the area in the coming weeks and months; and

WHEREAS, on March 5, 2021, the USDA declared that 50 counties in California, including Mendocino County, were designated as primary natural disaster areas due to recent drought; and

WHEREAS, on April 21, 2021, Governor Newsom declared a state of emergency in Mendocino County due to drought conditions; and

WHEREAS, the City has procured a Desalination-Reverse Osmosis Treatment System from Aquaclear that will allow it to continue to pump water from the Noyo River during high tides when salinity reaches levels which cannot be processed by the City's Water Treatment Plant; and

WHEREAS, the City has negotiated a Well-use Agreement with the Fort Bragg Unified School District, to allow the City to use well water to supplement its water supply, if necessary; and

WHEREAS, the City met the Stage 2 Water Conservation target by reducing water use with Conservation measures implemented on July 12, 2021 by reducing usage from July 2020 by fifteen (15%); and

WHEREAS, on August 9, 2021, after a properly noticed public hearing, the City Council declared a Stage 3 Water Emergency and implemented Stage 3 Water Conservation Restrictions for the Fort Bragg Water System; and

WHEREAS, water usage for the month of August 2021 was 33.2% lower than August 2019, exceeding the Stage 3 Water Conservation goal of a 20-30% reduction; and

WHEREAS, on September 13, 2021 after a properly noticed public hearing, the City Council considered declaring a Stage 4 Water Crisis and implemented Stage 4 Water Conservation Restrictions for the Fort Bragg Water System water supply; and

WHEREAS, the City Manager, after considering all the relevant factors impacting the City's potable water sources per Section § 14.06.020 (WATER CONSERVATION STAGES), recommends that the City Council declare a Stage 4 Water Crisis.

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

1. The foregoing recitals are true and correct and are made a part of this Resolution.
2. The City Manager's evaluation of the City of Fort Bragg's current water supply, future rainfall predictions, continued record hot temperatures inland of Fort Bragg in the water shed, projected water demand, projected water source levels, consideration of reduced impact of more stringent water conservation measures and possible supply from Desalination-Reverse Osmosis Treatment System and Well-use Agreement with the Fort Bragg Unified School District resulted in a recommendation that the City declare a Stage 4 Water Crisis and implement mandatory Stage 4 Water Conservation Restrictions.
3. The City Manager determined that a Stage 4 Water Crisis and mandatory Stage 4 Water Conservation Restrictions are in the best interests of the City of Fort Bragg Water Customers.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby declare a Stage 4 Water Emergency pursuant to Chapter 14.06 of the Fort Bragg Municipal Code and requires implementation of Stage 4 Water Conservation Measures, as set forth in Fort Bragg Municipal Code section 14.06.050 D.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a special meeting of the City Council of the City of Fort Bragg held on the 13th day of September, 2021, by the following vote:

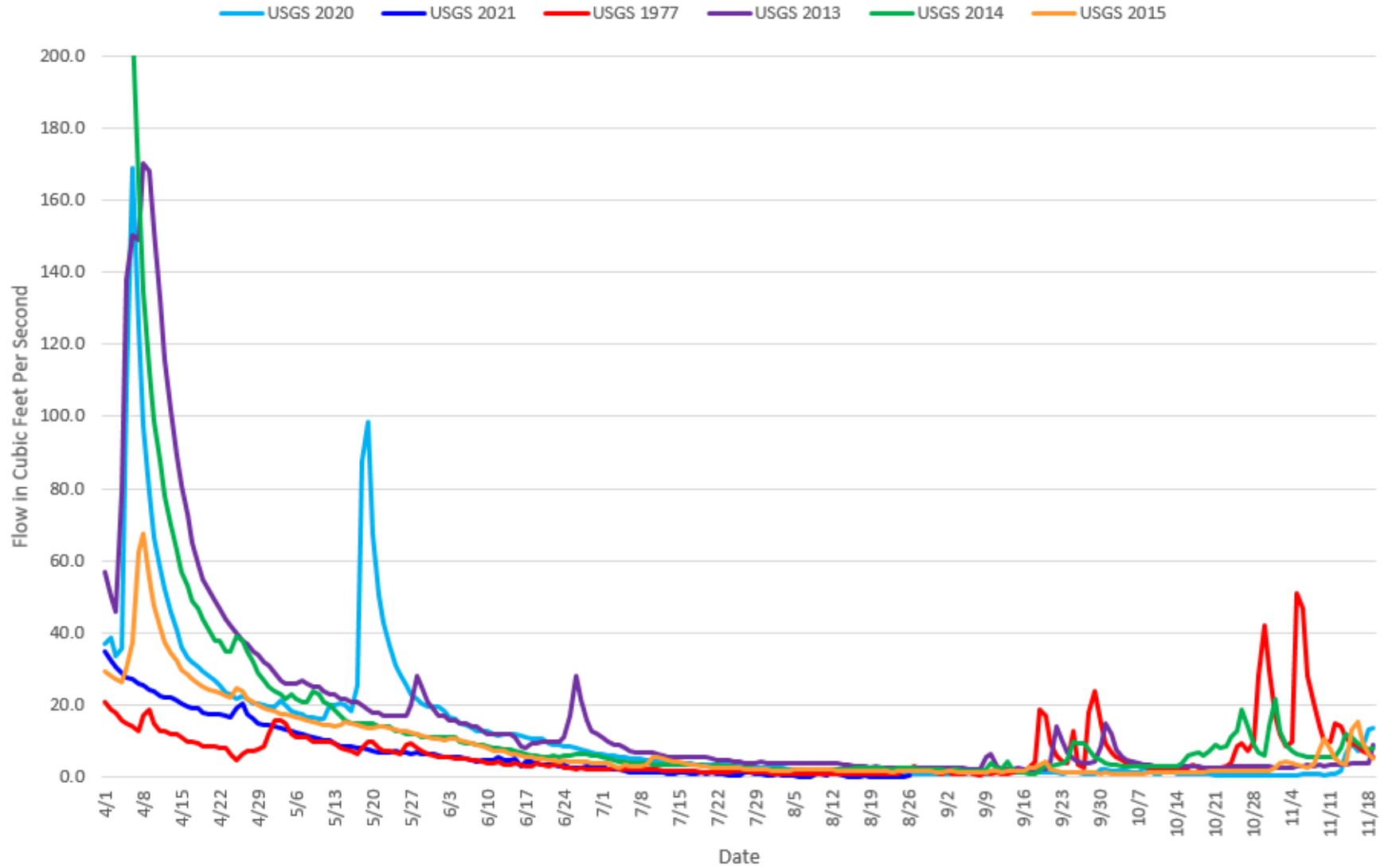
**AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:**

BERNIE NORVELL
Mayor

ATTEST:

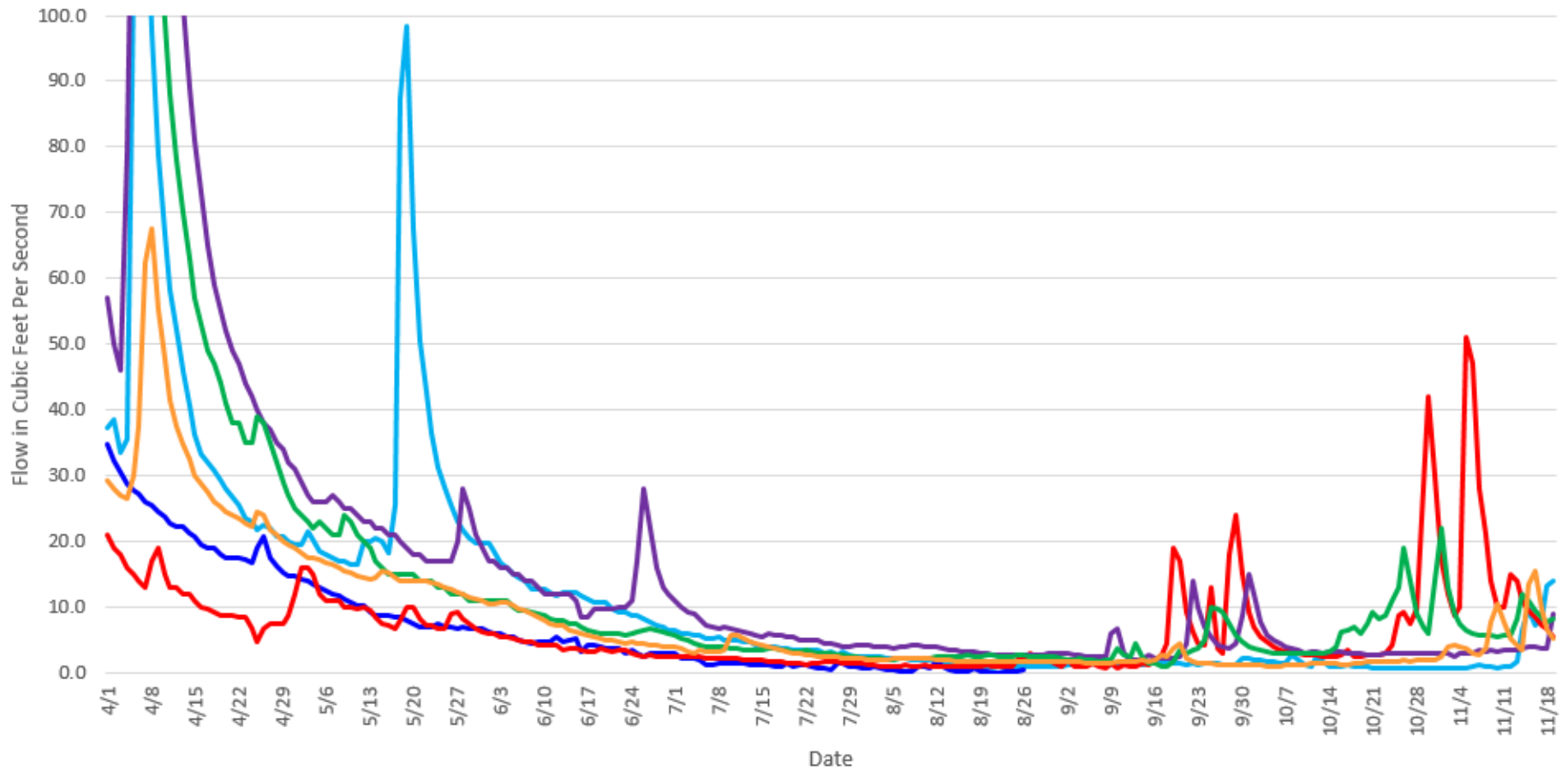
June Lemos, CMC
City Clerk

Noyo Flows

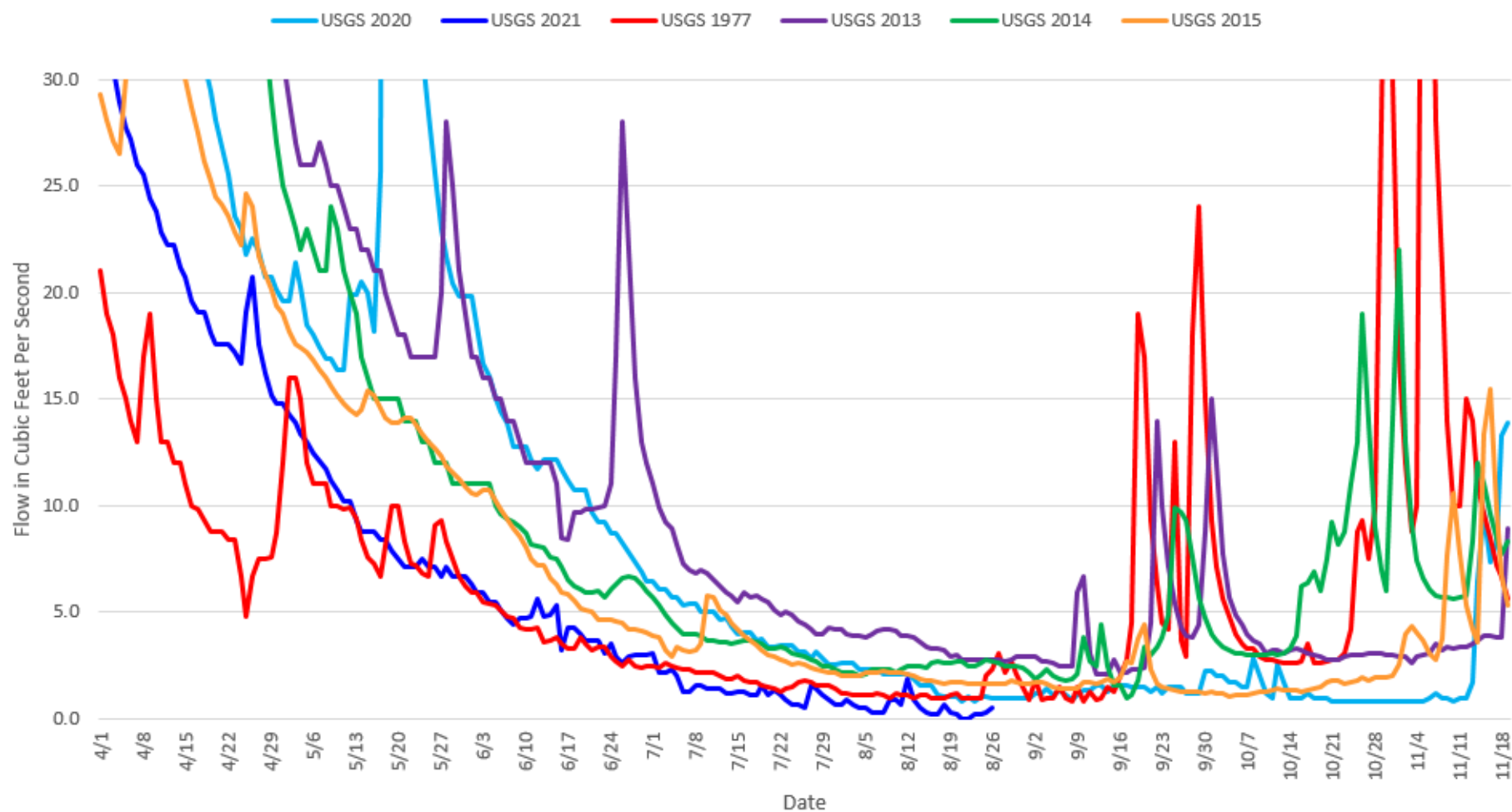


Noyo Flows

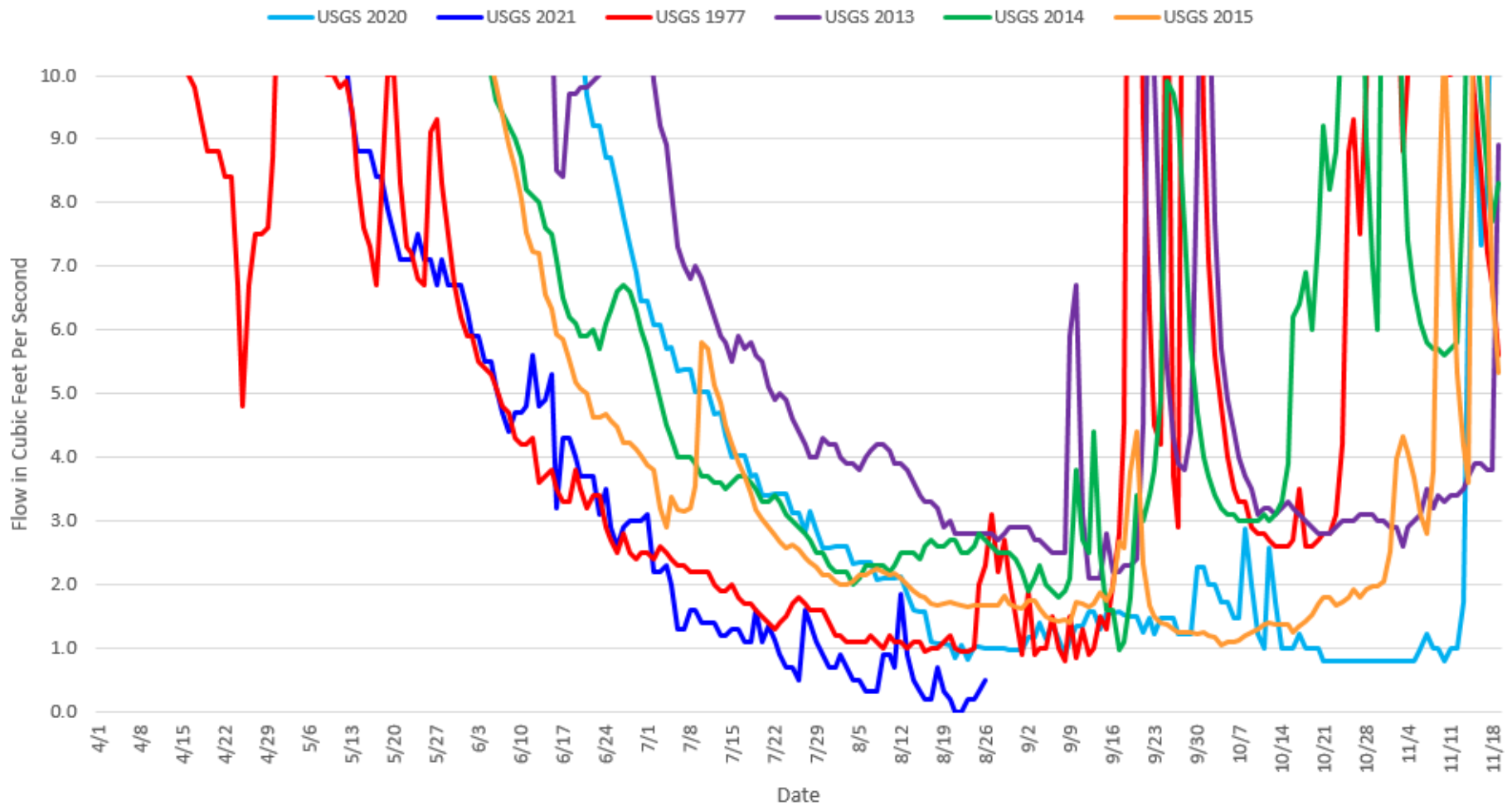
USGS 2020 USGS 2021 USGS 1977 USGS 2013 USGS 2014 USGS 2015



Noyo Flows



Noyo Flows



Date	USGS 2020	USGS 2021	USGS 1977	USGS 2013	USGS 2014	USGS 2015
8/11	2.1	0.7	1.1	3.9	2.3	2.2
8/12	2.1	1.9	1.1	3.9	2.5	2.1
8/13	1.9	0.9	1.0	3.8	2.5	2.0
8/14	1.6	0.5	1.1	3.6	2.5	1.9
8/15	1.6	0.3	1.1	3.4	2.4	1.8
8/16	1.6	0.2	1.0	3.3	2.6	1.8
8/17	1.1	0.2	1.0	3.3	2.7	1.7
8/18	1.1	0.7	1.0	3.2	2.6	1.7
8/19	1.1	0.3	1.1	2.9	2.6	1.7
8/20	1.1	0.2	1.2	3.0	2.7	1.7
8/21	0.8	0.0	1.0	2.8	2.7	1.7
8/22	1.1	0.0	1.0	2.8	2.5	1.7
8/23	0.8	0.2	1.0	2.8	2.5	1.7
8/24	1.0	0.2	1.0	2.8	2.6	1.7
8/25	1.0	0.3	2.0	2.8	2.8	1.7
8/26	1.0	0.5	2.3	2.8	2.7	1.7
8/27	1.0	0.5	3.1	2.8	2.6	1.7
8/28	1.0	0.5	2.2	2.7	2.5	1.7
8/29	1.0	0.3	2.7	2.8	2.5	1.8
8/30	1.0	0.2	2.1	2.9	2.5	1.7
8/31	1.0	0.2	1.5	2.9	2.4	1.7
9/1	1.0	0.0	0.9	2.9	2.2	1.6
9/2	1.2	0.0	1.9	2.9	1.9	1.8
9/3	1.2	0.2	0.9	2.7	2.1	1.7
9/4	1.4	0.2	1.0	2.7	2.3	1.6
9/5	1.2	0.2	1.0	2.6	2.0	1.5
9/6	1.4	0.2	1.5	2.5	1.9	1.5
9/7	1.1	0.2	1.0	2.5	1.8	1.4
9/8	0.9		0.8	2.5	1.9	1.5



CITY OF FORT BRAGG

Incorporated August 5, 1889

416 N. Franklin Street, Fort Bragg, CA 95437

Phone: (707) 961-2827 Fax: (707) 961-2802

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

NOTICE OF PUBLIC HEARING **STAGE 4 - WATER CRISIS**

NOTICE IS HEREBY GIVEN that the Fort Bragg City Council will hold a public hearing at its regular meeting **at 6:00 PM**, or as soon thereafter as the matter may be heard, on **Monday, September 13, 2021**. Due to state and county health orders and to minimize the spread of COVID-19, City Councilmembers and staff will be participating in the public hearing by video conference. The public hearing will concern the following item:

ACTION: The City Council will consider declaring a Stage 4 Water Crisis and Mandatory Stage 4 Water Conservation Measures

The hearing will be opened for public participation. All interested persons are invited to appear at that time to present their comments. The public comment period runs from the date this notice is published and mailed until the date of the hearing to allow sufficient time for submission of comments by mail. Written communications must be directed to the City Clerk, 416 N. Franklin Street, Fort Bragg, CA 95437, or emailed to jlemos@fortbragg.com, and received no later than the meeting date. The Agenda Item Summary and supporting documents that will be considered by the Councilmembers will be available for review at Fort Bragg City Hall and on the City's website: <https://city.fortbragg.com/> on or after September 8, 2021. At the conclusion of the public hearing, the City Council will consider a decision on the action.

June Lemos, CMC
City Clerk

POSTING DATE: September 2, 2021

PUBLICATION DATE: September 2, 2021

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 notice to be posted in the City Hall Notice case on September 2, 2021.

June Lemos, CMC, City Clerk



CIUDAD DE FORT BRAGG

Incorporada el 5 de agosto 1889

416 N. Franklin Street, Fort Bragg, CA 95437

Teléfono: (707) 961-2827 Fax: (707) 961-2802

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

AVISO DE AUDIENCIA PÚBLICA **ETAPA 4 - CRISIS DEL AGUA**

POR LA PRESENTE SE DA AVISO de que el Concejo Municipal de Fort Bragg llevará a cabo una audiencia pública en su reunión regular **a las 6:00 p.m.**, o tan pronto como se escuche el asunto, **el día lunes 13 de septiembre 2021**. Debido a las ordenes de salud del estado y condado y para minimizar la propagación de COVID-19, los miembros del Concejo Municipal y el personal participarán en la audiencia pública por videoconferencia. La audiencia pública se referirá al siguiente tema:

ACCIÓN: El Ayuntamiento considerará declarar una crisis de agua en la etapa 4 y medidas obligatorias de conservación de agua en la etapa 4

La audiencia estará abierta a la participación del público. Se invita a todas las personas interesadas a comparecer en ese momento para presentar sus comentarios. El período de comentarios públicos se extiende desde la fecha de publicación y envío por correo de este aviso hasta la fecha de la audiencia para dar tiempo suficiente para la presentación de comentarios por correo. Las comunicaciones escritas deben dirigirse a la Secretaria de la Ciudad, 416 N. Franklin Street, Fort Bragg, CA 95437, o enviarse por correo electrónico a jlemons@fortbragg.com, y recibirse a más tardar la fecha de la reunión. El resumen del tema de la agenda y los documentos de respaldo que serán considerados por los Concejales estarán disponibles para su revisión en la oficina del Ayuntamiento de Fort Bragg y en el sitio web de la Ciudad: <https://city.fortbragg.com/> a partir del 8 de septiembre 2021. Al finalizar la audiencia pública, el Ayuntamiento considerará una decisión sobre la acción.

June Lemos, CMC
Secretaria de la Ciudad

FECHA DE PUBLICACIÓN: 2 de septiembre 2021

ESTADO DE CALIFORNIA)
) ss.
CONDADO DE MENDOCINO)

Declaro, bajo pena de perjurio, que soy empleada de la Ciudad de Fort Bragg y que hice que este aviso se publicara en el mostrador de avisos del Ayuntamiento el 2 de septiembre de 2021.

June Lemos, CMC, Secretaria de la ciudad

From: [Jacob Patterson](#)
To: [Lemos, June](#); [Munoz, Cristal](#)
Cc: [Miller, Tabatha](#)
Subject: Public Comment -- 9/13/21 CC Mtg., Item No. 7A
Date: Thursday, September 9, 2021 1:12:03 PM

City Council,

I have a few clarifying questions about how the City intends to interpret and/or enforce the Stage 4 restrictions.

1) Unlike now when residents and property owners are permitted to irrigate landscaping and gardens on Tuesday mornings and evenings, Stage 4 doesn't permit any landscaping irrigation. Does the City define landscaping as only ornamental or does landscaping include vegetable gardens for food? That is, will there be a prohibition on people continuing to grow their own food if it requires any use of potable City water to do so?

2) Will the prohibition on irrigating landscaping only apply to first use of City water (e.g., watering outdoors with a hose using "virgin" City water) or will it also extend to reuse of City water first used indoors? For example, I am currently watering my vegetable garden beds primarily using captured greywater that I collect in my sinks (e.g., from dishes). Will that be permitted under stage 4? I assume so since it is a waste to just let it run down the drain rather than capturing it to water a few plants outside but I want to be sure I am not violating any restrictions or be subject to potentially over-zealous code enforcement actions.

I think a little clarity on these matters is useful for the public.

Thanks,

--Jacob

Dear Fort Bragg City Council,

My name is Keith Wyner from Fort Bragg. I would like to thank you for the opportunity voice my concern about conserving water, which I assume is your concern as well. Fort Bragg is now in stage three of water conservation, but are you aware of the water usage that is currently designated in the Jackson Demonstration State Forest harvest plans? There are seven proposed harvest plans and every plan will use up to thousands of gallons of water per day.

The Mitchell Creek Harvest plan states it will be using an estimated 4,000 gallons of water per day, per site, and the Caspar 500 THP plans to use up to 2,000 and 2,500 gallons of water per day. Both harvest plans will be active between April 1st and November 15th.

Mitchell Creek Timber Harvest Plan, Section II, page 58:

Per 14 CCR 923.7[943.7, 963.7](I)(2)(A)-(F) the description of water drafting site conditions and proposed water drafting activity shall include:
General description of proposed site: The proposed drafting location is pond in a Class II tributary to Mitchell Creek at Map Point 11 and "WD4" along Road 500.
Watercourse Classification: Class II ponds
Drafting parameters including:
Month(s) of use – April 1st to November 15th
Estimated volume needed per day – 4,000 gallons per site
Estimated maximum instantaneous drafting rate and filling time - Instantaneous diversion rate shall remain less than 350 gallons per minute (0.78 cfs).
Other water drafting activities in same watershed – None on JDSF, likely multiple with downstream small landowners.
Drainage area (acres) above point of diversion - 23 acres at MP 11 and 9 acres at WD4.
Estimated:
Unimpeded stream flow – JDSF does not have a current record of summer flow rates.
Pumping rate - Estimated diversion rate for a water truck is 270 gpm (0.60 cfs).
Drafting duration – 15 minutes.
A discussion of the effects on aquatic habitat downstream from the drafting site(s) of single pumping operations, or multiple operations at the same location, and at other locations in the same watershed: The quantity of water diverted for dust abatement is minimal relative to the watershed. Habitat will be protected by limiting quantity diverted per day and drafting season.

Mitchell Creek THP

58

Section II

Closer to home, the proposed Boundry Creek THP, on page 53, plans to use 5,000 - 10,000 gallons of water per day. Where will it get the water? The harvest plan states the water will come from the North Fork and the South Fork of the Noyo river, which is up stream from Fort Bragg's, Madsen Lane water intake station. According Fort Bragg's Water Department's website, the Noyo River is currently at it's lowest flow since the drought of 1977. Can the City of Fort Bragg afford to have 5,000 to 10,000 gallons of water siphoned off from it's Noyo River water source per day, while on Stage 3 Water Restrictions, let alone Stage 4 water restrictions?

Boundary Creek Timber Harvest Plan, Section II, page 53:

Per 14 CCR 923.7[943.7, 963.7](1)(2)(A)-(F) the description of water drafting site conditions and proposed water drafting activity shall include:
General description of proposed site: <u>The proposed drafting locations in the North Fork of the South Fork (NFSF) and South Fork (SF) Noyo River are permitted under LSAA 1600-2017-0022-R1 through 4/25/2022. They have been included in the 1611 notification for reevaluation under this plan. Drafting sites include WD3 on the SF Noyo upstream of the plan area, WD2 above the confluence of the NFSF and SF of the Noyo River, and WD13 downstream on the SF Noyo near the Egg Take Station.</u>
Watercourse Classification: Class I
Drafting parameters including:
Month(s) of use – <u>April 1st to November 15th</u>
Estimated volume needed per day – <u>5,000 to 10,000 gallons</u>
Estimated maximum instantaneous drafting rate and filling time - <u>Instantaneous diversion rate shall remain less than 350 gallons per minute (0.78 cfs).</u>
Other water drafting activities in same watershed – <u>Parlin Fork Conservation Camp is a year-round facility housing approximately 115 people. A potable water intake is within the SF Noyo River downstream of its confluence with Parlin Creek. The main water intake is an infiltration gallery buried about 18 feet below the surface within the stream gravels. Potable water passes through a water treatment plant adjacent to the channel near the water intake. An existing domestic water supply source is located in a spring at the top of a Class II watercourse below the Whiskey Springs Residence. Two or three timber harvest plans may be drafting for dust abatement purposes during the logging season. No other drafting location is currently being used in the watershed on JDSF.</u>
Drainage area (acres) above point of diversion - <u>WD3- 5,580 acres, WD2- 6,444 acres, WD13 - 14,016 acres.</u>
Estimated:
Unimpeded stream flow – <u>JDSF does not have a current record of summer flow rates.</u>
Pumping rate - <u>Estimated diversion rate for a water truck is 270 gpm (0.60 cfs).</u>
Drafting duration – <u>15 minutes.</u>
A discussion of the effects on aquatic habitat downstream from the drafting site(s) of single pumping operations, or multiple operations at the same location, and at other locations in the same watershed:
<u>The quantity of water diverted for dust abatement is minimal relative to the watershed. Habitat will be protected downstream by the parameters allowed under the current 1600 permit. Drafting conditions within the permit and the JDSF Big River and Noyo River Watershed Water Drafting Plan (as submitted with THP 1-17-17-005 MEN) included protection for salmonids. These conditions also meet protection measures recommended by CDFW for foothill yellow-legged frogs. The 1600 permit allows drafting down to 1.0 cfs.</u>

Given that the JDSF does not have a current record of Noyo River Summer flow rates, I strongly suggest that the Fort Bragg City Council refer them to the Noyo River flow charts provided by the FB Water Department to see how low the current flow is. From there, I would suggest to support the current moratorium on logging in JDSF, including stopping the proposed Boundary Creek THP with it's removal of 5,000 - 10,000 gallons of water per day from the Noyo River. This could be critical, especially when the City of Fort Bragg is in any "Stage" of water restrictions, and possibly considering Stage 4 water restrictions.

Though Noyo River flows fluctuate, the photo below was taken from the middle of the Noyo River, near the city of Fort Bragg's, Madsen Lane water intake station, on August 29, 2021.



From Mendocino County Supervisor Ted Williams' Facebook Page, September 8, 2021:

 **Ted Williams** is 🍷 feeling hopeful. 23h · 🌐

I'm hopeful that the first two water loads totaling 10,000 gallons will move from Ukiah to Fort Bragg today, enabling the drought-stricken to once again buy water. Capacity will grow as additional trucking firms sign agreement.


CDPH Licensed Water Haulers:
<https://www.cdph.ca.gov/.../Water/WaterHauler912021.xlsx>

Update: First truckload complete. Second load this afternoon.

A large white and green tanker truck is parked on a dirt road. The truck has a long, cylindrical silver tank and a white cab with green accents. It is positioned in front of a line of green trees under a clear blue sky.

While Fort Bragg is having water delivered from Ukiah to help provide water for Fort Bragg and the Mendocino Coast, Jackson Demonstration State Forest plans to resume logging operations at the Caspar 500 THP. Unless the the JDSF logging moratorium is extended immediately, an estimated up to 2,000 to 2500 gallons of water will be extracted per day, with 3 -4 loads per week, according to the Caspar 500 timber harvest plan in Section II, page 59.

From the Caspar 500 Timber Harvest Plan, section II, page 59 :

Per 14 CCR 923.7[943.7, 963.7](I)(2)(A)-(F) the description of water drafting site conditions and proposed water drafting activity shall include:	
General description of proposed site: The site is within an existing Class II watercourse drafting site WD17. It is believed that only 3 to 4 loads of water will be needed weekly during active operations occurring under this plan.	
Watercourse Classification: Class II	
Drafting parameters including:	
Month(s) of use – April 1st to November 15th	
Estimated volume needed per day – 2,000-2,500 gallons	
Estimated maximum instantaneous drafting rate and filling time - Instantaneous diversion rate shall remain less than 350 gallons per minute (0.78 cfs).	
Other water drafting activities in same watershed – N/A	
Drainage area (acres) above point of diversion – WD17 – 80.5 acres	
Estimated:	
Unimpeded stream flow – During summer months with drafting activities the average stream flow is 6.80 gpm	
Pumping rate – Estimated diversion rate for a water truck is 270 gpm (0.60 cfs)	
Drafting duration – 15 minutes	
A discussion of the effects on aquatic habitat downstream from the drafting site(s) of single pumping operations, or multiple operations at the same location, and at other locations in the same watershed:	
The quantity of water diverted for dust abatement is minimal relative to the watershed. Habitat will be protected downstream by the parameters allowed under the current 1600 permit. Drafting conditions within the permit and the JDSF Water Drafting Plan (as submitted with THP 1-13-007 MEN) included protection for salmonids. These conditions also meet protection measures recommended by CDFW for foothill yellow-legged frogs.	

Caspar 500 THP
59
Section II

If the city of Fort Bragg would like to conserve water, I can think of a simple way to conserve 1,000s of gallons of water per day on the Mendocino Coast starting from this moment. That would be to continue the logging moratorium in Jackson Demonstration State Forest, and stop the extraction of 1,000s of gallons per day that it does not have it to spare. And that is just for one of the harvest plans!

The current logging moratorium in JDSF, may end soon with logging starting in the Caspar 500 THP. You might say, that's in Caspar, not Fort Bragg. But you must remember we are all in this together. When

Mendocino was running low on water, Fort Bragg stepped in to help to provide water, until Fort Bragg ran low and had to stop. Now water is being shipped to Fort Bragg from Ukiah.

I would like to request that the Fort Bragg City Council write a resolution to immediately support the continued moratorium on all logging operations in Jackson Demonstration State Forest to stop all timber harvest plans, not only to save the old 2nd growth redwood trees, and to preserve it for recreation, but mostly to conserve the thousands of gallons of water that those harvest plans intend to use per day, and the millions of gallons of water they will use for the duration of the harvest plans. That water will be needed for the well being, and possible survival of the residents and businesses of Fort Bragg, and the Mendocino Coast.

Thank you for trying to find solutions for the current water crisis in Fort Bragg and on the Mendocino Coast, and also for considering the request to support the continued moratorium of logging in the Jackson Demonstration State Forest.

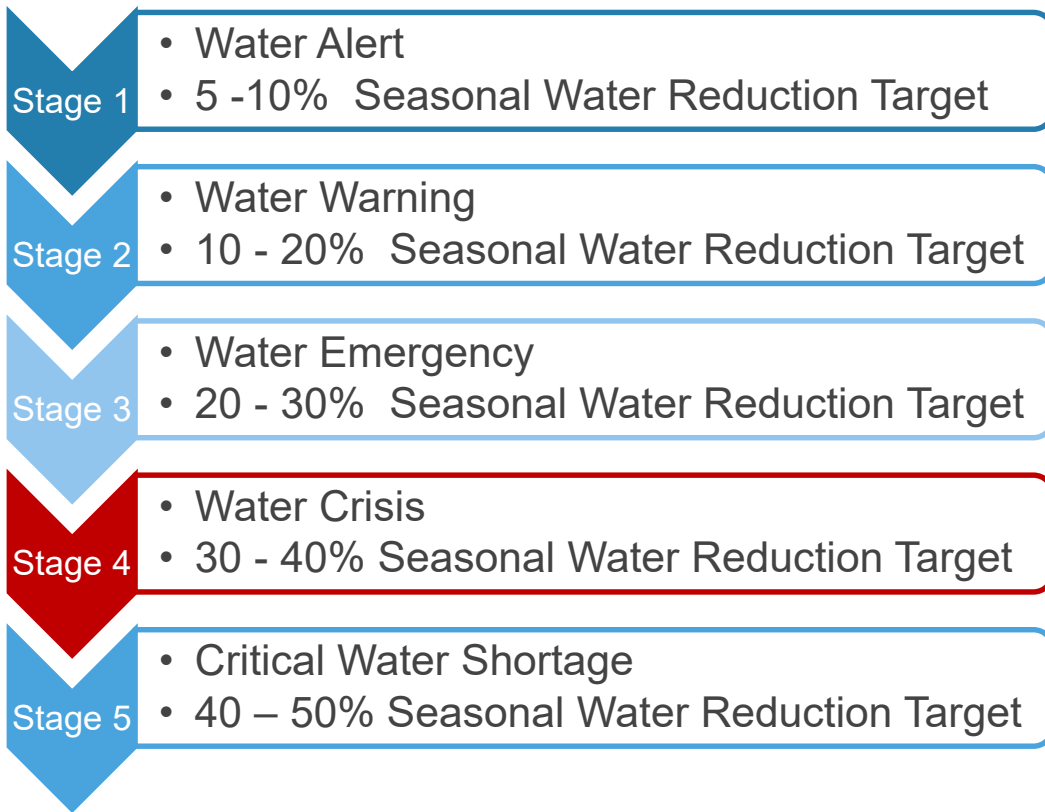
Keith Wyner
Fort Bragg, Ca.
95437
kwyner@mcn.org



STAGE 4- WATER CRISIS

City Council Meeting
September 13, 2021

Water Conservation Stages



Stage 4– Restrictions

1. Wasteful use of water is prohibited. All water usage must be for beneficial uses.
2. Water use shall stay confined to the customer's property and is not allowed to run off onto adjoining property, public sidewalks, streets or parking lots. Water use will not exceed the point of saturation.
3. No landscape irrigation shall be allowed, including public and private streetscape landscaping (medians and frontage) and drip irrigation.
4. No water from the city water system shall be used to refill swimming pools, artificial lakes, ponds or streams.
5. Water use for ornamental ponds and fountains is prohibited unless required to maintain existing vegetation or to sustain existing fish/animal life.

Stage 4– Restrictions

6. Washing of automobiles or equipment shall only be done at a commercial establishment that uses recycled, reclaimed water or private well water .
7. All water leaks shall be repaired within twenty -four hours of notification by the utilities department or discovery by the owner, or service may be discontinued
8. Basewater allocations, as established by the City pursuant to Section 14.06.030 for the appropriate customer class may be implemented to establish a maximum water usage limitation.
9. Washing of streets, parking lots, driveways, sidewalks, buildings and other hardscape surfaces is prohibited, except with an approved exemption form.

Stage 4– Restrictions

10. Water cannot be used for construction purposes such as dust control, compaction or trench jetting, except with an approved exemption form.
11. Restaurants shall serve water only upon specific request.
12. Discontinued use of hot tubs and inroom spa tubs at hotels/motels and lodging establishments.
13. Hotels and lodging establishments shall not provide patrons with stays of three days or less daily laundering of towels, sheets and linens. Lodges must prominently display notice of this requirement in each room

City Water Supply System

Three surface water Sources:

- × Waterfall Gulch (tributary to Hare Creek)
- × Newman Gulch (tributary to Noyo River)
- × Noyo River (diversion at Madsen Hole)
 - × *Provides approximately 60% of summer/fall supply*
 - × *Impacted by high tides creating high salinity*
 - × *17 days of tides > 6 ft. in August & September*

Storage 22.6 Million Gallons:

- × Summers Lane Reservoir 14.7 M gallons
- × Finished Water Tanks 4.5 M gallons
- × Raw Water Holding Ponds 3.4 M gallons

Current Usage & Supply for September

Three surface water Sources:

- × Waterfall Gulch 118k gallons
- × Newman Gulch 170k gallons
- × Noyo River (diversion at Madsen Hole)
 - × *Flowing at 220 gallons per minute but salinity too high to use*
 - × *After 9-20-21, up to 144k gallons*

Current Usage: 565k gallons daily

Summers Lane Reservoir:

- × 12.9 M gallons on 9-10-21 (90%)
- × 10.1 M gallons on 9-20-21 (70%)
- × 9.1 M gallons on 9-30-21 (63%)

Current Usage & Supply for October

Three surface water Sources:

- × Waterfall Gulch 110k gallons
- × Newman Gulch 155k gallons
- × Noyo River (diversion at Madsen Hole)
 - × *up to 144k gallons*
 - × *12 days of tides > 6 ft. in October*

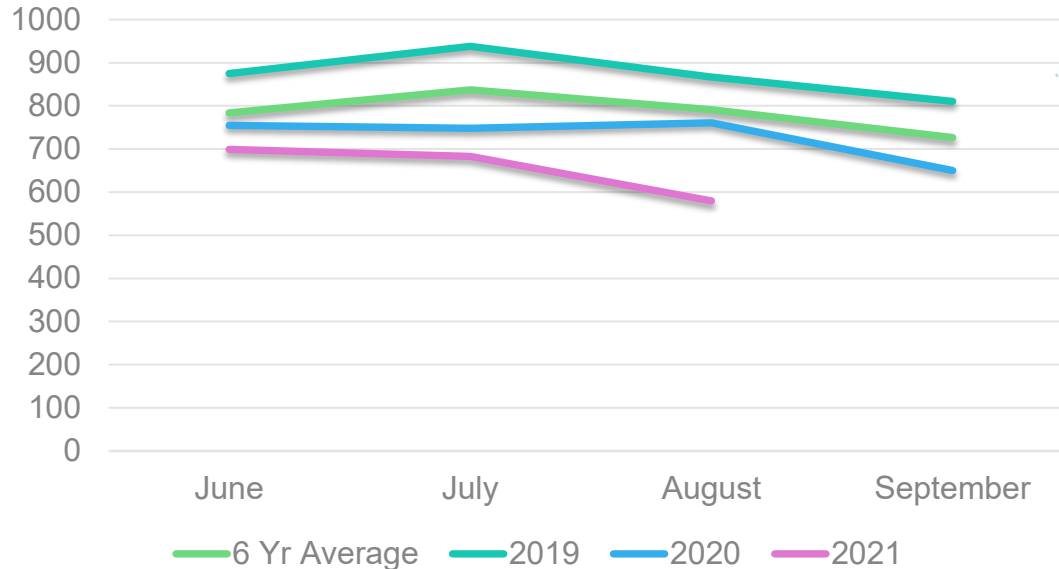
Projected Usage: 525k gallons daily

Summers Lane Reservoir:

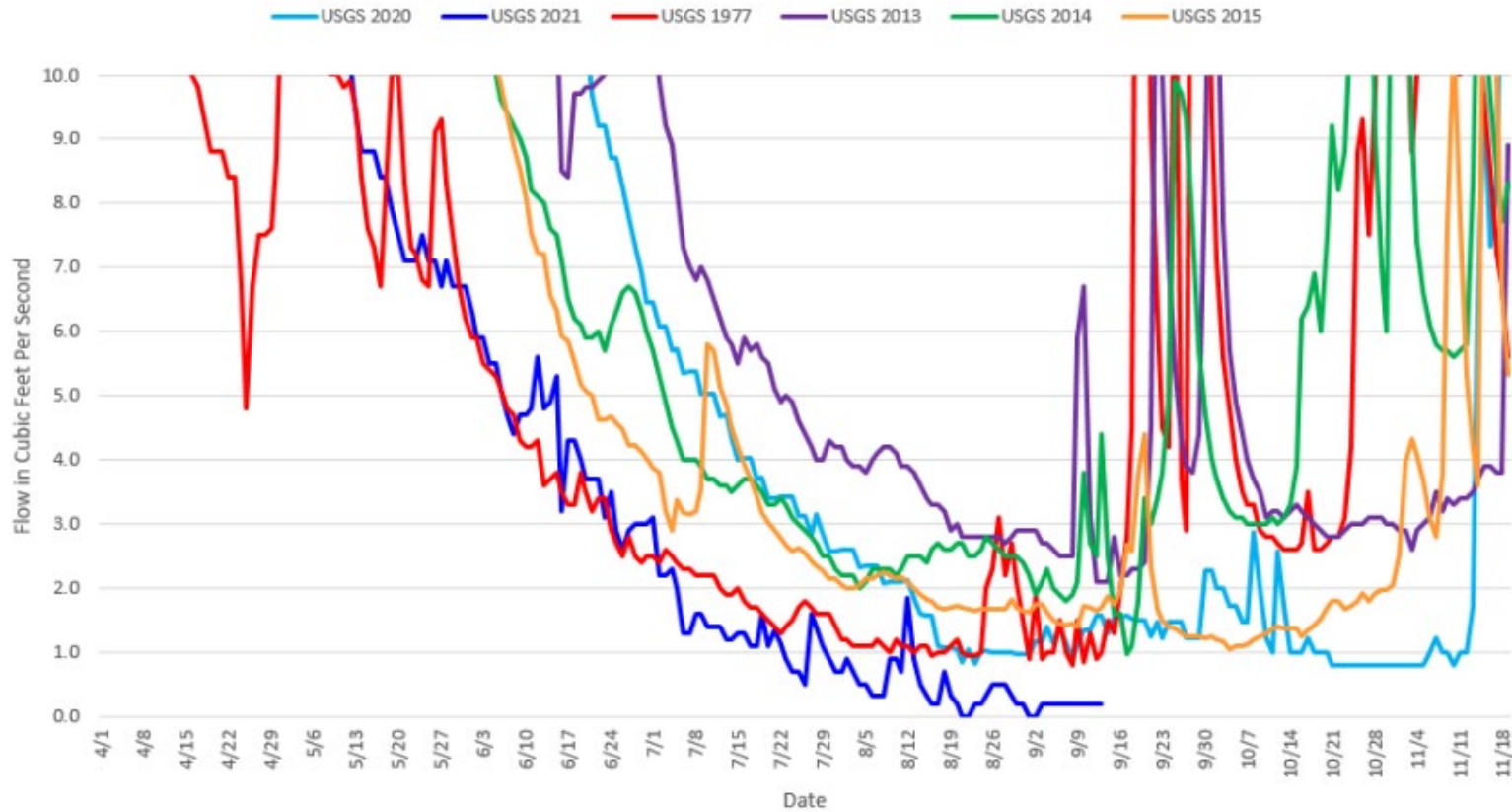
- × 9.0 M gallons on 10-01-21 (63%)
- × 5.1 M gallons on 11-01-21 (36%)
- × 1.4 M gallons on 12-01-21 (<10%)

Summer Water Usage

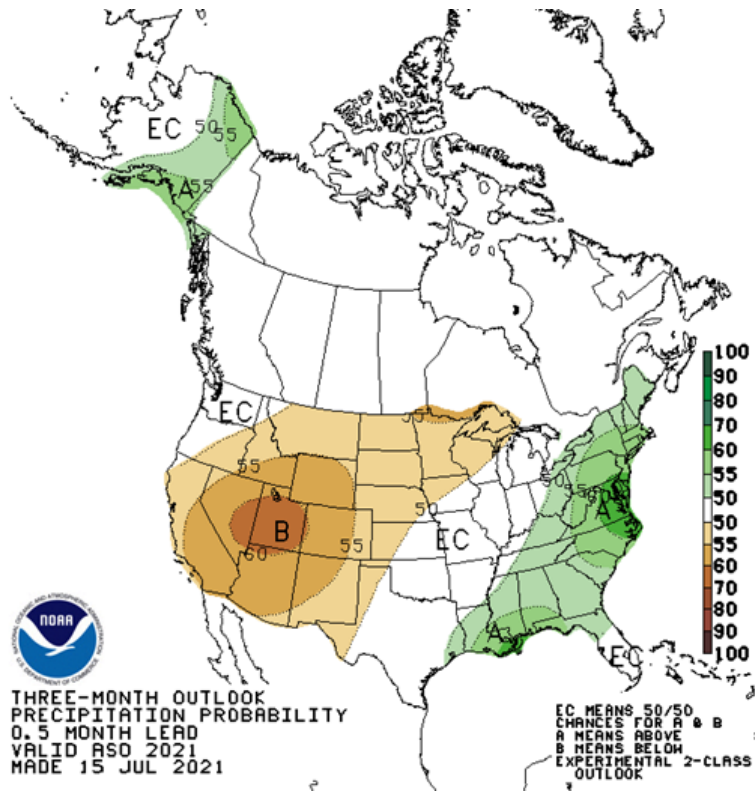
2015-2021
Per day in 1,000 gallons



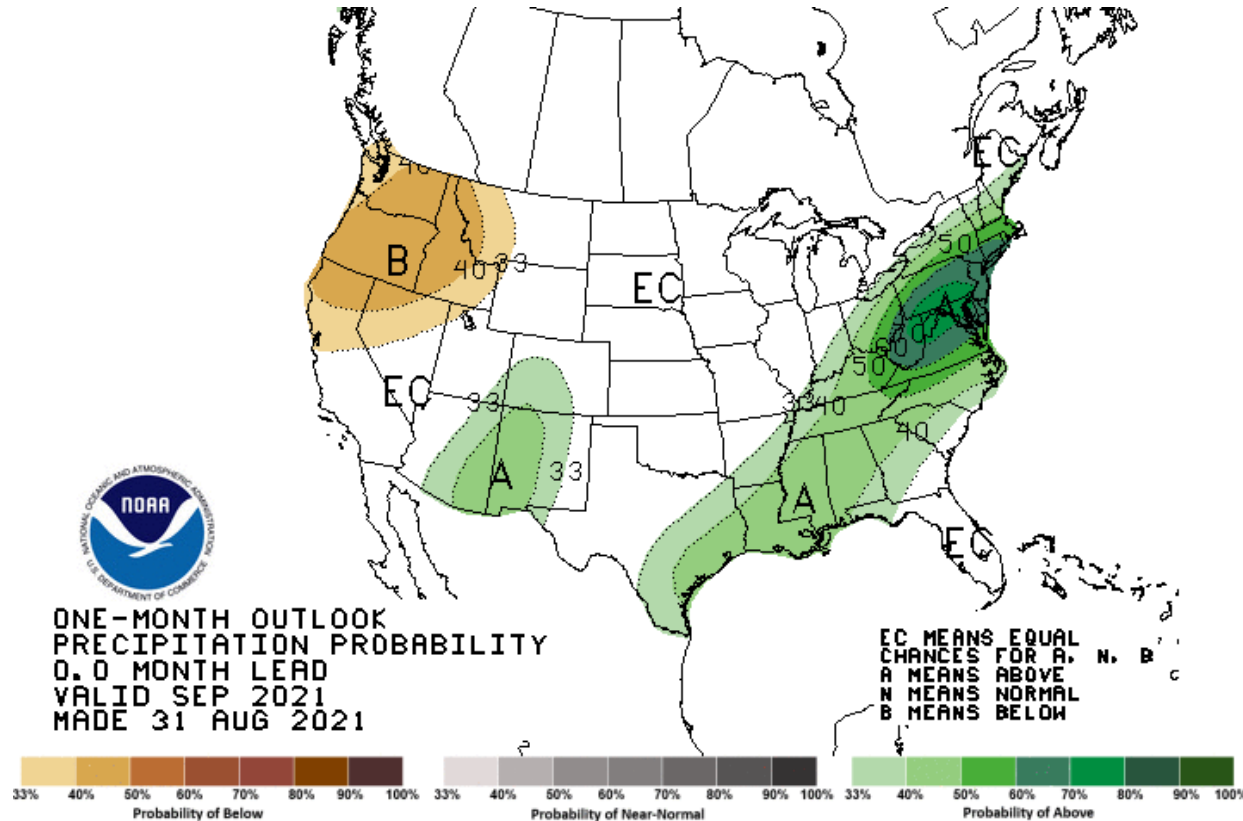
Noyo Flows



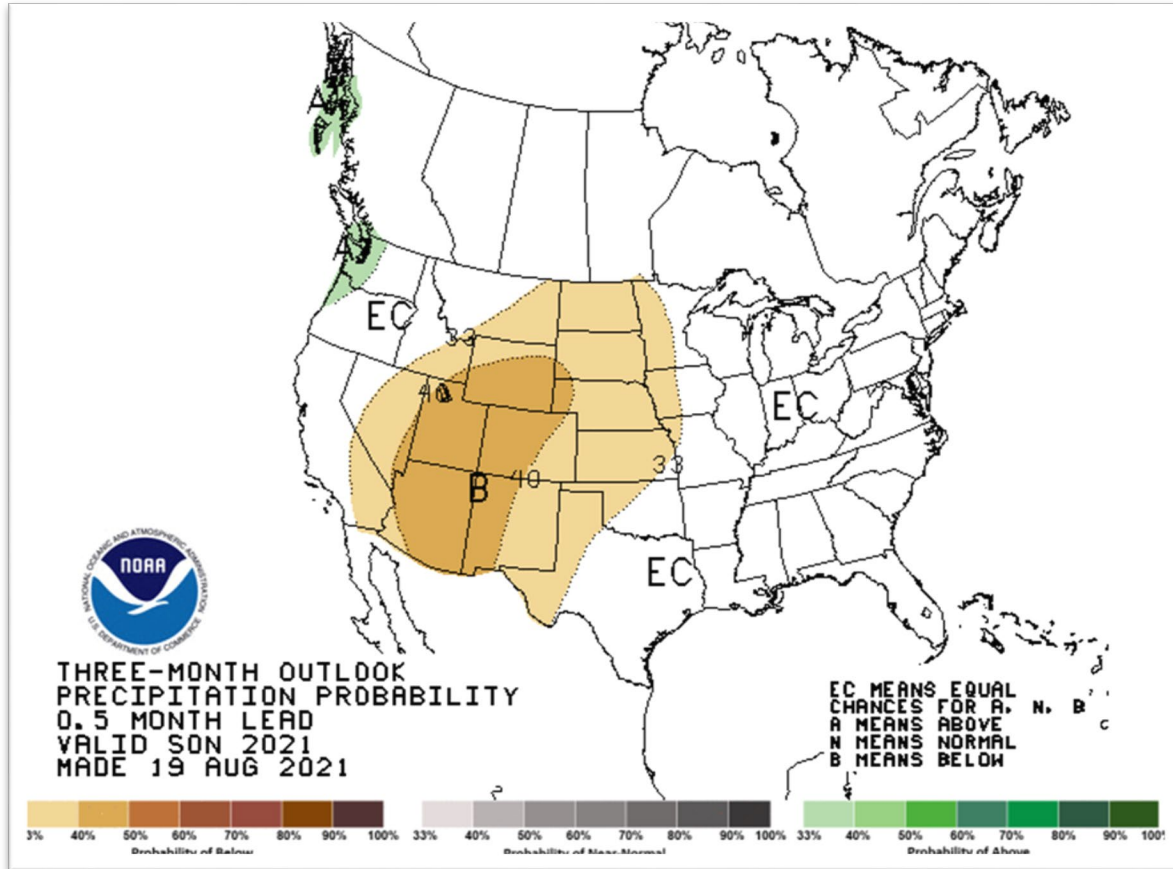
Prior Rain Outlook Aug, Sept, Oct 2021



Updated 30-day for September



Updated Rain Outlook Sept, Oct, Nov 2021



Supplemental Supply

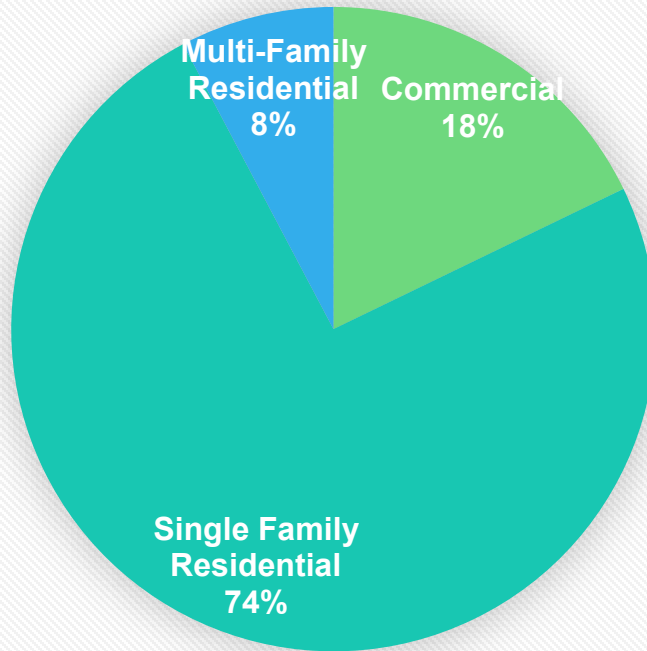
1. Desalination-ReverseOsmosis Treatment System from Aquaclear has a current estimated date of arrival of 924-21 that will allow it to continue to pump water from the Noyo River during high tides when salinity reaches levels which cannot be processed by the City's Water Treatment Plant.
2. Water treatment system for Fort Bragg Unified School District ground water irrigation well is 9-30-21.
3. Water from City of Ukiah began on September 8. As more hauling trucks are procured volume transported should increase.

Water Conservation Efforts

- × Signage
- × Automated outreach to all water customers
- × Link from top of City website
- × Table tents for restaurants & lodges
- × Calls to hotels
- × Press Releases
- × Radar message board
- × Free water conservation kits

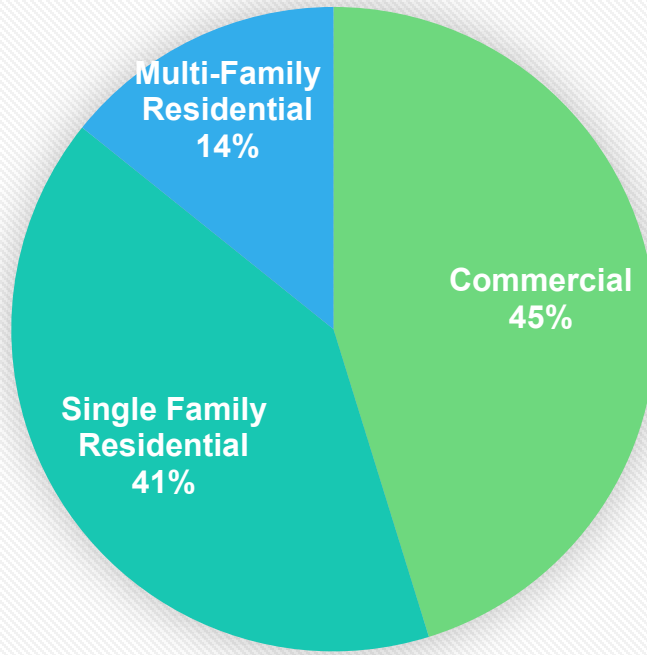
Questions?

Water Customers by Service



■ Commercial ■ Single Family Residential ■ Multi-Family Residential

Water Consumption by Service



■ Commercial ■ Single Family Residential ■ Multi-Family Residential



City of Fort Bragg

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

Text File

File Number: 21-424

Agenda Date: 9/13/2021

Version: 1

Status: Business

In Control: City Council

File Type: Ordinance

Agenda Number: 8A.

Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance 971-2021 Adding Chapter 7.18 (Feeding of Wildlife) to Title 7 (Animals) of the City of Fort Bragg Municipal Code to Prevent the Feeding of Wildlife in the City of Fort Bragg



AGENCY: City of Fort Bragg
MEETING DATE: September 13, 2021
DEPARTMENT: Community Development
PRESENTED BY: H Gurewitz
EMAIL ADDRESS: hgurewitz@fortbragg.com

AGENDA ITEM SUMMARY

TITLE:

Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance 971-2021 Adding Chapter 7.18 (Feeding of Wildlife) to Title 7 (Animals) of the City of Fort Bragg Municipal Code to Prevent the Feeding of Wildlife in the City of Fort Bragg

ISSUE:

The feeding of wildlife on the Coastal Trail and other City properties has become an environmental concern and a potential health and safety concern.

ANALYSIS:

In 2015, the City of Fort Bragg opened the northern portion of the Coastal Trail at Glass Beach providing public access to the coastal bluffs along the City of Fort Bragg. The southern portion of the trail was completed in 2016, and the final connecting segment along the Georgia Pacific Mill Pond was completed in 2019. Since opening, the Coastal Trail has been a destination for locals and tourists alike to recreate and experience the coastal environment.

On February 22, 2021, the City received a letter from Terra Fuller, a local resident and biologist (Attachment 1) expressing concern about the impacts of humans feeding wildlife on the Coastal Trail. She specifically noted that feeding wildlife is a violation of the California Code of Regulations Title 14 Section 251.1 (Attachment 2) and that it is causing environmental damage.

A letter was also received from the Mendocino Coast Audubon Society (Attachment 3) stating *"the number of ravens attracted to our parks, especially the coastal trails, has escalated to the point where they are a threat to other bird populations."*

The letter from the Mendocino Coast Audubon Society also notes, *"Our concern when we see people on public beaches feeding Common Ravens is for the effects on many other birds as well as the Ravens themselves. Ravens are so intelligent they recognize and remember cars and people who bring them food, forming large flocks to take advantage of the concentrated food source."*

The Mendocino Coast Audubon Society reports that they have conducted 494 surveys on the main beach of Glass Beach over last 14 years. They note a marked increase in the number of ravens over the last three years, and believe that it is the result of humans feeding wildlife.

The California Department of Fish and Wildlife summarizes the concern with feeding wildlife in their “Keep Me Wild” program:

“If wild animals have access to human food and garbage, unnatural foraging behavior can begin. Wildlife venturing into neighborhoods puts both people and animals at risk. Wildlife become susceptible to vehicle strikes, pesticide poisoning, injury from other wildlife, and disease. Public safety may be compromised.”

The Animal and Plant Health Inspection Service (APHIS), a branch of the USDA, says that feeding wildlife can be a public health concern. They state that, *“too many animals in one place increases the chance of disease transmission to people and among other wildlife”* (Attachment 4). An additional article from APHIS states that ravens negatively affect the recovery of sensitive, threatened, and endangered species, including snowy plovers and can be carriers of West Nile virus (WNV).¹

Ravens can become a nuisance bird. Addressing this issue now reduces the likelihood of it becoming a more serious issue that could require abatement in the future.

On April 12, 2021, the City Council provided direction to staff to draft an ordinance for Council review and develop a public education program and plan.

City staff proposes to include the following activities to educate the public on the new ordinance and the impacts of feeding wildlife:

- Add a wildlife informational page to the City’s website. See Davis example: <https://www.cityofdavis.org/city-hall/urban-wildlife/problems-with-feeding-wildlife>.
- Work with high school and elementary schools on projects to educate the community about feeding wildlife such as a poster or PSA contest.
- Put out Facebook posts and other PSAs during the busy summer season to educate visitors and remind locals of the new rules.

If adopted, the ordinance would apply to all City-owned properties including but not limited to: Bainbridge Park, Otis Johnson Park, Noyo Headlands Park and the Coastal Trail, Pomo Bluffs Park, around the Guest House Museum, around the CV Starr Community Center, and to private property within the City limits.

RECOMMENDED ACTION:

Introduce by title only and waive further reading of the proposed ordinance to prohibit the feeding of wildlife in the City of Fort Bragg.

¹ Peebles, Luke and Jack Spencer Jr. “Common Ravens.”

Wildlife Damage Management Technical Series. US Department of Agriculture, Animal & Plant Inspection Service Wildlife Services. February 2020.

ALTERNATIVE ACTION(S):

- Make revisions and consider introduction at a later date.
- Take no action on the proposed ordinance.

FISCAL IMPACT:

The fiscal impact of this ordinance is minimal. The budget for signage is under \$5,000. Additional impacts will be a limited amount of staff time to develop supplementary educational materials.

GREENHOUSE GAS EMISSIONS IMPACT:

This ordinance will have no impact on greenhouse gas emissions.

CONSISTENCY:

This project is consistent with the City of Fort Bragg's Coastal General Plan, Element 4 – Conservation, Open Space, Energy, and Parks Goal OS-5 Preserve areas with other biotic resources and specifically Policy OS-5.1 Native Species: Preserve native plant and animal species and their habitat. The proposed ordinance does not conflict with any elements of the Coastal General Plan.

Additionally, the Coastal Trail was built under Coastal Development Permit 10-10. The Coastal Development Permit Findings state that the project will not adversely affect coastal resources. There was a biological study on the impacts of the Coast Trail on avian habitat, but it did not address the specific issue now being faced of humans feeding wildlife and the environmental impacts on sensitive bird species. It is consistent with the permit requirements and conditions to address this issue.

This ordinance would also apply to parks in the inland zone of Fort Bragg. Although there is no express goal regarding wildlife, the ordinance is consistent with the Inland General Plan Element 4 Conservation, Open Space, and Parks Element:

“The City wishes to preserve as much open space as feasible to provide habitat for native species of plants and wildlife, reduce sprawl, and maintain the aesthetic benefits of undeveloped land. The City also wishes to conserve natural resources and provide its residents with a full range of recreational opportunities. The goals, policies, and programs of this Element address these aims by establishing the framework for the protection and enhancement of natural resources, the environment, and open space and for the provision of recreational opportunities for Fort Bragg residents and visitors.”

The ordinance does not conflict with any element of the Inland General Plan.

IMPLEMENTATION/TIMEFRAMES:

Introduction of Ordinance on September 13, 2021

Adoption of Ordinance on September 27, 2021

Ordinance Takes effect on October 27, 2021

Order signs on or before November 3, 2021

Sign installation between November 3, 2021 – January 15, 2022 including:

- 1 new Park Rules sign at Alder St. Entrance to Coastal Trail (attached to bathroom)
- 6-7 “Please Don’t Feed the Wildlife” signs for the Coastal Trail and Pomo Bluffs Park.
- Two additional interpretive panels or revisions of existing panels

Educational Component

September 7, 2021: Send press release to the newspapers on the new ordinance

October 9 – 16: Add wildlife informational page to the City’s website. See Davis example:

<https://www.cityofdavis.org/city-hall/urban-wildlife/problems-with-feeding-wildlife>

October 16 – December 15: Work with high school and elementary schools on projects to educate the community about feeding wildlife such as a poster or PSA contest.

Ongoing activity: Put out Facebook posts and other PSAs during the busy summer season to educate visitors and remind locals of the new rules.

ATTACHMENTS:

1. Letter from Terra Fuller
2. California Code of Regulations Title 14 Section 251.1
3. Letter from Audubon Society
4. APHIS
5. Ordinance 971-2021 to Add Chapter 7.18 Feeding of Wildlife

NOTIFICATION:

1. Bainbridge Park Notify Me Subscriber List
2. Coastal Trail Notify Me Subscriber List

From: [Terra Fuller](#)
To: [Norvell, Bernie](#); [Albin-Smith, Tess](#); [Morsell-Haye, Jessica](#); [Peters, Lindy](#); [Miller, Tabatha](#)
Cc: [Gurewitz, Heather](#); [CDD User](#)
Subject: feeding wildlife Coastal Trail
Date: Monday, February 22, 2021 9:20:26 PM

Dear Fort Bragg City Representative and Staff,

I am writing this letter regarding the feeding of wildlife, specifically ravens and ground squirrels, along the coastal trail, as a biologist and as a Fort Bragg City resident. I frequent the southern trail weekly and lately on almost every occasion I witness the public feeding ravens. I would say in most situations it is senior citizens feeding nuts to birds in the parking lot and along the trail and it appears the ravens are recognizing these individuals and their cars. A few of these people I have spoken to when occurring in front of me and many believe they're doing nothing wrong and have an emotional attachment to their actions.

Feeding wildlife may seem to have little consequences; however, it is against the law in violation of CCR title 14 section 251.1 with CDFW having "keep it wild" program due to the seriousness these actions can have on wildlife.

In addition, the coastal trail is a wonderful recreational opportunity and is located on valuable habitat for nesting seabirds, shorebirds, and many other terrestrial bird species. Feeding an extremely intelligent bird, as ravens are, will have repercussions to other species from direct predation, competition and harassment. Raven/ covid populations are increasing due to their opportunistic success with humans, with depredation needed to protect some endangered species. In addition, I was surprised to learn a few years ago while working with a local rancher that his lamb survival was not due to coyote predation, but from ravens; once birthed, ravens would eat their eyes resulting in the need for humane euthanasia.

I'm sure when the coastal Trail went through CEQA this issue of public feeding of wildlife was not examined nor required mitigation; however, given the severity of this problem and the impacts to other species (eventually this will lead to negative human-wildlife interactions), I am requesting the city take measures to mitigate this issue and suggest the following be considered and implemented to educate the public and enforce the necessary actions:

1.
Install signage stating no feeding of birds and wildlife. Locations should be around the parking lots, along the mill site road, along trails and bench locations.
2.
Educate city staff and the police department regarding this issue.
3.
Consider a future city ordinance to prohibit the feeding of wildlife (see City of

Downey-Davis as examples).

4.

Enforce this issue when doing patrols.

I know this may seem like a trivial issue, but we have an obligation to address this especially when we open up areas to the visiting public and our egregious actions are harming the biological community we are trying to experience and enjoy.

Thank you for your time.

Sincerely,

Terra Fuller

Sent from my iPad

§ 251.1. Harassment of Animals.

14 CA ADC § 251.1 BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
Barclays Official California Code of Regulations [Currentness](#)
Title 14. Natural Resources
Division 1. Fish and Game Commission-Department of Fish and Game
Subdivision 2. Game, Furbearers, Nongame, and Depredators
Chapter 1. General Provisions and Definitions (Refs & Annos)

14 CCR § 251.1

§ 251.1. Harassment of Animals.

Except as otherwise authorized in these regulations or in the Fish and Game Code, no person shall harass, herd or drive any game or nongame bird or mammal or furbearing mammal. For the purposes of this section, harass is defined as an intentional act which disrupts an animal's normal behavior patterns, which includes, but is not limited to, breeding, feeding or sheltering. This section does not apply to a landowner or tenant who drives or herds birds or mammals for the purpose of preventing damage to private or public property, including aquaculture and agriculture crops.

Note: Authority cited: Sections 200, 203, 265, 355, 3800 and 4150, Fish and Game Code. Reference: Sections 110, 200, 203, 203.1, 265, 270, 275, 2000, 3800 and 4150, Fish and Game Code.

HISTORY

1. New section filed 6-4-70; designated effective 7-1-70 (Register 70, No. 23).
2. Amendment filed 5-28-71; designated effective 7-1-71 (Register 71, No. 22).
3. Repealer filed 6-5-72; effective thirtieth day thereafter (Register 72, No. 24).
4. New section filed 11-14-90; operative 11-14-90 pursuant to Government Code section 11346.2(d) (Register 90, No. 50).
5. Change without regulatory effect amending Note filed 8-8-2019 pursuant to section 100, title 1, California Code of Regulations (Register 2019, No. 32).

This database is current through 2/26/21 Register 2021, No. 9.

14 CCR § 251.1, 14 CA ADC § 251.1



Tabatha Miller
City Manager
City of Fort Bragg
TMiller@FortBragg.com

RE: Feeding Ravens On the Fort Bragg Coast Trails and City Parks

Dear Ms. Miller,

This e-mail comes to request help and action by the City of Fort Bragg to stop people from feeding Common Ravens and ground squirrels on our city coastal trails and in our city parks.

The number of Ravens attracted to our parks, especially the coastal trails, has escalated to the point where they are a threat to other bird populations. The Black Oystercatcher in particular, our iconic bird of the rocky shoreline, is vulnerable to predation by Ravens during nesting season.

It's time to listen to what biologists are telling us about our interaction with wildlife. When people feed birds and ground squirrels on city trails, it's not good for humans or wildlife. We support the California Fish & Wildlife *Keep Me Wild* program that educates us about deeply serious health issues related to feeding wildlife. The California Code of Regulations (Title 14, section 251.1) is a basis for creating a city ordinance to help protect people and animals. This is nothing new and not a trivial matter. We request that it be put on the agenda for the upcoming March meeting of the City Public Safety Committee for a problem-solving discussion and consideration of a city ordinance to prohibit feeding wildlife in public parks and on the Fort Bragg Coastal Trails.

We advocate for all wild birds. Our concern when we see people on public beaches feeding Common Ravens is for the effects on many other birds, as well as the Ravens themselves. Ravens are so intelligent, they recognize and remember cars and people who bring them food, forming large flocks to take advantage of the concentrated food source. This is abnormal behavior for Ravens, which are naturally territorial. When large numbers of such birds congregate, as we are seeing at both ends of the Coastal Trail, it raises the possibility of disease transmission.

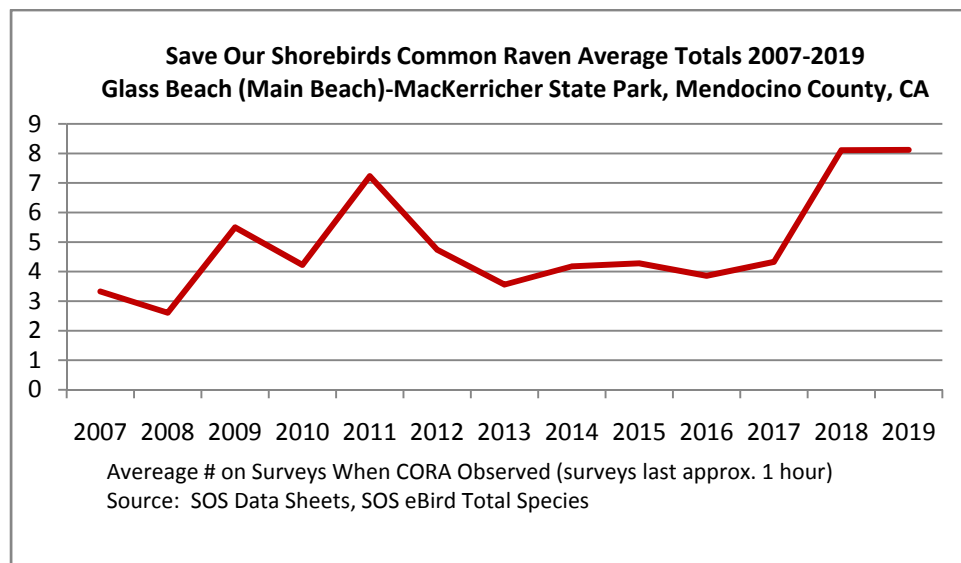
They are well-adapted to search for and obtain food from a variety of sources, and they continue doing this even when given food by humans. It's heartbreaking to watch Common Ravens eat their hand-outs, then fly directly to nearby bluffs where they rob nests of Black Oystercatchers and prey on oystercatcher chicks. We've seen this happen over and over, especially at Glass Beach (part of MacKerricher State Park). Now, we hear from fellow hikers and out-of-town visitors, that the same thing is happening along the Fort Bragg Coastal Trail.

It may be helpful to get input from California Fish & Wildlife, the U.S. Department of Agriculture, wildlife feeding ordinances in other cities (like the city of Davis, CA), and people from our local scientific community.

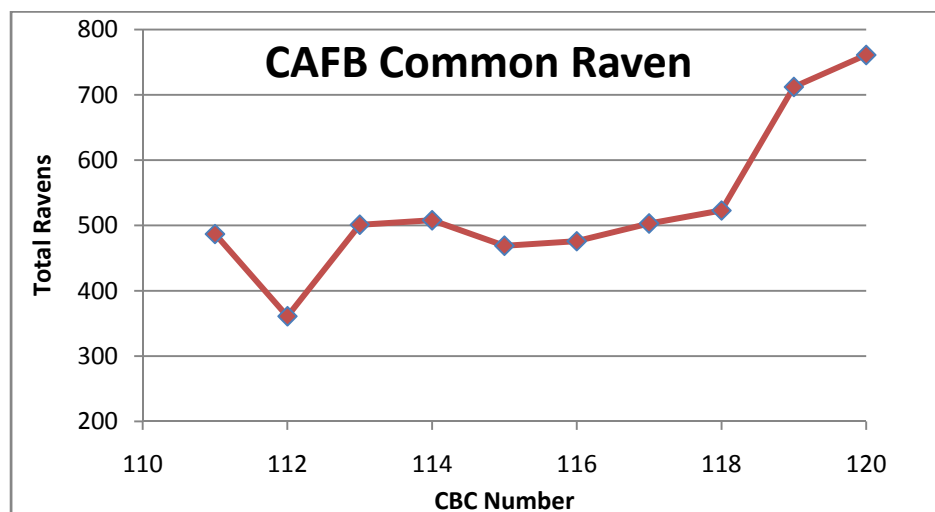
Local journalist Frank Hartzell decided to “dig into” the history of Common Raven interaction with humans in a September, 2019 article for the Mendocino Coast *Real Estate Magazine* that was a good introduction to the relationship between ravens and people. Here is the link:

<http://www.realestatemendocino.com/images/REM%20726.pdf>

A local Audubon conservation team has surveyed Glass Beach (adjacent to the city’s Coastal Trails) year-round for the past 14 years and gathered data about birds along the coastline of MacKerricher State Park from Glass Beach north to Ten Mile River. On the main beach of Glass Beach, 494 surveys were conducted and 2,612 Common Ravens were observed. The chart below indicates an increase in the average number of Common Ravens counted on the beach, particularly in the last three years. Based on what we saw during 2020 (including ravens being fed by people), we think that increase continued and will be reflected in our upcoming annual report.



Our Chapter has conducted a Christmas Bird Count in Fort Bragg for ten consecutive years. The chart below shows the total count for Common Ravens each year. The sharp increase in the last two Counts is largely from the population increase at the former millsite.



We are willing to devote a considerable amount of energy into bringing this crisis to the attention of the public and public officials. We would like to be kept in the loop about this issue in consideration before the city's Public Safety Committee and the City Council.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Bray', with a horizontal line drawn underneath it.

Tim Bray, President
Mendocino Coast Audubon Society
P.O. Box 2297
Fort Bragg, CA 95437

Mayor B. Norvell, Vice Mayor J. Morsell-Haye, Council Member L. Peters

Don't Feed the Wildlife



Help keep wildlife wild and healthy. Wildlife Services encourages you to avoid feeding wildlife such as ducks, geese, gulls, raccoons, deer, squirrels or coyotes. One way you can help reduce wildlife conflicts with people is by not feeding wildlife near human populations and in parks.

Wildlife Services experts are often asked to assist with wildlife damage problems related to animals that have been accidentally or intentionally fed by people. Feeding wildlife can lead to a number of serious problems:

- Human food is not healthy for wild animals, and they do not need food from humans to survive. Wild animals have specialized diets, and they can become malnourished or die if fed the wrong foods. Also, animals cannot distinguish food from wrappers or foil and can get sick eating these items.
- Feeding leads to public health concerns. Too many animals in one place increases the chance of disease transmission to people and among other wildlife.
- Animals accustomed to people often lose their fear of people and can become aggressive. Those that become too aggressive may have to be destroyed to protect people and property.
- Birds gathering near or on airports can become victims of bird-aircraft collisions, potentially causing flight delays, damage to aircraft, and loss

of human life.

- Animals fed along roads tend to stay near roads, increasing the chance of vehicle-animal accidents.
- Large concentrations of ducks and geese can pollute nearby waterways, backyards and athletic fields. Some waterfowl species drop up to a pound of feces every day!

How You Can Help

Many people enjoy living near and watching wildlife. You can help keep animals wild by keeping the following tips in mind.

- Do not encourage wildlife by feeding or leaving food for them.
- Don't allow bird food to accumulate on the ground.
- Don't place food scraps in gardens or compost bins, and use a closed compost bin.
- Keep pet food and water containers indoors, especially at night.
- If you have fruit trees, harvest or dispose of fruit when it is ripe.
- Use metal or durable plastic trash containers with tight fitting lids.
- Enjoy viewing wildlife at a distance. Respect their space and remember they are wild animals that should stay wild.

For more information or assistance with a wildlife damage issue, please call your WS state office at **1-866-4USDA-WS (1-866-487-3297)**.

Resources:

- [Coyotes in Towns and Suburbs](#)
- [Living With Wildlife: Canada Geese](#)

- [Living With Wildlife: Raccoons](#)
- [Relocating Wildlife Requires Caution](#)
- [Feral Swine Damage Management Program](#)

Research:

- [An Analysis of Deer-Vehicle Collisions: the Case of Ohio](#)
- [The Costs of Bird Strikes and Bird Strike Prevention](#)
- [Human-Bear Conflicts](#)

Signs for airports, parks and public areas:

- [Don't Feed Wildlife goose sign for aviation safety \("All Feeding Is Discouraged" version\)](#)
- [Don't Feed Wildlife goose sign for aviation safety \("All Feeding Is Prohibited" version\)](#)

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

**AN ORDINANCE ADDING CHAPTER
7.18 (FEEDING OF WILDLIFE) TO TITLE
7 (ANIMALS) OF THE FORT BRAGG
MUNICIPAL CODE TO PROHIBIT THE
FEEDING OF WILDLIFE**

ORDINANCE NO. 971-2021

WHEREAS, the City of Fort Bragg ("City") is a city organized under the laws of the State of California with authority to enact ordinances to protect the public health, safety and welfare within the City under Article XI, Section 7 of the California Constitution; and

WHEREAS, the feeding of wildlife can lead to negative impacts on animals, people and the environment; and

WHEREAS, feeding wildlife can lead to aggressive behavior towards humans, which presents health and safety concerns for residents and visitors of the City; and

WHEREAS, feeding wildlife can artificially support the growth and carrying capacity of urban wildlife populations, compromising wildlife health and increasing human exposure to, and potential conflicts with wildlife; and

WHEREAS, feeding wildlife can cause certain species to localize activity in the vicinity of the food source, thus increasing associated negative impacts on property owners and/ or individuals within those neighborhoods; and

WHEREAS, Section 251.1 of Title 14 of the California Code of Regulations prohibits the harassment of any game or nongame bird or mammal or furbearing mammal, expressly including intentional acts such as feeding that disrupt the animal's natural foraging behavior; and

WHEREAS, the City Council finds that an ordinance prohibiting the intentional and negligent feeding of certain types of wildlife, as defined, and further specifying types of permissible and prohibited conduct regarding interaction with wildlife in the City, is consistent with the City's long-standing commitment to protect and conserve biological resources and public safety and will promote the public health, safety and welfare.

NOW, THEREFORE, the City Council ordains as follows:

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

1. The foregoing recitals are true and correct and are made a part of this ordinance.

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

Section 2. Municipal Code Amendment. Title 7 ("Animals") of the City of Fort Bragg Municipal Code is hereby amended to add Chapter 7.18 ("Feeding of Wildlife") as follows:

CHAPTER 7.18 FEEDING OF WILDLIFE

7.18.010	Purpose
7.18.020	Definitions
7.18.030	Feeding of Wildlife Prohibited
7.18.040	Exceptions
7.18.050	Violation -- Penalty

7.18.010 Purpose

Feeding of wildlife is both detrimental to wildlife health and causes a public health nuisance and safety hazard that negatively impacts public health and welfare.

This chapter is intended to prohibit, with certain exceptions, the feeding of wildlife within the City of Fort Bragg to protect the environment and promote the public health, safety and welfare.

7.18.020 Definitions

For purposes of this article, the following definitions shall apply:

"Feed" means to give, distribute, place, expose, deposit, or scatter any edible material on any public or private property with the intention of feeding, attracting, domesticating or enticing wildlife, whether or not wildlife is in the vicinity at the time. Feeding does not include baiting in the permitted and legal take or depredation of wildlife in accordance with federal, state and local law.

"Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

"Wildlife" means any non-domesticated species of animal including but not limited to coyotes, deer, wild turkeys, foxes, skunks, raccoons, possums, squirrels, ducks, geese, ravens, crows, and gulls.

7.18.030 Feeding of Wildlife Prohibited

A. No person shall purposely or knowingly feed wildlife on public or private property in the City of Fort Bragg.

B. No person shall leave or store any refuse, garbage, pet food, seed or birdseed, fruit, meat, dairy, vegetable, grain or other food in a negligent manner likely to feed wildlife.

C. No person shall fail to take remedial action to cease contact or conflict with wildlife, including to secure or remove outdoor refuse, cooking grills, pet food, backyard bird feeders or any other similar food source or attractant, after being advised by the City of Fort Bragg to undertake such remedial action.

7.18.040 Exceptions

The prohibitions in Section 7.18.030 do not apply to:

A. Landscaping, gardening, and/or maintaining vegetable gardens, fruit and nut trees or other plants, so long as such activities are not conducted for the purpose of feeding wildlife as defined in this article.

B. Feeding of birds, except wild turkeys, outdoors on private residential properties using bird feeders, to the extent authorized by law and subject to the following requirements:

1. Bird feeders shall be placed at least five (5) feet above the ground and shall be suspended on a cable or otherwise secured so as to prevent the bird feeders from being easily accessible to other wildlife.
2. The feeding shall not substantially interfere with the rights of surrounding property owners.
3. The area below and around bird feeders must be kept clean and free of seed and an accumulation of feces.
4. No person shall knowingly allow or permit bird feeders to become an attractant for rodents or other wildlife other than birds.
5. Bird feeders shall be kept clean to prevent the spread of disease among wild bird populations.

C. Any State or local employee or agent authorized to implement a wildlife management program involving baiting, or any other person or business lawfully authorized to bait and trap wildlife pursuant to State law.

D. Any person who is the legal owner or guardian of a wildlife species maintained and confined under a valid license or permit issued by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, and in compliance with all applicable laws.

E. A wildlife rehabilitator, under a valid license or permit issued by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, who is temporarily caring for sick, injured, or orphaned wildlife in compliance with all applicable laws.

F. Any person who feeds trapped, injured, or orphaned wildlife between the time that a wildlife rehabilitator or agency charged with animal control is notified and the time the animal is picked up. Any person that discovers such trapped, injured, or orphaned wildlife must immediately notify an authorized animal control agency, and no person may intentionally keep such wildlife beyond the time reasonably necessary for animal control services to access and transport the wildlife.

G. Baiting, for the purpose of trapping, feral cats as part of a Society for the Prevention of Cruelty to Animals (SPCA) approved Trap-Neuter-Release program.

H. Any property owner baiting, for the purpose of trapping, wildlife on their property when authorized by, and in accordance with, State law including but not limited to trapping gophers, house mice, moles, rats, and voles pursuant to Fish and Game Code section 4005(f); taking of certain mammals found injuring crops or property pursuant to Fish and Game Code section 4152; taking of certain nongame birds and mammals such as weasels, skunks, opossum, moles and rodents pursuant to 14 CCR § 472; or as otherwise permitted and authorized by State law.

Section 7.18.050 Violation -- Penalty.

Any person violating any provision or failing to comply with any of the requirements of this chapter shall be deemed guilty of an infraction as set forth in Chapter 1.12 of this code.

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

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

The foregoing Ordinance was introduced by Councilmember [REDACTED] at a regular meeting of the City Council of the City of Fort Bragg held on September 13, 2021 and adopted at a regular meeting of the City of Fort Bragg held on September 27, 2021 by the following vote:

AYES:
NOES:
ABSENT:

**ABSTAIN:
RECUSED:**

BERNIE NORVELL
Mayor

ATTEST:

June Lemos, CMC
City Clerk

PUBLISH: July 29, 2021 and October 7, 2021 (by summary).
EFFECTIVE DATE: October 27, 2021.

Lemos, June

From: Linda Jo Stern <lindajostern@gmail.com>
Sent: Saturday, July 24, 2021 5:51 PM
To: Lemos, June
Subject: CHAPTER 7.18 FEEDING OF WILDLIFE

Good afternoon, June. As a resident of Fort Bragg, and a frequent user of the local trails and parks, I would like to urge the City Council to vote for the ordinance that will add Chapter 7.18 prohibiting feeding of wildlife. Specifically, feeding of the ravens contributes to the raven population which is then a detriment to the eggs and chicks of many shore birds and songbirds. Feeding of the ground squirrels is not healthy for them and creates an unhealthy relationship between the squirrels who can forage and thrive on their own (without peanuts and cheetos) and the people feeding them who could potentially be scratched or bitten by the squirrels. There is a reason why wildlife is called such - they live in the wild, not in the laps or arms of humans.

If possible, could this new chapter include a requirement for additional signage that would be strongly worded, visually attractive and bilingual in English and Spanish.

Thank you for your consideration.

Linda Jo

Linda Jo Stern, MPH
617-435-8412 (mobile)

Lemos, June

From: Jacob Patterson <jacob.patterson.esq@gmail.com>
Sent: Monday, July 26, 2021 3:23 PM
To: Lemos, June; Munoz, Cristal
Cc: Gurewitz, Heather; O'Neal, Chantell
Subject: Public Comment -- 7/26/21 CC mtg., Item No. 8A

City Council,

In reviewing the staff report for the proposed ordinance, I was taken aback by how obviously deficient the consistency analysis section is. First, this (or any other) section of the staff report fails to include any actual analysis of the proposed ordinance's consistency with the applicable policies of the City's General Plans. All City actions, including ordinances, are required to be evaluated for and determined to be consistent with the City's General Plans but this requires something more than mere unsupported assertions of consistency without any explanation. How is this proposed ordinance consistent with anything cited in the staff report? The staff report certainly doesn't tell us how. All it does is claim that "The proposed ordinance does not conflict with any elements of the Coastal General Plan" but it doesn't explain how or why that asserted conclusion is justified.

Moreover, the project's alleged consistency with the single policy mentioned in the staff report, Policy OS-5.1, is not explained in any way. How would this new ordinance advance that policy's objective to "Preserve native plant and animal species and their habitat"? This is not explained at all nor can the alleged basis for the ordinance's consistency even be inferred from the rest of the content of the staff report. The City Council should expect better content in staff reports, particularly actual analysis supported by facts related to the specifics of the proposal, not meaningless assertions of consistency without any explanation.

At least this ordinance acknowledges the obvious connection between wildlife food sources and their habitat even though the same staff member erroneously assumed that the definition of bird habitat is limited to nesting locations in the staff report for agenda item 7A. However, this doesn't demonstrate in any way how prohibiting feeding of birds in City property is consistent with the objective of Policy OS-5.1 to preserve native animal species and their habitat.

On a different note, the draft ordinance attempts to rely on a categorical exemption from further environmental review but completely omits any justification or supporting analysis for doing so. Yet again, we have a completely unsupported assertion that "There is no possibility that the adoption of this ordinance will have a significant impact on the environment" without even a cursory attempt to explain how this ordinance could not, in any circumstance, have a significant effect on the environment and therefore is exempt from environmental review. Consistency analysis, and a finding regarding the appropriate level of CEQA review, require substantial evidence in the record to support the required determinations but no such evidence exists for this ordinance. As such, I must object to the City Council adopting this ordinance without first demonstrating, based on substantial evidence in the record, that the ordinance is consistent with the City's general plans and that adopting the ordinance is exempt from environmental review. Changing the existing feeding practices of wildlife on city property (even if those practices were already illegal under state law) obviously has an impact on the environment because both the plants and animals that were receiving nutrients from humans will no longer have access to food or water provided by humans and on which they were likely relying. How will wildlife obtain alternative food sources once food and water supplied by humans is no longer available or at least diminished compared to existing conditions? Is there any evidence that this ordinance will have a beneficial effect on the environment sufficient enough to justify the asserted conclusion? If so, what is it and why hasn't it been presented or analyzed in the staff report and agenda materials? The City Council should direct staff to perform

this necessary analysis and bring this item back for consideration at a future meeting once there is support in the record to justify the asserted conclusions.

Regards,

--Jacob

From: [Robert Jorgensen](#)
To: [Lemos, June](#)
Subject: Comment on Agenda Item 8A 21-24 for Sept 13 Meeting
Date: Thursday, September 9, 2021 4:15:40 PM

While we all realize that Ravens can be a problem (if you do not keep your garbage can lid closed), they are also highly intelligent and do interact with humans that they view as friendly. I see this daily on my walks when one raven will swoop over me, land in the street and follow along. Yes, I do give them some treats--dog kibble--but they continue to arrive every day and are not afraid of me. Anyone who has studied or read up on these intelligent birds knows that they are choosy in trusting people and only acting as their innate nature controls. I believe this particular ordinance arose from complaints about ravens on the coastal trail and "certain" people feeding them. As for enforcement, are you planning on a bounty for individuals who turn in these miscreants, increased police patrols to find the perpetrator in the act?

So, instead of addressing that particular "complaint"(i.e. ravens doing what they naturally do) you now propose to regulate bird feeders??

So, what is the rationale behind a 5 foot high bird feeder (oh, and by the way is it measured from the top or bottom of the feeder?) and how do you propose to enforce this quite silly restriction--neighbors looking over my fence and estimating how high up the bird feeder is? Also discriminates against short people and children--if you aren't tall enough to fill the feeder at the now prescribed 5 ft height what then? Too many ways to run afowl of this law.

This reads like some of the worst HOA stories. Will you also include acceptable bird feeder designs, colors, maximum number per yard, size??

Then, somehow you brought feral cats into the story without a description of what a feral cat IS. Does this mean that I can trap (according to the ordinance proposed) any cat in my yard without a collar and owners tag?

So, in summary--this is an unnecessary law and as a taxpayer I have some trouble believing that you had all the staff time spent on what I consider pretty much nonsense. You have better uses for your time as city government than this. On the other hand, if you are going to start acting like an HOA, how about getting more paint on some of the buildings?

Sincerely hoping that you have better use for your time

Robert J Jorgensen, Fort Bragg

Public Comment -- 9/13/21 CC Mtg., Item No. 8A

From: "Jacob Patterson" <jacob.patterson.esq@gmail.com>

To: "June Lemos" <jlemos@fortbragg.com> "Cristal Munoz" <cmunoz@fortbragg.com>

September 13, 2021 2:23 PM

City Council,

Upon reading the other public comments--my comment from the earlier meeting includes a reference to another agenda item that doesn't apply tonight--I have follow up comments and a specific objection to this ordinance as currently written. First, the exceptions for bird feeders in proposed section 7.18.040 is arguably discriminatory against people with mobility needs and methods that rely on wheelchairs or scooters to get around and access things. The height limits effectively discriminate against disabled people who cannot reach a five-foot high bird feeder. Second, proposed section 7.18.030, subd. B is vague and ambiguous (i.e., it is poorly written to the point of not being enforceable, in my opinion). "B. No person shall leave or store any refuse, garbage, pet food, seed or birdseed, fruit, meat, dairy, vegetable, grain or other food in a negligent manner likely to feed wildlife." This language is problematic because it includes the term "negligent" but doesn't define what negligent would be in this context nor is there any clear direction provided to the public on what actions or conditions would violate this provision.

The idea behind this ordinance is fine but the execution of that idea is lacking, IMO. It should probably be tabled or brought back after the City Attorney's office revises the proposed language to make sure it is both clear and enforceable as written as well as looking ahead to make sure it will be enforceable as applied to particular situations. That said, I also agree with Robert Jorgensen that this is an odd and unnecessary use of CDD staff time when so many more important items are not happening. For example, the City is arguably out of compliance with legal requirements concerning a lack of progress implementing housing element programs. We also don't have a functional cannabis cultivation ordinance even though the delays meant significant additional cost to the City because of the required CEQA review.

Regards,

--Jacob



Adding Chapter 7.18 to Prevent the Feeding of Wildlife in the City of Fort Bragg

HEATHER GUREWITZ, MCRP
ASSOCIATE PLANNER
COMMUNITY DEVELOPMENT DEPARTMENT



Issue



“If wild animals have access to human food and garbage, unnatural foraging behavior can begin. Wildlife venturing into neighborhoods puts both people and animals at risk. Wildlife become susceptible to vehicle strikes, pesticide poisoning, injury from other wildlife, and disease. Public safety may be compromised.”

California Fish and Wildlife, Keep Me Wild



Coastal Trail



- ▶ City made a commitment to minimize environmental impacts of the coastal trail.
- ▶ Increase in raven populations and disruption of squirrel wildlife through feeding.



Potential Impacts



- ▶ The Animal and Plant Health Inspection Service (APHIS) :
 - ▶ “too many animals in one place increases the chance of disease transmission to people and among other wildlife
 - ▶ ravens negatively affect the recovery of sensitive, threatened, and endangered species, including snowy plovers
 - ▶ can be carriers of West Nile virus (WNV)
- ▶ Disease(s) (e.g. salmonellosis) spread through bird feeders and birdbaths killed songbirds in CA, OR, and WA this past spring.

Proposed Ordinance



- ▶ Wildlife means any non-domesticated species of animal **including but not limited to** coyotes, deer, wild turkeys, foxes, skunks, raccoons, possums, squirrels, ducks, geese, ravens, crows, and gulls.
- ▶ Feeding wildlife on public and private land would be prohibited
- ▶ Includes the negligent feeding of wildlife (e.g. open garbage)
- ▶ Bird feeders (except turkeys) are legal but must be kept in manner that does not attract other animals or cause potential harm to birds through the spread of disease.

New Signage



- ▶ Local Audubon will fund 1-2 interpretive signs
- ▶ City will install no feeding signs along coastal trail and as needed on other City properties.
- ▶ Additional Park Rules Sign at the Alder St. Entrance



Feeding Wildlife

It's hard to resist feeding the wildlife but please don't - for their health and your safety.

Their Health	Your Safety	FED WILDLIFE IS DEAD WILDLIFE. IF YOU CARE, DON'T FEED!!
<p>The native animals who live here, including ducks, geese, squirrels, raccoons and other wildlife, need nature's diet to be healthy. Human food is "junk food" for wildlife. Well-intentioned handouts may cause disease like "Angel Wing" and obesity, injury and even death for the animals.</p> <p>Providing unnatural food encourages wildlife to congregate in large numbers, leading to territorial fighting, attacks by predators and being hit by cars. Animals you feed today may be killed as "pests" tomorrow. Don't harm wildlife with your kindness...help them remain healthy, safe and free.</p>	<p>Native animals who eat human food.....</p> <ul style="list-style-type: none">• May bite, scratch or threaten park visitors.• May come into conflicts with your pets.• May spread disease.	<p>Feeding Wildlife is illegal in the City of Huntington Beach, the County of Orange, the State of California and in all Federal Parks. Huntington Beach Municipal Code: 13.48.075 Feeding of Wildlife on City Property Prohibited. Punishable by Fine.</p>



Public Education



- ▶ Press Release
- ▶ Work with local schools to create media content & educate
- ▶ Article in the City Buzz
- ▶ Website content on urban/wildlife interface



NEWS

No results found.

EVENTS

No results found.

Davis has many wonderful mature trees, densely vegetated greenbelts and natural open space areas. These areas are attractive to a wide variety of wildlife including common, rare and protected species.

Living with Wildlife

Having wildlife live so close to home provides a great opportunity to watch and enjoy our fellow Earthlings. However, urban wildlife can also create problems when they eat our fruits and vegetables or damage our homes or landscaping. Here are some general preventive measures to help reduce conflict with wildlife.

- [Do not feed wildlife](#). Feeding wildlife may not seem like a big deal, but it is the primary cause for conflict. Supplemental feeding encourages them to stay closer to your home, causes them to become less fearful of humans, and may reduce their health. Wild animals are capable of finding their own food.
- Do not feed pets outside. If you must, be sure to immediately remove any uneaten portion.
- Keep small pets indoors at night. Large predators such as coyotes and great-horned owls view small pets as potential food.
- Secure pet doors during late evening and night hours. Nocturnal species such as raccoons will readily enter cat doors in search of food.
- Protect backyard chickens by using a [predator proof coop](#).
- Search for, repair or otherwise seal any holes, loose boards or gaps around the perimeter of your house so that wildlife cannot enter. Mice can squeeze through a hole or gap that's



City of Fort Bragg

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

Text File

File Number: 21-403

Agenda Date: 9/13/2021

Version: 1

Status: Business

In Control: City Council

File Type: Resolution

Agenda Number: 8B.

Receive Report and Consider Adoption of City Council Resolution Approving the Application for Rural Recreation and Tourism Funds to Rehabilitate the Gym at 416 N. Franklin St. and Develop a Multi-Purpose Recreation Room



AGENCY: City of Fort Bragg
MEETING DATE: September 13, 2021
DEPARTMENT: Community Development
PRESENTED BY: Heather Gurewitz
EMAIL ADDRESS: hgurewitz@fortbragg.com

AGENDA ITEM SUMMARY

TITLE:

Receive Report and Consider Adoption of City Council Resolution Approving the Application for Rural Recreation and Tourism Funds to Rehabilitate the Gym at 416 N. Franklin St. and Develop a Multi-Purpose Recreation Room

ISSUE:

City Hall East consists of the "old gym" and the former pool building. Both structures date back to the 1920s. Since 2010, the City has had plans to renovate the two buildings. The old pool building is currently a hazard as it is no longer structurally sound. City staff are proposing to apply for a Rural Recreation and Tourism Grant from the California State Parks for up to \$3,000,000 to create a multi-purpose recreation room in the former pool building, create public restrooms, and renovate the existing gym at 416 N. Franklin St.

ANALYSIS:

The Rural Recreation and Tourism (RRT) Program is administered through California State Parks and intended to create new recreation opportunities within rural communities to support health-related and economic goals. This program is funded by Proposition 68 (2018 Bond Act), which is found in Public Resources Code §80090(a)(b).

The total amount available is \$23,125,000 and competitive grants will range from \$200,000 to \$3 million. There is no match requirement because the median household income for Fort Bragg is below \$56,982. The due date is November 5, 2021.

At the March 23, 2021 Community Development Committee (CDC) Meeting, the Committee directed staff to put together some recommendations for projects. Staff reviewed several projects that had been identified in previous meetings and through community engagement and found three possible options that would be compatible with the grant:

1. Pool Building Conversion – Turning the former pool building into a multipurpose recreational atrium including structural improvements to the existing gym and the creation of public restrooms at the site.
2. CV Starr Covered Outdoor Ball Courts – The plans developed for the CV Starr courts in 2016 were estimated at \$12 Million which is beyond the scope of this project. However, it is possible to do a limited version of the project and create two outdoor covered and fenced courts.
3. CV Starr Indoor Ball Court – Another option is to create one indoor ball court (max 5,200 Square Feet) at the CV Starr Center.

The projects were reviewed at the following CDC meeting on April 23, 2021. The Committee recommended taking all three recommended projects for public scoping. They added an additional recommendation, a pocket park at N. Franklin and Redwood. Staff reached out to

the existing property owner who said that he would not discuss anything unless the City provided a formal written offer. This is not feasible as part of this project as the grant process is competitive and requires a willing partner if there will be a transfer of property. Based on the response, staff reported back to Committee that the pocket park was not a good fit for this funding source.

Staff held three in-person scoping sessions: one at the Fort Bragg High School (May 25, 2021), one at the Fort Bragg Middle School (June 3, 2021), and one at the Fort Bragg Farmers' Market (June 30, 2021). Additionally, to accommodate individuals who were not able to participate in person, the City provided an online survey that was promoted through a press release and the City's website. The City had over 100 participants who provided feedback on the project including 40 students. There was significant interest in all three projects and no clear "winner."

Staff consulted with the Mendocino Parks and Recreation District Director who felt that the demand is really for indoor courts and that one court may be short sighted as it would likely not meet the demand. She also expressed that the multipurpose room would be of great value as it could accommodate a lot of other activities for which there is great interest.

At the July 27, 2021 meeting, the Community Development Committee received a report and directed staff to move forward with the proposed project to renovate the gym and convert the former pool building into a multi-purpose recreational room. The proposed project would renovate and rehabilitate a historic recreation site in Fort Bragg and provide important access to indoor recreational opportunities.

The grant application requires that City Council authorize the application to State Parks. The application also requires the Applicant to certify that they have understood and agreed to the grant provisions in the Grant Administration Guide, which can be found by following this link: [State Parks Grant Administration Guide](#).

RECOMMENDED ACTION:

Adopt a resolution authorizing staff to submit an application for the Rural Recreation and Tourism Grant Program to convert the former pool building into a multi-purpose recreation room and renovate the old gym at 416 N. Franklin St.

ALTERNATIVE ACTION(S):

- Direct staff not to apply for the grant.
- Direct staff to pursue another opportunity.

FISCAL IMPACT:

The City will be responsible for maintaining the space for a minimum of 30 years. Additionally, if the funds are not sufficient to complete the project scope, the City would have to either provide them out of general funds or find another source of funding. However, the proposed budget is more than sufficient to complete the project. In the past, State Parks has been very firm about scopes of work, however, due to the extreme changes in the pricing of

construction materials and inflation, they have expressed a willingness to work with jurisdictions to revise scopes of work if it becomes necessary.

GREENHOUSE GAS EMISSIONS IMPACT:

There would be limited temporary emissions from the construction of the project. However, this is re-use of an existing downtown space that will provide walkable year-round activities. The GHG impact would be minimal.

CONSISTENCY:

The rehabilitation of City Hall east is identified in the City's Capital Improvement Program. The project is consistent with Inland General Plan Policy PF-2.7 Public Buildings: Ensure that public buildings in the City are adequate to provide services for the community.

It is also consistent with Inland General Plan Policy OS-9.3 Recreational Facilities: Provide recreational facilities to meet the needs of all Fort Bragg citizens, especially children and teenagers. The project is also consistent with Program OS-9.3.1: Consider teen recreation needs when planning new or redesigned parks.

IMPLEMENTATION/TIMEFRAMES:

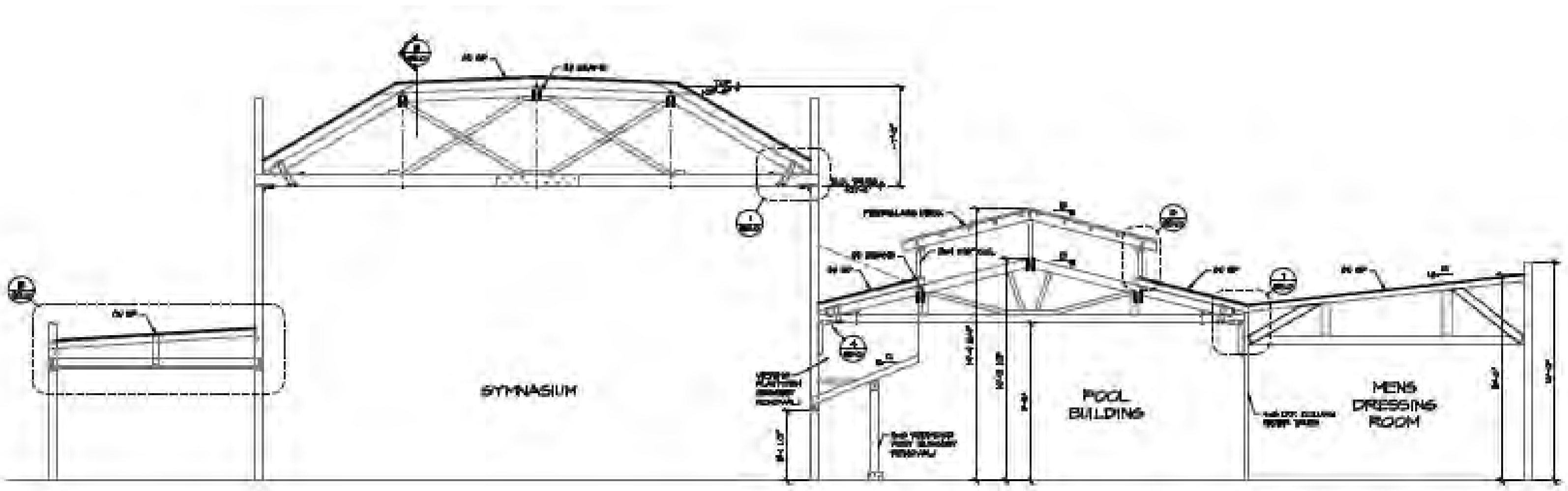
Applications must be submitted by November 5, 2021. If awarded, the project design and all required studies would likely take place the following winter of 2022-2023, followed by any remediation, demolition, and construction in 2024-2026.

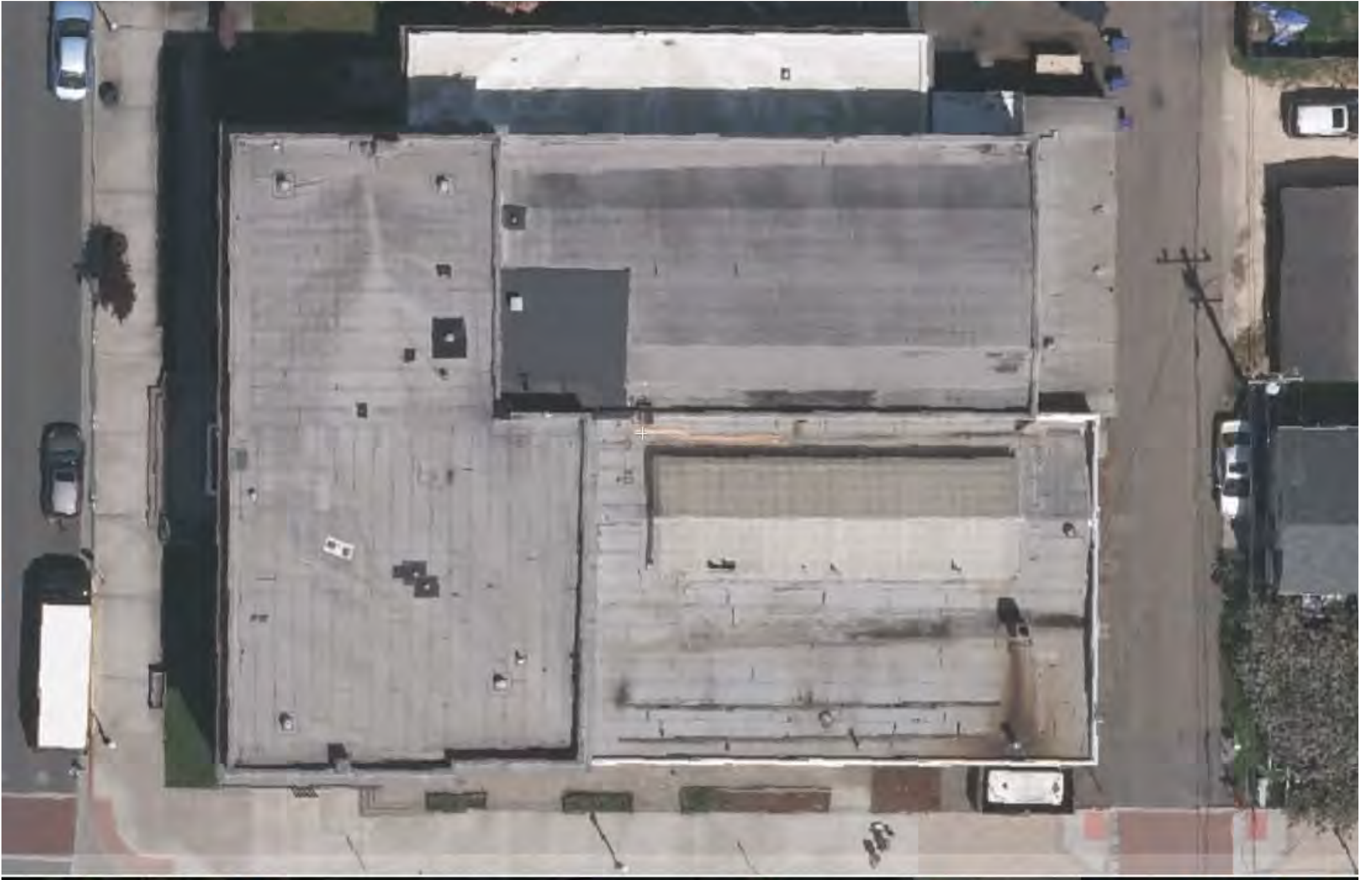
ATTACHMENTS:

1. Current and Proposed Multi-Recreation Room Visual Images
2. Community Development Committee Staff Report from July 27, 2021
3. Resolution Approving the Application for RRT Grant Funds

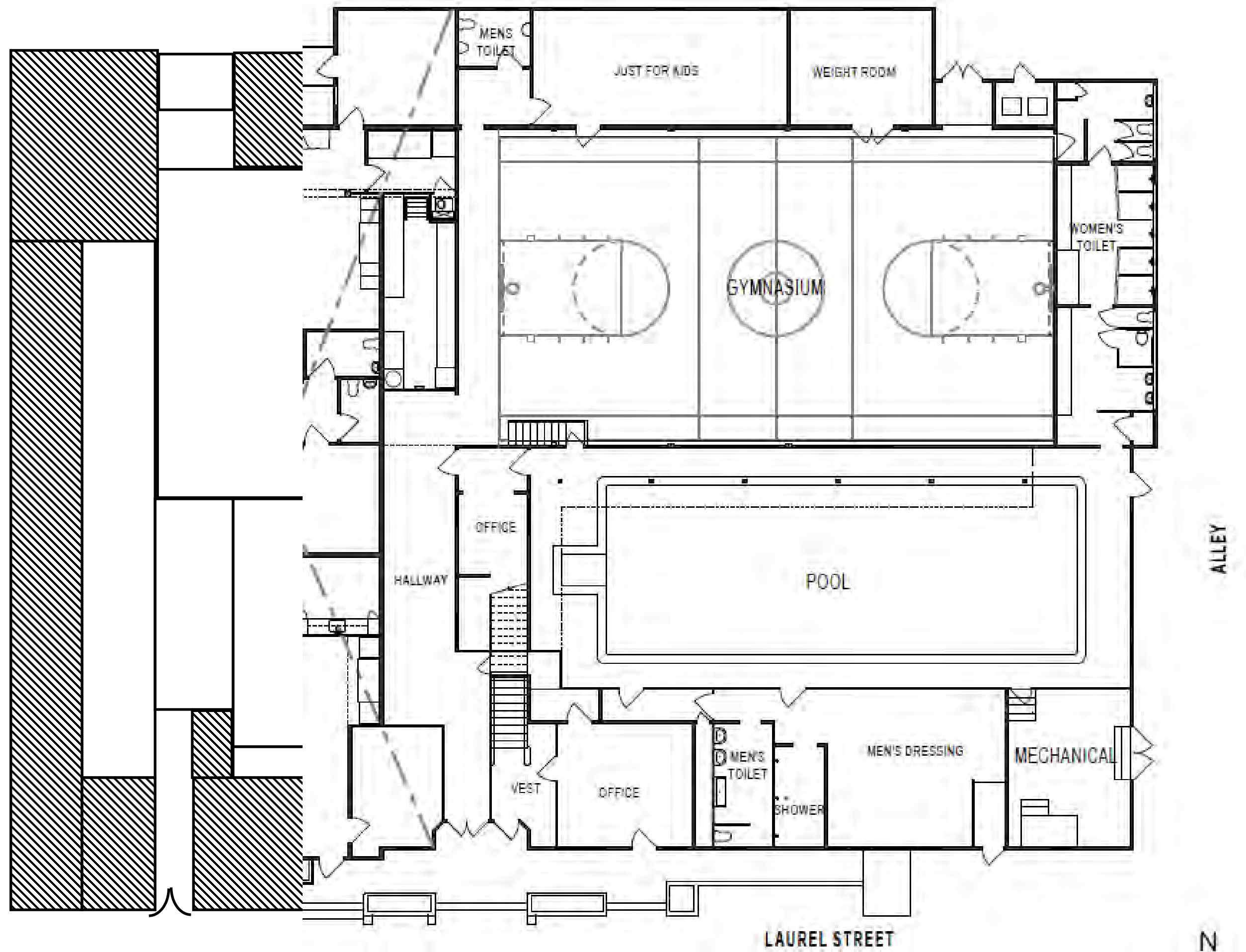
NOTIFICATION:

1. Notify Me Fort Bragg Downtown Businesses Subscriber List











03/25/2021



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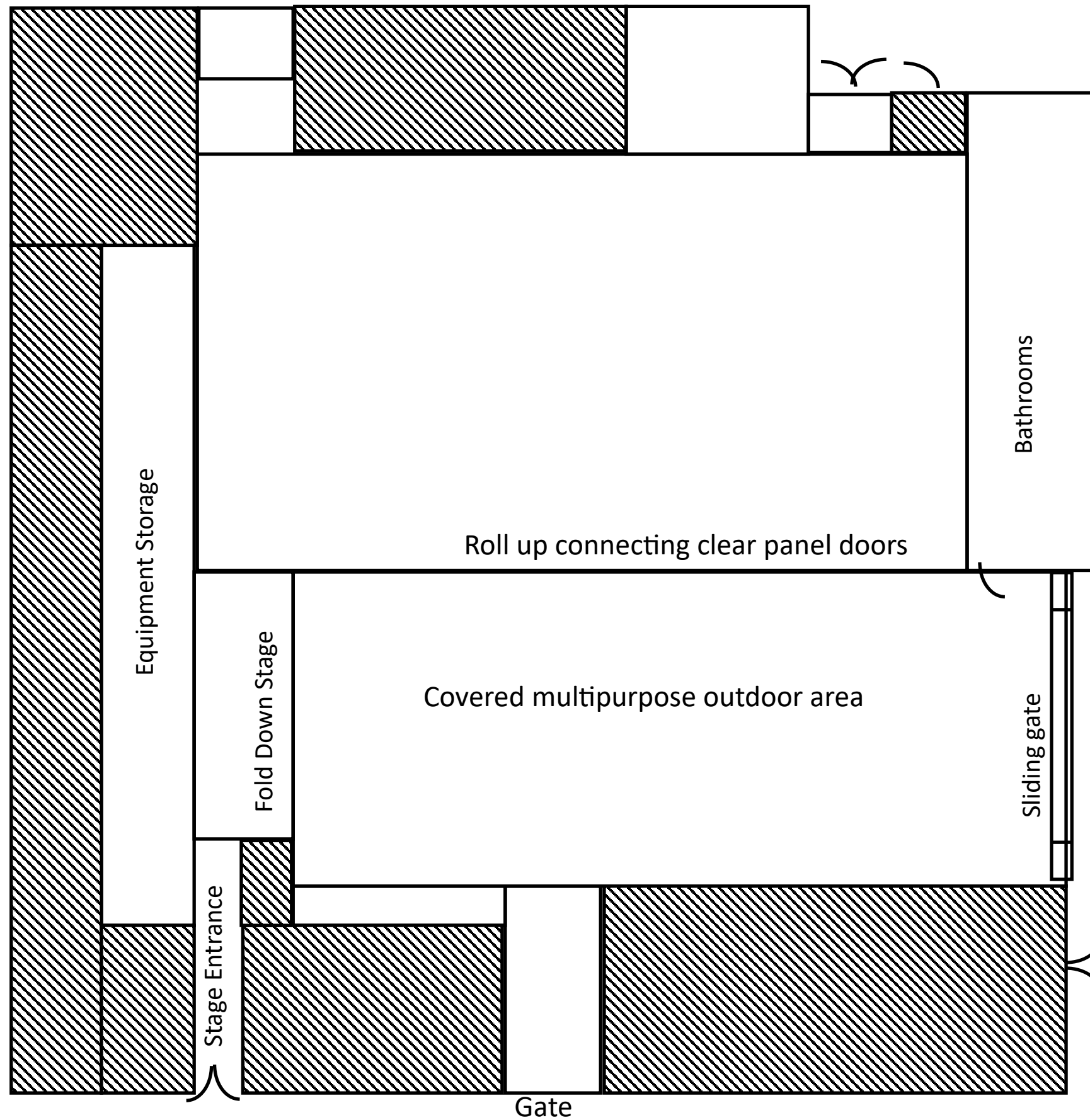
PLEASE
Replace



03/25/2021



03/25/2021















CITY OF FORT BRAGG

416 N. FRANKLIN, FORT BRAGG, CA 95437
PHONE 707/961-2823 FAX 707/961-2802

COUNCIL COMMITTEE ITEM SUMMARY REPORT

MEETING DATE: JULY 27, 2021
TO: COMMUNITY DEVELOPMENT COMMITTEE
FROM: HEATHER GUREWITZ, ASSOCIATE PLANNER
AGENDA ITEM TITLE: RECEIVE REPORT AND PROVIDE DIRECTION ON
STATE PARKS RRT GRANT PROGRAM APPLICATION

BACKGROUND AND OVERVIEW:

The Rural Recreation and Tourism (RRT) Program is administered through California State Parks and intended to create new recreation opportunities within rural communities to support health-related and economic goals. This program is funded by Proposition 68 (2018 Bond Act), which is found in Public Resources Code §80090(a)(b).

The City recently applied for funds to renovate Bainbridge Park from the Prop 68 Statewide Parks Program (SPP). The application is still pending, and State Parks staff will conduct a site visit on July 28, 2021.

The RRT program has a different focus than the SPP program and can be used for recreation features that support both local recreation and tourism.

Competitive grants will range from \$200,000 to \$3 million. There is no match requirement because the median household income for Fort Bragg is below \$56,982. The due date is November 5, 2021 and the City Council will have to pass a resolution for the grant application.

At the Community Development Committee meeting on March 23, 2021, the Committee requested that staff bring back 3-4 projects to review. Staff evaluated several possible projects:

1. Rehabilitating the former pool building to provide a recreation space
2. Construct ball courts at the CV Starr Center
3. Purchase and construct a pocket park at the corner of Redwood and Franklin
4. Acquire land along the Noyo River for trail and river access
5. Modify parkland around Guest House Museum to create public gathering space

Three projects that were identified as possible options were:

1. Pool Building Conversion - Turning the former pool building in City Hall East into a multipurpose recreational atrium including structural improvements to the existing gym and the creation of public restrooms at the site.
2. CV Starr Covered Outdoor Ball Courts – The plans developed for the CV Starr courts in 2016 were estimated at \$12 Million which is beyond the scope of this project. However, it is possible to do a limited version of the project and create two outdoor covered and fenced courts.
3. CV Starr Indoor Ball Court – Another option is to create one indoor ball court (max 5,200 Square Feet) at the CV Starr Center

These options were presented to the Committee at the meeting on April 27, 2021. The Committee asked staff to take all three projects to the public for scoping and to include a pocket park at the vacant parcel located at N. Franklin St. and Redwood St.

Staff attempted to contact the owner of the parcel located at the corner of N. Franklin St. and Redwood St. to determine if purchasing the lot for the pocket park was feasible. The property owner made it clear that he was not willing to talk with City staff and would only consider an official offer letter before discussing anything further. Purchasing property with this grant would require that the property owner be willing to cooperate with the City and work with us through the process. Based on the interaction(s) with the property owner, staff determined that this was not a feasible option for these funds. The committee may wish to direct staff to research other opportunities to purchase and develop this property.

Staff conducted three public scoping sessions:

1. Fort Bragg High School – May 25, 2021
2. Fort Bragg Middle School – June 3, 2021
3. Fort Bragg Farmers' Market – June 30, 2021

Staff also provided an online survey option for individuals interested in participating. The City issued a press release for the Farmers' Market table and the online survey and it was announced on KOZT that morning. Eighty-one students from the High School and Middle School participated in the project scoping. There were 29 participants of the online survey and there were 42 participants at the Farmers' Market table. The scoping sessions at the schools focused on youth and the online survey was anonymous. Participants at the Farmers' Market included a broad cross section of the community including young children, adults, and seniors.

The results from this process are as follows:

What kind of recreation feature should the City of Fort Bragg make?

	School Visits Scoping	Online Survey	In person Farmers' Market	TOTAL
Multipurpose/Renovation	19	12	24	55
New Indoor Court	11	8	6	25
New Outdoor Courts	10	8	12	30

Participants were also asked what activities the space should accommodate. Because the combination of new indoor and new outdoor courts was equal to the number of "votes" for a multipurpose room/renovation of the old pool building, staff also considered what

activities were selected. The listing below is the top five activities with the number of selections by collection method:

Top 5 Activities/Features From School Session	
Volleyball	32
Basketball	23
Gymnastics	18
Soccer	12
Dance Floor & Mirrors/Play equipment (Tie)	6

Top 5 Activities from Online Survey	
Basketball	16
Equipment For live performances	14
Dance Floor and Mirrors	12
Soccer	11
Local Art	9

Top 5 Features/Activities from Farmers Market*	
Equipment For live performances	20
Soccer	14
Basketball	13
Dance Floor and Mirrors	7
Local art	6

Top 5 Features/Activities - All Methods	TOTAL
Basketball	52
Volleyball	45
Soccer	37
Equip for live performances	35
Gymnastics	32

A key element to the project eligibility is that it will support both recreation and tourism. The following is an analysis of how each project supports both.

	Multipurpose Room	New Outdoor Courts
Local Recreation	Diverse activities including: table tennis, badminton, gymnastics, and fitness classes. Supports all age groups	Supports high demand for basketball, volleyball, and soccer. Mostly supports youth and adults
Tourism	Live performance space Meeting and events space	Supports tournaments Space for arts and crafts fairs

	Space for arts & crafts fairs Creates downtown public restrooms	
--	--	--

Additionally, because these two projects were so closely ranked, staff contacted the Mendocino Coast Parks and Recreation District to request their input on the project. The following response was received from Moneque Wooden, District Administrator:

"Thank you for reaching back out to me. After our conversation yesterday, It is my opinion that at this time the community would best be served by revamping and remodeling the "Old Rec Gym".

After much consideration, it is mine and my staff's belief that, although the building cannot be remodeled in such a way in which it would house two full indoor courts it can be remodeled to have an additional multipurpose room. This new room could house many other activities such as table tennis, martial arts classes, theatrical plays, and many other enrichment classes. Having such a versatile area in which to house numerous activities could serve everyone in the community not just a small few.

We do agree that the community is in desperate need of having additional indoor courts (basketball, tennis, pickle ball), at this time and because this particular grant cannot support the cost of fully enclosed indoor courts our vote is for remodeling the "Old Rec Gym". The community does have access to many outdoor courts already, the park and all school sites and a covered court would not protect the users from the cold and wet weather we have here on the Coast.

Thank you for reaching out to me and for your time.

Kind regards,

-Moneque"

Because both projects are high priority projects for the City and desired by the community, regardless of which project the committee recommends to the council, the committee may wish to also recommend that staff continue to research grant opportunities and source funds to support other park projects.

RECOMMENDATION:

Direct staff to apply for funding from the Rural Recreation and Tourism Grant Program to fund one of the two recommended projects and to research alternative sources of funding to support the other priority project(s).

ALTERNATIVES:

Direct staff to get feedback from the City Council or direct staff not to apply for funds for either project.

RESOLUTION NO. ____-2021

RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING THE APPLICATION FOR RURAL RECREATION AND TOURISM PROGRAM GRANT FUNDS FOR THE RENOVATION OF THE GYM AT 416 N. FRANKLIN ST. AND CREATION OF A MULTI-PURPOSE RECREATION ROOM

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Rural Recreation and Tourism Grant Program, setting up necessary procedures governing the application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the City of Fort Bragg ("Applicant") to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS, successful applicants will enter into a contract with the State of California to complete the Grant Scope project;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg hereby:

1. Approves the filing of an application for the creation of a multi-purpose recreation room and renovation of the gym at 416 N. Franklin St.; and
2. Certifies that the Applicant has or will have available, prior to commencement of any work on the project included in the application, the sufficient funds to complete the project; and
3. Certifies that if the project is awarded, the Applicant has or will have sufficient funds to operate and maintain the project, and
4. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and
5. Delegates the authority to the Fort Bragg City Manager to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and
6. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines; and
7. Will consider promoting inclusion per Public Resources Code §80001(b)(8 A-G).

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 13th day of September 2021, by the following vote:

AYES:

NOES:

**ABSENT:
ABSTAIN:
RECUSED:**

BERNIE NORVELL
Mayor

ATTEST:

June Lemos, CMC
City Clerk

STRUCTURAL AND USE STUDY OF CITY HALL EAST



231 G STREET, SUITE 2, DAVIS, CA 95616
530.750.0756 WWW.INDIGOARCH.COM



PREPARED for
CITY OF FORT BRAGG

MAY 2010



ACKNOWLEDGEMENTS



CORNER OF FRANKLIN AND LAUREL STREET



ATRIUM AND WOOD TRUSSES IN POOL BUILDING

INDIGO HAMMOND + PLAYLE ARCHITECTS, LLP

Bruce Playle, Principal
Candace Harrison, Project Architect
231 G Street, Suite 2
Davis, CA. 95616
T. 530-750-0756
W. www.indigoarch.com

POINT 2 STRUCTURAL ENGINEERS INC.

Brad Rollins, Structural Engineer
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Sacramento, CA. 95820
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DAVE GOBLE, Director, Public Works Department, City of Fort Bragg
(707) 961-1592

MARIE JONES, Director, Community Development Department, City of Fort Bragg
(707) 961-1807

NANCY ATKINSON, Associate City Engineer, Public Works Department, City of Fort Bragg
(707) 961-2823

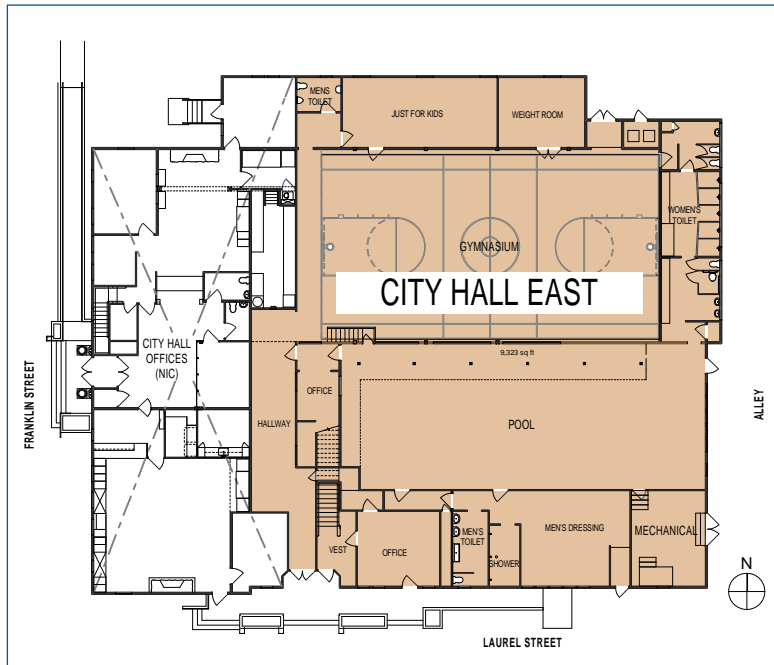
STEVE WELLS, Fire Marshal, Fort Bragg Fire Department, City of Fort Bragg
(707) 961-2831

MICHAEL OLIPHANT, Building Official, Mendocino County
(707) 964-5379

SILVIA E. BARTLEY, Fort Bragg – Mendocino Coast Historical Society
(707) 961-2840

Note: The historical photos of the old Community Club Building have been provided for use in this study by Silvia E. Bartley on behalf of the Fort Bragg - Mendocino Coast Historic Society.

1. EXECUTIVE SUMMARY



AREA OF WORK

A structural evaluation and use study of City Hall East were prepared over the course of 4 months beginning January, 2010 to address significant structural issues which exist in the building and to identify and determine the feasibility of both continued and new uses. The architect and engineer met with City of Fort Bragg personnel, conducted a general tour of the building including limited inspections, gathered other data and prepared drawings. Preliminary layouts, code evaluations, calculations and cost estimations were prepared and recommendations were made for necessary structural and other improvements as appropriate to each use. The project must preserve the historic value of the building as much as possible, as it is a local Historic Landmark for the City of Fort Bragg. The project also must be consistent with the City's Greenhouse Gas (GHG) reduction goals and help implement the emissions reduction measures outlined in its Greenhouse Gas Emissions Inventory study dated 8-15-2007. See further description of specific Sustainability, Energy and GHG goals on page 23.

STRUCTURAL FINDINGS

Structural findings are described in detail starting on page 7. The largest area of concern is the pool building which, due to years of exposure to a highly-corrosive environment and lack of maintenance has resulted in severe corrosion of steel components. The most critical areas are the catwalk and the pool truss heel connections. Recommendations are to lock and close-off access to the pool area or to provide temporary strengthening to the truss connections and to shore or remove the entire catwalk. In the full rehabilitation scenarios for this area, the pool area would be converted to a compatible use for the space while preserving those portions or features which convey its historical, cultural or architectural character. The trusses would be restored to their original look including replacement of all steel connectors, along with restoration of the glass atrium. The catwalk would be removed to bring the character of the space back to its original design.

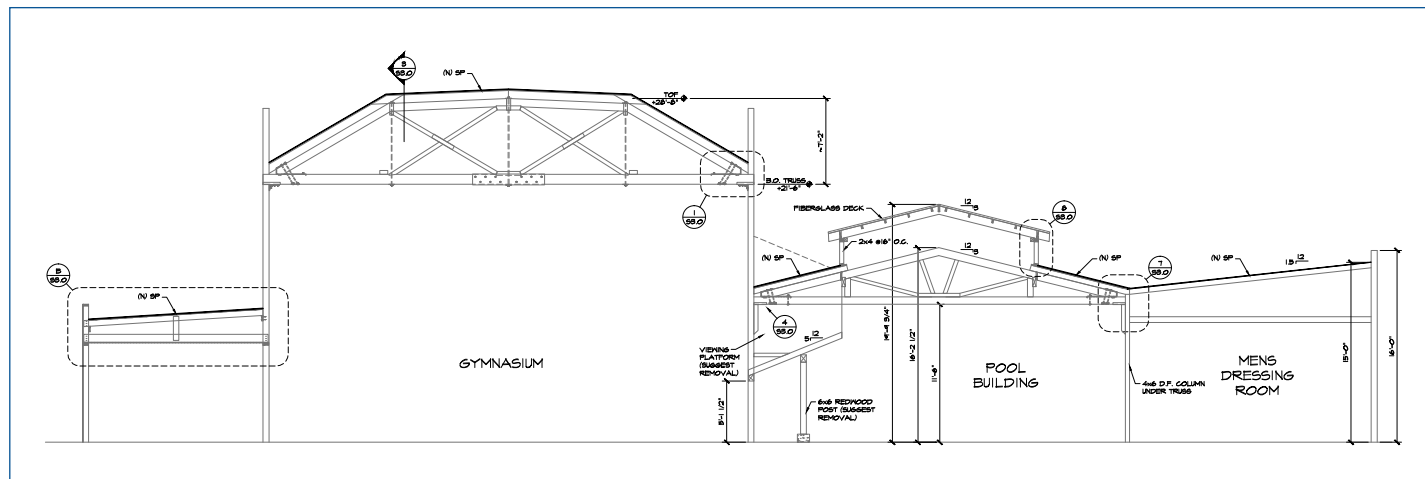
The remaining portions of City Hall East did not present immediate structural concerns; however, in any remodel or upgrade to the building, the lateral resistance of the structure would have to be upgraded to current code. This would involve adding plywood to existing stud walls at key locations, the addition of new strengthening beams where required (see Exhibit B) and adding roof sheathing over the existing inadequate 1x spaced-sheathing at all roof areas. See Exhibit B for Schematic Structural Drawings.

ALTERNATIVE USE OPTIONS

Three alternative use options were developed for City Hall East. In all options, the proposed uses respect the primary and secondary historic elements of the building. Rehabilitation is the method recommended for City Hall East. Refer to the *Interior's Standards for Rehabilitation of Historic Structures* (Exhibit H). Rehabilitation allows for some flexibility for the new uses which seems the best approach to fit this project. Alternative use options A, B and C are described in detail starting on page 23. Alternative Option A takes a minimum renovation approach and is the least costly option. The gymnasium remains in use as a gymnasium while the pool is filled and abandoned and converted to usable high bay space, keeping the atrium above. Alternative Options B and C take on a higher level of renovation - slightly more cost, same schedule - and bring new, compatible uses to the building. The structural improvements described above are required in each of the three options.

FEASIBILITY

Depending on the needs of the City and/or community along with funding availability, all three options require similar levels of structural remediation and are feasible with respect to cost (ranging from \$1.9 to \$2.2 million) and schedule (approximately 18 months total project development including design, bidding and construction). Replacement value is between 76 and 81 percent, which is within the normal range for a historic building with full rehabilitation typically ranging from 75 to 100 percent. See Exhibit D for preliminary cost estimates for each use option.



SECTION THROUGH BUILDING

2. SCOPE OF STUDY



TRUSS AND ATRIUM IN POOL BUILDING

SUMMARY

The purpose of this study is to conduct a limited structural evaluation of City Hall East and to identify and evaluate various possible future uses.

First, a general tour and limited inspection of the building was conducted on January 21 followed by a meeting with a committee composed of key City staff. Data, information and prior studies related to the building were collected and various use scenarios were identified. Next, a limited structural evaluation and code review were prepared and coordinated with the local fire marshal and building official. Basic drawings of the building and its structural system were prepared as well as concept drawings of three scenarios showing different uses. Preliminary estimates of likely renovations costs for each scenario were prepared and compared to replacement cost. Opportunities for funding were explored. Each scenario was then evaluated based on likely structural impact, maintenance of historical character, sustainability, projected cost and likely community support.

Secondly, a meeting was held on March 1 with the committee to review a draft report containing these findings and to determine the direction upon which to complete the study. Further comment resulting from a brief review period were then incorporated into the final report which includes preliminary schematic CAD drawings of the building, structural analysis of the existing building, written and graphic definition of the three alternative scenarios, structural analysis of the same, summary matrix of potential funding sources, and a list of additional tests and inspections which may be required.

The final report was then submitted for review and approval by City Council to be used to inform next actions for City Hall East.

BUILDING 3. DESCRIPTION

GENERAL

The City of Fort Bragg currently owns an existing 17,930 square foot building at 213 East Laurel Street. The west 2-story portion of the building – City Hall West - is 8,480 square feet in area and is occupied by City offices. The remaining 9,450 square feet high-bay portion of the building to the east – City Hall East – is the focus of this study. City Hall East was formerly leased by the Mendocino Coast Recreation and Parks District who operated the indoor swimming pool and gymnasium. his tenant moved to new facilities in 2009, and consequently the indoor pool was abandoned, although the gymnasium is still in use for other youth programming. See Exhibit A - *Existing Building drawings*.

The building is wood framed, its exterior covered in painted wood siding punctuated by painted wood trimmed windows and trim. Having been recently renovated, the exterior finishes appear to be in good shape. The roof is wood framed with wood trusses spanning the large spaces at gymnasium and pool. The roof is covered by a mineral sheet asphaltic roof covering which is nearing the end of it useful life and in need of replacement. An exception is the single-ply roof on the northern shed to the gymnasium which was installed within the last 2 years.

Major interior spaces include the gymnasium, the indoor pool and the hallway which connects these spaces to the east wall of City Hall West. For more images of other accessory spaces including now-abandoned locker and shower rooms, etc. please refer to Exhibit A.



HIGH ROOF ABOVE GYMNASIUM WITH POOL ATRIUM BELOW



"JUST FOR KIDS" ROOM OFF GYMNASIUM

4. STRUCTURAL REVIEW



TRUSS AND GYMNASIUM



POOL TRUSS AND LOW BAY FRAMING

INTRODUCTION

The City Hall Building located at 416 North Franklin Street in Fort Bragg CA, is a wood framed building, constructed in the early part of the 20th Century. The structure is framed as a two story section on the west end, currently known as City Hall West, and a one story gymnasium and pool enclosure, restrooms and dressing areas to the east, known as City Hall East.

Years of use have caused significant corrosion and deterioration of truss connections over the indoor pool. The rehabilitation alternatives for these connections in particular are considered.

It will come as no surprise to long time residents of Fort Bragg that California's North Coast is one of the most seismically active areas of the United States. About 25% of California's annual release of seismic energy is in this region. The high rate of seismic activity is related to the complex geologic setting resulting in a number of different sources of potentially damaging earthquakes.

This site is located approximately 8 miles east of the Shelter Cove Section of the 1100 mile long San Andreas Fault. This is a very active fault and was the source of the 1906 San Francisco Earthquake that devastated parts of Fort Bragg. The probability of another large earthquake affecting this area in our lifetime is significant.

The structure is not currently listed as a Registered Historic Place in California, but it is considered a Local Historical Landmark for the City of Fort Bragg. There are some noteworthy historical features that are desirable to keep; yet a safe usable space is needed to appreciate the building's significance.

The continued and future use of the City Hall Building, knowing that there are significant structural issues to address, is the paramount basis for this study and report.

DESCRIPTION OF STRUCTURE

Based on historical photos, this structure appears to be constructed in the early 1920's. The building was designed by W.H. Weeks, a famed Architect of the 20th Century, most notably honored for his schools and Carnegie Libraries in California.

The building is a typical wood framed structure indicative of the era and its location. The roof is sheathed with 1x8 boards placed over 2x rafters at 24 inches on center. In the gym, these rafters span between 4x purlins which in turn span between heavy timber trusses at approximately 15 feet on center. The trusses are supported by wood columns within the wood framed side walls.

The gym building has a raised wood floor of 2x10 floor joists at 16 inches on center spanning between beams spaced at approximately 10 feet apart. The beams are supported by a series of 6x6 posts on isolated footings. The perimeter walls are founded on continuous concrete stem walls and footings that are assumed to be 18" wide.

The pool area has similar roof framing with straight sheathing over 2x rafters that span to purlins located between heavy timber trusses at 15 feet on center. Trusses are supported by wood columns within the framed wall. The floor is a concrete slab on grade that extends into the shower and restroom areas. The southeast corner of the pool building contains the mechanical room which is approximately 30 inches below grade. Foundations are typically stem walls and continuous footings.

The main trusses in both buildings are made of heavy timber with steel connections and are exposed. The Gym truss is similar to a Gambrel Truss with crossed web members instead of single diagonals. The truss and its connections appear to be in good condition.

The pool truss is a classic Howe Truss that has been modified since the original construction. The connections are showing heavy corrosion and deterioration, with the worst exhibited at the heel joints. The condition of the steel plates at the joint are severely deteriorated.



FRAMING ABOVE NORTH WING OF CITY HALL EAST



TRUSS AND ATRIUM AT POOL



HEAVILY CORRODED STEEL ROD SUPPORT
HANGERS AT CATWALK



HEAVILY CORRODED POOL TRUSS HEEL CONNECTION

DISCUSSION AND FINDINGS

Our findings are based on the site visit of January 21st, 2010.

The most immediate concern involves the pool building. Years of a corrosive environment from pool chlorine and lack of proper maintenance has caused significant corrosion and rusting of the steel components. The following areas are the most critical:

- The catwalk at the west end of the building has badly deteriorated steel rod support hangers (see photo, this page). We cannot determine a reliable capacity for these members.
- The pool truss heel connections are also severely deteriorated (see photo, this page). It is assumed that the bolts through the connection have not corroded to the same extent as the exposed steel plate and are providing the strength in this connection but it is not readily apparent.

The unoccupied status of the space lends to the decreased likelihood of injury, however a critical deficiency exists. Our recommendations are as follows:

- Post the pool space with “Do Not Enter”. Lock or close off access to all spaces within the pool building and the catwalk area.
- OR
- Provide temporary strengthening to the truss connections, and shore or remove the entire catwalk, if it is desired to provide limited access by maintenance personnel.

A suggested temporary fix for the truss heel connection is provided as Detail 9/S3.0 in this report. Note that this is only temporary and must also be coupled with limited personnel access.

The remaining portions of the City Hall East building did not present the immediate concerns that were evident in the pool building.

During the site visit, selected portions of the architectural finishes were removed where appropriate to help determine the methods of framing, connections, materials or condition of the framing members. All areas were not viewed; however enough information was gathered to draw the reasonable

conclusions needed to perform the necessary calculations.

The structure was evaluated using two code sources:

- Chapter 8-7 Structural Regulations of the 2007 California Historic Building Code (CHBC)
- 2007 California Building Code (CBC)

The historic nature of this site allows the use of the CHBC. This code relaxes some of the design criteria used in determining the lateral capacities of structural members and systems. The CHBC allows evaluation of a building using 75% of the lateral forces derived using the 1995 Edition of the California Building Code. This is significant when evaluating a structure that has limited flexibility on placement of strengthening measures due to historical constraints. This reduction still provides an adequate level of life safety and allowing a gentler adjustment to the historical features that makes these structures unique.

The CBC represents a more current understanding of building performance. It is the basis of new construction in California and is used to provide a benchmark reference to the analysis.

Vertical Load Analysis

The historic nature of this site allows the use of the CHBC. This code relaxes some of the design criteria used in determining the lateral capacities of structural members and systems. The CHBC allows evaluation of a building using 75% of the lateral forces derived using the 1995 Edition of the California Building Code. This is significant when evaluating a structure that has limited flexibility on placement of strengthening measures due to historical constraints. This reduction still provides an adequate level of life safety and allowing a gentler adjustment to the historical features that makes these structures unique.

The CBC represents a more current understanding of building performance. It is the basis of new construction in California and is used to provide a benchmark reference to the analysis.



HEAVILY CORRODED POOL TRUSS HEEL CONNECTION IN SOUTH WING LOW BAY SPACE



ROOF TRUSS AT GYMNASIUM



FRAMING AT SOUTH WING, LOW BAY SPACE



POOL TRUSS SHOWING FORMER REPAIR WORK

The following members were evaluated as indicated above with the following results:

Member	*Utilization w/current loads	*Utilization with future loads without Photovoltaic Panels	*Utilization with future loads with Photovoltaic Panels	Comments
Gym 2x6 Rafters	73%	82%	90%	
Gym 4x10 Purlins	139%	155%	Requires strengthening	Requires strengthening
Gym Trusses	46%	49%	57%	
Gym Columns	58%	64%	74%	
Office Rafters	69%	74%	82%	
Women's Restroom Rafters	42%	46%	51%	
Pool Rafters	39%	44%	49%	
Pool 4x10 Purlins	106%	132%	Requires strengthening	Requires strengthening
Pool Trusses	57%	52%	61%	
Men's Dressing Room Rafters	120%	108%	116%	May require strengthening

*Utilization is the calculated stress divided by the Code allowable stress, expressed as a percentage. Acceptable value is less than 100%

The indication that a member has a Utilization of greater than 100% for existing loads does not mean there is an impending or existing failure. Code allowable stresses include a variety of safety factors and the member has been in service for the life of the project and has not failed. The CHBC allows that an existing member without distress and a complete load path is adequate to remain in use by having withstood the test of time, provided loads are not increased. The pool and gym purlins for example have withstood the test of time, so if a remodel or upgrade is not undertaken, the members may remain as they are. However, with added loads due to upgrades, the purlins in the Gym and Pool will require strengthening. The details provided herein show a possible method.

The Men's Dressing Room Rafters are identified as possible strengthening because of the way the roof structure is built. The 2x8 ceiling joists and the 2x6 roof rafters are connected with 1x6 brace members similar to a truss. This is not a true truss and upon full analysis may require some strengthening. Our analysis evaluates the member individually-not as a truss-and subsequently indicates an overstress. A more thorough evaluation of this area when exact loads are determined will be necessary. Based on the test of time, these members appear to be acceptable.

Lateral Load Analysis

The lateral analysis of a building requires the investigation of the maximum wind and earthquake loads that the building might experience. The CHBC and its reference to the 1995 CBC uses different formulas to determine the design forces for both wind and seismic than does the current CBC. The overall difference in forces is equivalent to approximately 35% higher forces in the CBC for seismic and approximately the same forces for wind.

The current structure in its existing condition does not meet either the CHBC or the CBC code for resisting lateral forces. A strengthened lateral force resisting system is necessary.

The decision of how to increase the lateral resistance of a structure is based on compatibility with the existing structural framing, ease of construction and cost. In this case the wood framing provides the basis to choose plywood shear walls. Other methods such as structural steel braced or moment frames, concrete masonry units as shear walls, or concrete shear walls, would all be



ATRIUM FRAMING, POOL



TRUSS AT WALL, POOL



LOW FRAMING AT SOUTH WING OFF POOL



VIEW FROM ROOF LOOKING SOUTH

acceptable systems, but at this time do not provide the most cost effective solution. Additional framing, demolition and construction trades would be necessary to install these systems. Adding plywood to the existing stud walls in key locations is consistent with the carpenter trades that would already be present for this project.

The following is the result of our lateral analysis:

- The existing roof sheathing is not adequate to transfer the lateral design forces. All of the roof structures will require new plywood installed over the existing 1x straight sheathing.
- Walls that could be used to resist lateral forces are currently sheathed with horizontal or vertical 1x lumber. Horizontal lumber sheathed shear walls are weak and very flexible. These shear walls are suitable only where earthquake shear loads are low and deflection control is not required. Vertical lumber sheathed walls have similar issues. Consequently, structural plywood will be required on selected walls throughout the structure to provide lateral resistance. Neither the CHBC nor the CBC will allow the use of plywood over existing 1x sheathing, so all existing sheathing must be removed prior to installing the plywood. The included drawings indicate recommended locations for additional shear plywood. The actual length and location along a wall will be determined in a more comprehensive analysis, and is not part of the scope of this report.

ASSUMPTIONS

Assumptions and explanations used in the analysis are as follows:

1. The roof has demonstrated adequacy to existing loads, i.e. there have not been structural failures.
2. Wood species and grades are assumed to be Douglas Fir No. 1 for all structural members.
 - The allowable stresses for better grade material may be appropriate; however, without a grade and material analysis, this standard grade is used.
3. Current allowable stress values are used for capacity.
 - Allowable stresses have decreased in recent codes, so a wood member may not support as much load using the new code as the same member would have using the original design code. This is not usually a concern

unless loads on a member are increased.

- When an older building is upgraded, or if the loading changes, the members can be subject to newer standards. Allowable stresses have been lowered through the decades as more data became available and more comprehensive testing protocols and evaluation techniques have been developed. The current lower values are more representative of all wood products, both older and new, and subsequently necessary as a benchmark for this project. There is no exception in the CHBC.

4. Foundations have been assumed to be adequate.
5. Photovoltaic panel dead loads are assumed to be 3.5 pounds per square foot. Wind loads on PV panel systems were not evaluated and may change results indicated herein.

CONCLUSIONS

City Hall East still retains significant portions of history that are important to save for the City of Fort Bragg. Our efforts to retain this history are coupled with the need to provide a safe, building for the future uses of this space. From a Structural Engineering perspective, the elegance of the pool and gym trusses and their connections provide a view to past engineering and is also a component to be preserved.

Generally, the vertical load capacities of most of the structural members in the City Hall East appear to be adequate for a general increase in loads including photovoltaic panels. The purlins in the pool and gym area will require strengthening as indicated in this report. However, several assumptions were made as to the loads and capacities of these members and their apparent ability to support the current loads does not indicate an immediate threat.

The most imminent issue is the significant corrosion and

deterioration of truss connections and the catwalk support members the indoor pool. At the time of this writing, it is not clear what is providing the support for either of these systems. It is important that the catwalk be removed or shored and the truss heel connections be strengthened with a temporary method of strengthening as indicated in this report. It is also highly suggested that very limited access be afforded this space until such remediation measures are completed.

The capacity of the structure to resist earthquake forces does not meet CHBC or CBC requirements. The next seismic event may be large enough to result in significant damage. Fort Bragg is located in a seismically active area and a strong earthquake could occur at any time. It is our strong recommendation that a detailed engineering analysis, beyond the scope of this report, and subsequent installation of adequate lateral resisting elements, as indicated in this report, should be completed as soon as possible. We also advise that the Gymnasium not be occupied until a seismic upgrade analysis and implementation is completed.

DISCLAIMER

The opinion and recommendations contained in this report are based on the information provided by the client, on the January 2010 field visit performed as part of this project and on the design-check calculations which were performed based on the information gathered. The conclusions are also dependent on the assumptions of framing and loading provided herein. This report does not provide any warranty, either expressed or implied, for any portion of the existing structure.

5. HISTORICAL CONSIDERATIONS



CITY HALL 1949



BOYS SWIM TEAM

SUMMARY

Designed by noted San Francisco architect William H. Weeks, the building was constructed in 1922 as the Community Club. Historical construction photos indicate the entire building was built at that time, including both the two-story westerly portion now used for City offices and the one-story easterly portion which until recently was in use by the Mendocino Coast Recreation and Parks District. For the purposes of this study, these are referred to as City Hall West and City Hall East, respectively. According to historical records, the cost of the building was \$75,000, paid for largely by the Union Lumber Company and by subscription drives for membership.

In its early years of operation, programming at the Community Club was supported by the YMCA and provided physical education facilities for the youth of Fort Bragg by way of lease monies paid by the school district. The gymnasium was a multi-functional space for the community serving not only the sporting needs of the community but also as a community gathering space for important visitors and speakers as well as for Christmas time events and the like. Aside from the gymnasium, a unique and popular feature was the indoor swimming pool which was initially filled with filtered and heated saltwater pumped from the ocean via the Union Lumber Company mill site. Over time, the pool became the place that Fort Bragg's youth learned to swim and local swimmers prepared for open water ocean marathons. The pool is covered by a handsome atrium which itself is a period piece from that era.

By the mid-1970s, the western portion of the building was in use as the City's administrative offices and Council Chambers, and the eastern portion was used by the Mendocino Coast Recreation and Parks District who operated the swimming pool, gymnasium and provided many recreational programs for local residents. In 1992, the Council Chambers was moved to Town Hall at Laurel and Main, and a remodel project was undertaken to remodel City Hall, including a refurbishment of the exterior finishes. In 2009 City Hall West was again remodeled for the continued and changing needs for City office space. Also in 2009, the Mendocino

Coast Recreation and Parks District moved into the new C. V. Starr Community Center and the indoor pool was abandoned. The gymnasium, however, remained in use for youth league basketball and indoor soccer and there appears to be continued demand for this use in the future. Some further minor changes to the basic structure have likely been made over the years but these are not discernible at this time.

BUILDING USES

The uses of this building have made important contributions to the cultural history of Fort Bragg and when taken together with its design provenance as a William H. Weeks building make this a building of local historical significance. As such, it has been placed on the City of Fort Bragg's list of historic places and modifications to City Hall East should be treated differently than if it were a non-historic building. The *Secretary of the Interior's Standards for the Treatment of Historic Properties* (Exhibit H) and the *California Historic Building Code* should be used in the evaluation, design and reuse of the building. In the *Secretary of the Interior's Standards for Rehabilitation* there are ten common sense principles to be followed when planning rehabilitation work on a historic building. By emphasizing repair over replacement and accommodating reasonable change for new uses, the Standards seek to ensure the preservation of those qualities which make a property of historic value.

TREATMENT OF HISTORIC BUILDINGS

Of the four methods of treatment for historic buildings - preservation, rehabilitation, restoration and reconstruction - City Hall East appears to be best suited for rehabilitation. Given the fact that it would be impractical for the City to keep the swimming pool in use since the community has just opened a new one, other uses must be found for the building in order for it to remain in service. Rehabilitation makes possible a compatible use for a property through repair, alterations and additions while preserving those portions or features which convey it's historical, cultural or architectural values.

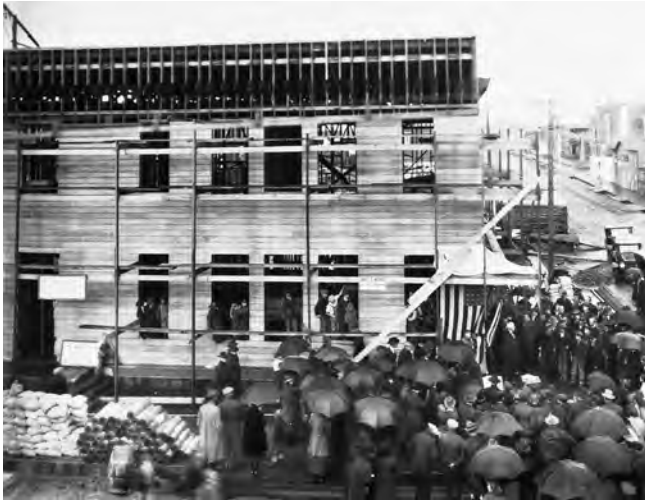


POOL DIVERS AND SWIMMERS



POOL INTERIOR

HISTORICAL CONSIDERATIONS



DEDICATION - 1922



VIEW FROM FRANKLIN - BUILDING UNDER CONSTRUCTION

New uses, remodel or structural retrofit of the building should take into account the primary and secondary historic elements of City Hall East. Primary elements are those which are essential in conveying the historic and architectural character of a building and are often associated with the primary historic use. In this case, the primary elements would probably include the indoor pool space, the building exterior generally, and optionally the gymnasium. Since it is no longer feasible to keep the pool in use, it would be considered acceptable to remove it, but the other character defining elements of the pool space should be restored, including restoration of the glass atrium. The two mezzanine platforms which appear to have been inserted and are not part of the original design should be removed at the north and west ends. The building exterior should be maintained with a minimum of change for any new uses, and the rooftop thermal solar panels which are visible from the street should be removed and reused elsewhere in City facilities.

Secondary elements are less critical in defining a building's importance within its period of historic significance but which still help define its significance and character. Secondary elements might include the gymnasium (if not considered a primary element), and other parts of the building which remain from the original construction and have not been modified. As such, maintaining the original gymnasium use is preferred and as with the pool, it would be desirable, to bring back the original look of this space including, for example, restoring the existing windows which have been covered. Further investigation and possibly a historic structure report (HSR) would be useful in identifying the extent of these secondary elements.

PROJECT REVIEW

Historical considerations for project review vary depending on funding source. Where no State or Federal funding is involved, the project would come under local review only for CEQA and planning approval and building permit. Local historic ordinances, if any, would come into play. If the local lead agency (City) certifies that the project has been designed in accordance with

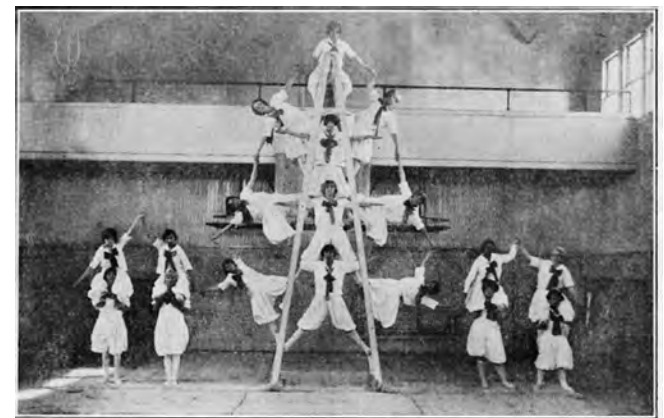
the Secretary of the Interior's Standards for the Treatment of Historic Properties, then the project qualifies for categorical exemption and there would be no CEQA review required (14 CCR Section 15331). If Federal funding is involved, then a Section 106 review would need to be conducted involving the State Historic Preservation Office (SHPO) to ensure compliance with the National Historic Preservation Act (NHPA). Compliance with the National Environmental Policy Act (NEPA) may also be required. While these requirements do add some time, documentation and administration to project development, the simple fact is that the process seeks only to confirm compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties (see Exhibit H) and there is often no difference to the design or built result compared to the foregoing.



GYMNASIUM DURING CIRCUS EVENT



GYMNASIUM



CIRCUS GYMNASTS - 1925 IN GYMNASIUM

6. CODE CONSIDERATIONS



HALLWAY BETWEEN RECREATION CENTER AND CITY HALL



FIRE SPRINKLER RISER SERVING CITY HALL EAST

City Hall East is part of the larger City Hall building at 213 East Laurel Street. As such, analysis of City Hall East which is the scope of this study, required assessment of the whole. The building was first evaluated with respect to existing or recent use by applying the provisions of the regular California Building Code (CBC 2007) for occupancy and use, exiting, minimum plumbing facilities and accessibility. Then, since the building is a qualified historic building, the California Historic Building Code (CHBC 2007) was applied and the results of this review examined. A full code analysis is provided in the appendices which expands on the summary below and assumes that the entire building will be fully automatic fire-sprinklered as required by City ordinance. City Hall West was sprinklered as part of the 2009 remodel and it has been reported that sufficient flow has been provided in the service riser to serve City Hall East.

OCCUPANCY & SEPARATIONS

In summary, the building is mixed use occupancy with the City Hall offices as B (offices) and the recreation center portion as "A" (assembly). Under the new use scenarios the City Hall offices would remain and the recreation center would most likely stay under an assembly occupancy in the various use options being explored. The impact of the new use scenarios are addressed under each alternative section. Separation of occupancies can be figured and works under both the non separated occupancy method (which would eliminate the need for any 1-hour fire barrier between the B and A, but limit the allowable square footage) or by using the separated occupancy method which would require a 1-hour fire barrier between the B and A. It appears that the 1-hour construction is in place; however, the continuity of this barrier would have to be verified and confirmed. The allowable area, assuming the building is provided with an automatic fire sprinkler system, is as follows:

Non Separated Occupancy Method:

Allowable: 19,500 sf

Actual: 17,930 sf

17,930 < 19,500 OK

Separated Occupancy Method:

Allowable B: 29,250 sf

Allowable A: 54,750 sf

Actual B: 8,480 sf

Actual A: 17,930 sf

8,480 < 29,250 OK

17,930 < 54,750 OK

The non-separated occupancy does not rely on maintaining a 1-hour occupancy separation between City Hall West and East but would limit any possible additions to the building to about 1,500 sf. The separated occupancy method requires the existing 1-hour occupancy separation between City Hall West and East to remain and would allow future expansion of up to 36,000 sf. In any case, the building now figures for area and construction type with the CHBC 2007 allowing omission of any occupancy separation walls when fully fire-sprinklered.

EGRESS

Adequate means of egress throughout the building appears to be in place. Distance between exits is adequate and exit widths are also large enough to accommodate occupancy loads. There would have to be some modifications made to provide accessible exits out of the building for any renovation. A handicap lift normally would be required to connect the 2nd floor City Hall offices to the 1st floor but an exception may be possible due to the nature of the existing building and that the building is a qualified Historic building.

MINIMUM PLUMBING

The required minimum plumbing fixtures were analyzed based on the California Plumbing code. In the City Hall portion of the building fixtures are adequately provided with the exception of a 2nd floor unisex toilet. The City is looking at adding a 2nd floor rest room as part of the next renovation. For the gymnasium and pool facilities, fixtures are close to being met. However, depending on the new use alternative, more may be required.



PLYWOOD RAMP TO REAR ENTRY OF GYMNASIUM



SHOWER/RESTROOM FACILITIES OFF GYMNASIUM

7. HAZARDOUS MATERIALS



SOUTH ELEVATION AT LAUREL STREET



VIEW FROM FRANKLIN STREET TO NORTH ELEVATION

SUMMARY

A hazardous materials survey was prepared for the City of Fort Bragg in June of 2008 and included City Hall West portion of the building. Asbestos and lead based paints were found in the City Hall West portion of the building (PCB's were not part of the survey) and were remediated during the 2009 renovation project.

A hazardous materials survey should be completed on City Hall East prior to work beginning and to fully assess the cost impact of abatement or containment around any of the new use scenarios. At this point, a cost allowance for abatement has been provided in the cost estimations as a place holder until a study is completed.

Public Comment -- 9/13/21 CC Mtg., Item No. 8B

From: "Jacob Patterson" <jacob.patterson.esq@gmail.com>

To: "jleamos" <jleamos@fortbragg.com> "Cristal Munoz" <cmunoz@fortbragg.com>

September 13, 2021 2:01 PM

City Council,

I found the Structural and Use Study of City Hall East very informative. However, it includes numerous recommendations that aren't reflected in the preliminary designs included in the packet. For example, the historic aspects of the building should be maintained and restored where past projects have impacted the overall integrity. This includes uncovering the existing/past windows that were covered over. Please see the following from page 17 of the report:

"Secondary elements are less critical in defining a building's importance within its period of historic significance but which still help define its significance and character. Secondary elements might include the gymnasium (if not considered a primary element), and other parts of the building which remain from the original construction and have not been modified. As such, maintaining the original gymnasium use is preferred and as with the pool, it would be desirable, to bring back the original look of this space including, for example, restoring the existing windows which have been covered. Further investigation and possibly a historic structure report (HSR) would be useful in identifying the extent of these secondary elements."

Hopefully, the City will hire an appropriate architect that has specific expertise on restoration and remodelling of historic structures. This is a very specialized area requiring specialized expertise that does not exist among current City staff and might not even be available locally. The details of this project will matter in order to satisfy applicable requirements due to this project involving an historic structure of significant local importance.

Regards,

--Jacob



Rural Recreation and Tourism Grant Application for Multi-Rec Room and Gym Rehab

HEATHER GUREWITZ, MCRP

ASSOCIATE PLANNER

COMMUNITY DEVELOPMENT DEPARTMENT

Issue



City Hall East consists of the “old gym” and the former pool building. Both structures date back to the 1920s. Since 2010, the City has had plans to renovate the two buildings. The old pool building is currently a hazard as it is no longer structurally sound.



Opportunity



- ▶ The Rural Recreation and Tourism (RRT) Program is administered through California State Parks and intended to create new recreation opportunities within rural communities to support health-related and economic goals
- ▶ competitive grants will range from \$200,000 to \$3 million.
- ▶ There is no match requirement because the median household income for Fort Bragg is below \$56,982. The due date is November 5, 2021

Process to Date



- ▶ CDC Meetings on March 23, 2021 and April 23, 2021
- ▶ School workshops on May 25, 2021 and June 3, 2021
- ▶ Farmers' Market Workshop on June 30, 2021 (w/online option)
- ▶ CDC Meeting on July 27, 2021

About the “Old Rec Center”



SUMMARY

Designed by noted San Francisco architect William H. Weeks, the building was constructed in 1922 as the Community Club. Historical construction photos indicate the entire building was built at that time, including both the two-story westerly portion now used for City offices and the one-story easterly portion which until recently was in use by the Mendocino Coast Recreation and Parks District.

2010 Structural Report

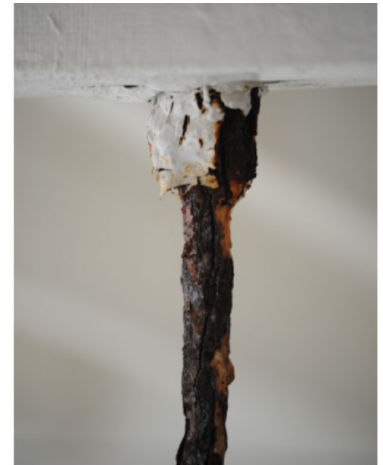


2010 Structural Report Contd.



“The most immediate concern involves the pool building. Years of a corrosive environment from pool chlorine and lack of proper maintenance has caused significant corrosion and rusting of the steel components. The following areas are the most critical:

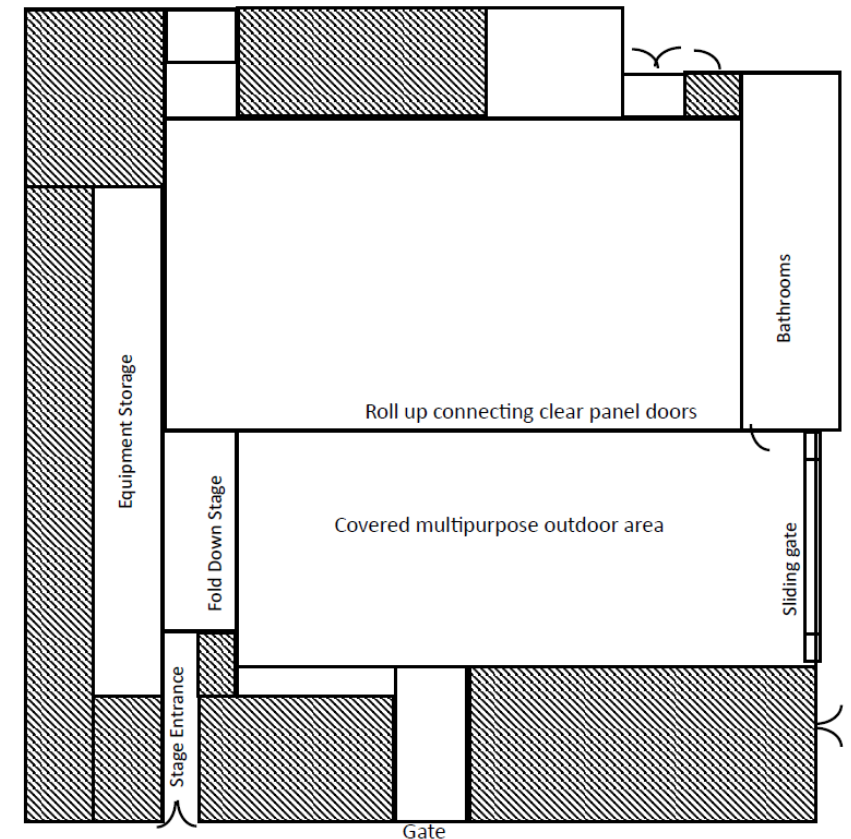
- The catwalk at the west end of the building has badly deteriorated steel rod support hangers (see photo, this page). We cannot determine a reliable capacity for these members.
- The pool truss heel connections are also severely deteriorated (see photo, this page). It is assumed that the bolts through the connection have not corroded to the same extent as the exposed steel plate and are providing the strength in this connection but it is not readily apparent.”



Stabilization



- ▶ Hazardous Materials Survey and Remediation
- ▶ Required inspections and reports (geotech, termite, etc)
- ▶ Selective demolition
- ▶ Fill, subgrade, and structural foundations and slabs
- ▶ Structural trussing and metalwork repair
- ▶ Sheer wall, carpentry, and insulation
- ▶ Windows, doors, lighting and painting
- ▶ Electrical and plumbing upgrades
- ▶ Fire sprinklers



Conversion for Use



- ▶ Public Restrooms
- ▶ Multi-purpose recreation flooring
- ▶ Visual enhancements
- ▶ Modular Stage
- ▶ Recreation equipment













City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
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Text File

File Number: 21-483

Agenda Date: 9/13/2021

Version: 1

Status: Business

In Control: City Council

File Type: Resolution

Agenda Number: 8C.

Receive Report and Consider Adoption of City Council Resolution Authorizing the City Manager to Enter Into Negotiations with C&S Waste Solutions of California, Inc. for Residential and Commercial Garbage, Recyclable Material and Organic Waste Collection



AGENCY: City Council
MEETING DATE: September 13, 2021
DEPARTMENT: City Manager
PRESENTED BY: Tabatha Miller
EMAIL ADDRESS: tmiller@fortbragg.com

AGENDA ITEM SUMMARY

TITLE:

Receive Report and Consider Adoption of City Council Resolution Authorizing the City Manager to Enter Into Negotiations with C&S Waste Solutions of California, Inc. for Residential and Commercial Garbage, Recyclable Material and Organic Waste Collection

ISSUE:

The City of Fort Bragg's Franchise Agreement with USA Waste of California, Inc., dba Empire Waste Management (WM) was to expire on June 30, 2021. Originally, City and County staff intended to work together negotiating new agreements. Both the City and County wanted a short-term (12 to 18 months) extension of the current Agreements. At that time, WM indicated that they would not enter into a short-term extension of the Franchise Agreements and the minimum term they would consider was five years.

On December 8, 2020, the County Board of Supervisors made the decision to bid the Franchise Area 2 and the County's original Request for Proposal (RFP) was issued on January 26, 2021. In the meantime, the City of Fort Bragg attempted to negotiate with WM with little progress. As a result, a Special City Council meeting was scheduled for January 27, 2021, for the City Council to consider transitioning the solid waste franchise to C&S Waste Solutions as of July 1, 2021. No City Council discussion took place at that meeting but a representative from WM, Brad Cea, offered the City Council a one-year franchise agreement extension without any rate increases. The City Council approved the extension on February 8, 2021 and Amendment No. 7, extends the City's current Franchise Agreement with WM until June 30, 2022.

On June 14, 2021, the City Council approved issuing a Joint County of Mendocino and City of Fort Bragg RFP for Solid Waste Refuse Collections. On June 15, 2021, the Joint RFP was issued with a closing date of August 3, 2021. As expected, the City and the County received three responses from:

- C&S Waste Solutions of California, Inc. (C&S)
- Solid Waste of Willits, Inc. (SWOW)
- Waste Management Collection and Recycling, Inc. (WM)

The City Council Solid Waste Franchise Agreement Ad Hoc Committee, comprised of Mayor Bernie Norvell, Councilmember Lindy Peters and the City Manager, reviewed the responses and rated each proposal based on predetermined criteria. The Committee is recommending that the City Council authorize the City Manager to enter into negotiations with C&S Waste Solutions of California, Inc. for residential and commercial garbage, recyclable materials and organic waste collection under an exclusive 10-year Franchise Agreement. City Council will

approve the final negotiated Franchise Agreement.

Franchise Agreements

The current Solid Waste Franchise Agreement was executed on January 8, 2007 and originally contained a termination date of June 30, 2014. In August 2011, the Agreement was extended to June 30, 2021, to coincide with the County's expiration. As mentioned above, an additional one-year extension was executed in February 2021 by the City and just after that by the County, so that both agreements now expire on June 30, 2022.

[California Public Resources Code Section 40059](#) provides the City with the authority to determine all aspects of solid waste handling as it is of local concern, including the frequency of and means of collection, transportation, level of services, charges and fees and extent of providing such services. Section 40059 also allows cities to determine how services are procured; it allows cities to obtain services by using partially exclusive or wholly exclusive franchises, contracts, licenses or permits with or without competitive bidding. This code section also provides the City with the authority to establish its own terms for procuring solid waste services by resolution or ordinance.

[Fort Bragg Municipal Code Chapter 6.08 – Refuse and Recyclable Collections, Section 6.08.020](#) provides that no one can engage in refuse and recycling collection in the City except under contract with the City. That contract can be exclusive or nonexclusive and the City may regulate all aspects of collection. The chapter also provides regulation on how solid waste is prepared, contained, stored and collected within City limits.

Joint County/City Request for Proposal (RFP)

The County Franchise Area 2 includes the Coastal Rate Zone, which is the unincorporated area from south of Westport to just south of Albion, excluding the City of Fort Bragg and inland approximately 15 miles; and the Inland Rate Zone includes unincorporated areas in the Ukiah Valley from Potter Valley to the south Mendocino county line. The City of Fort Bragg Franchise Area is the City's corporate limits. Approximate customer accounts currently served by WM in Mendocino County are below:

Customer Type	Mendocino County Coastal Zone	Mendocino County Inland Zone	City of Fort Bragg	Total
Residential	3,760	4,444	1,845	10,049
Commercial	138	761	394	1,293

The joint RFP allowed proposers to propose on any or all of the three areas outlined above. The assumption was that the best pricing would be attained by awarding both the City and the County Franchises to the same provider. Services requested in the RFP were: 1) Base Services: Single Family and Multi-Family Residential and Commercial Garbage, Recyclable Material and Organic Waste Collection; 2) Additional services: Roll-Off Container Collection, Public Litter and Recyclable Collection for City Facilities and City owned trash receptacles, Diversion Education and Outreach, Edible Food Recovery Support, a Coastal Customer Service Center; and 3) Alternate Proposed Services: Bulky Items, Paper Shredding Events and a California Refund Value (CRV) center located on the coast.

The City Council Solid Waste Franchise Agreement Ad Hoc Committee, comprised of Mayor Bernie Norvell, Councilmember Lindy Peters and the City Manager, reviewed the three responses and rated each proposal on predetermined criteria as set forth below and in the sample form attached as Att. 2 – Rating Form.

RFP Section	Points Allocated
RFP Responsive	Pass/Fail
Qualifications	20
Technical Score	25
Sustainability	10
Pricing	45
Total	100

The chart below is a summary of the rating of the Solid Waste Franchise Agreement Ad Hoc Committee. C&S Waste Solutions' overall score is 2.75 points more than Waste Management. The pricing score is based on the overall estimated revenue to the provider using the customer categories provided by the current provider.

RFP Section	WM	C&S	SWOW
RFP Responsive	Pass	Pass	Pass
Qualifications	17.90	18.29	12.57
Technical Score	21.43	21.19	17.14
Sustainability	9	9	8
Pricing	42.40	45.00	44.52
Total	90.73	93.48	82.23

The primary reason for bidding the franchise agreements together with the County was to attain the best overall rates for our solid waste customers. The best pricing for C&S and WM assumes that the successful responder will be awarded the Inland, Coastal and Fort Bragg areas. WM did provide a separate bid to provide services to just the City or just the County but those were more expensive and not used to calculate the pricing score. SWOW bid on providing service to the County's Coastal Rate Zone and the City of Fort Bragg, but not the Inland Rate Zone. Mendocino County's evaluation committee also chose C&S Waste Solutions as their recommended vendor. A request for authorization from the Board of Supervisors to enter into contract negotiations with C&S is on the agenda for the Board of Supervisors' meeting on September 14, 2021.

C&S Waste Solutions

C&S Waste Solutions (C&S), based in Ukiah, is a group of companies with more than 20 years of experience in Northern California. The group of companies provide integrated waste services, including collection, transfer and disposal, recyclable collection and processing, green and wood waste collection and processing, landfill operations, sanitation services and scrap metal purchasing and marketing. They also have presence in southern Nevada. C&S currently provides services to the City of Ukiah, Lake County and Clearlake in our area.

C&S maintains a large facility in Ukiah that would support the facility proposed for the Fort Bragg Coastal area. The Ukiah facility includes the large Material Recovery Facility (MRF) that can process commingled paper, aluminum, PET, LDPE, HDPE plastics (1-7), glass, cans and cardboard. C&S also operates transfer stations in Ukiah and Lake County.

Staff checked references with each of those jurisdictions and were provided strong reviews. Additionally, staff spent approximately 50 minutes in a phone conversation with staff from Lake County inquiring about the level of services provided by C&S and the County staff's relationship with C&S. The responses received were very positive and provided honest feedback. Consistent in both the discussions with Lake County and the response from City of Ukiah is the strong support provided by C&S to those jurisdictions for compliance with the state mandated diversion programs, including AB341, SB939 and SB1383. Implementation of the requirements of SB939 and SB1383 are pending issues for the City.

C&S has secured property at 1280 N. Main Street, Fort Bragg to locate a direct (truck-to-truck) waste transfer operation, equipment storage and maintenance and a customer service center. The property is zoned Light Industrial and is not located in the Coastal Zone. The facility would serve as a direct-haul transfer facility. The collector trucks, which collect refuse, recyclables and green waste from City and County customers, will transfer the waste directly into hauling trucks, which will transport waste to the SWOW facility in Willits per the City's existing contracts. A direct-haul transfer facility will move material from one covered vehicle to another so the material is never placed on the floor or ground. Improvements to the property are subject to the permit requirements of the City of Fort Bragg, which are well underway. The waste transfer operations WM conducts at the Pudding Creek facility are very similar. Assuming both the City and the County execute Franchise Agreements with C&S, WM will no longer have a need for the Pudding Creek facility.

Presumably, solid waste will be collected at the same locations and in the same volume, although C&S's collection within City limits will operate differently. Waste Management uses three separate trucks to collect the refuse, recyclables and green waste and then transport it back to the Pudding Creek facility. C&S will use split-body side loading trucks that will allow it to collect recyclables and green waste in one pass per house, instead of two. In other words, instead of three trucks traveling to each residence on trash pickup day, only two trucks will be used by C&S. This will reduce the collector truck miles traveled in Fort Bragg. C&S's proposal includes new trucks and new bins, creating the presumption that the new trucks will improve air quality and operate more efficiently. Less collection trips will also reduce the wear and tear on City streets.

C&S's Diversion and Education and Outreach programs received high marks, as did the high-tech locally based customer service and collection systems. An experienced full-time Waste Diversion Coordinator will oversee the diversion programs. Additionally, Bob Thornsberry, former WM District Manager, will lead C&S's transition team.

Finally, the City Council Ad Hoc Solid Waste Franchise Committee was concerned for loss of employment by WM employees laid off as a result of the transition. One of the requirements in the RFP was a commitment by any selected provider to agree to retain the employees of the prior Vendor/Subcontractor for a period of not less ninety (90) days pursuant to sections 1072 and 1075 of the California Labor Code.

Environmental Analysis

As part of the Use Permit application with the City of Fort Bragg, a complete CEQA review of the facility at 1280 N. Main Street is being conducted. The City has a proposal from First Carbon Solutions of Walnut Creek, CA to conduct a CEQA analysis of air quality, greenhouse gas impacts and noise analysis compared to the current provider. If the City Council authorizes the City Manager to enter into negotiations with C&S, the contract with First Carbon Solutions will be initiated.

RECOMMENDED ACTION:

City Council Ad Hoc Solid Waste Franchise Committee recommends the City Council adopt the Resolution authorizing the City Manager to negotiate a Franchise Agreement with C&S Waste Solutions of California, Inc. If negotiations are successful, a final Franchise Agreement will be subject to City Council approval.

ALTERNATIVE ACTION(S):

Do not approve the resolution and provide staff alternative direction.

FISCAL IMPACT:

The fiscal impact to the City should be minimal, but will result in receiving an estimated 1.8% less in franchise fees than the WM RFP proposal.

Rate Comparison

The chart on the next page provides selected proposed rates from the RFP respondents as a point of comparison. The figures on the right, compare the proposed C&S rates to the current rates charged by WM. Under the C&S proposal, the typical residential customer will see a fifteen percent (15%) reduction in monthly rates. A typical commercial customer will see a seven percent (7%) increase in rates. During interviews, C&S was asked about the shift in costs from residential to commercial customers and responded that their cost analysis found that residential customers were currently subsidizing commercial operations.

Residential - Single Family			SWOW	WM	C&S	Current WM		
						Rate	Difference	%
Weekly Service								
	20 Gallons	\$	26.00	\$	26.41	\$ 22.01	\$ 24.45	\$ (2.44) -10.0%
	32 Gallons	\$	38.00	\$	42.07	\$ 33.11	\$ 38.95	\$ (5.84) -15.0%
	64 Gallons	\$	77.00	\$	84.14	\$ 66.22	\$ 77.91	\$ (11.69) -15.0%
	96 Gallons	\$	115.00	\$	126.24	\$ 99.36	\$ 116.89	\$ (17.53) -15.0%
Commercial & Multi-Family			SWOW	WM	C&S	Current WM		
						Rate	Difference	%
1-Weekly Service								
	32-Gallon Cart		\$38.00	\$37.93	\$39.99	\$37.37	\$ 2.62	7.0%
	64-Gallon Cart		\$77.00	\$75.85	\$79.96	\$74.73	\$ 5.23	7.0%
	96-Gallon Cart		\$115.00	\$113.79	\$119.95	\$112.11	\$ 7.84	7.0%
	1 CY Bin		\$225.03	\$228.41	\$240.78	\$225.03	\$ 15.75	7.0%
	1.5 CY Bin		\$299.91	\$306.31	\$322.90	\$301.78	\$ 21.12	7.0%
	2 CY Bin		\$385.53	\$395.26	\$416.68	\$389.42	\$ 27.26	7.0%
	3 CY Bin		\$452.41	\$463.83	\$488.97	\$456.98	\$ 31.99	7.0%
	4 CY Bin		\$722.72	\$722.72	\$761.88	\$712.04	\$ 49.84	7.0%
	6 CY Bin		\$954.80	\$927.66				
	2 CY Compactor		\$452.41	\$625.77	\$678.17	\$616.52	\$ 61.65	10.0%
	3 CY Compactor		\$516.72	\$682.27	\$739.41	\$672.19	\$ 67.22	10.0%
	4 CY Compactor		\$578.29	\$806.65	\$874.20	\$794.73	\$ 79.47	10.0%

Costs associated with the RFP process and selection including the services of HDR Engineering and First Carbon Solutions will be borne by the successful Responder, as part of executing the final Franchise Agreement.

GREENHOUSE GAS EMISSIONS IMPACT:

Changing solid waste providers by itself will have little impact on greenhouse gas emission; however, new equipment, trucks and split-body collector trucks will positively reduce greenhouse gas emissions.

CONSISTENCY:

Securing a long-term contract with a provider is consistent with Chapter 6.08: Refuse and Recyclable Collection – of the Fort Bragg Municipal Code.

IMPLEMENTATION/TIMEFRAMES:

Service requirements would be effective July 1, 2022.

ATTACHMENTS:

1. Resolution
2. RFP Rating Form

NOTIFICATION:

1. Solid Waste Franchise, **Notify Me Group**

RESOLUTION NO. ____-2021

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO NEGOTIATE A FRANCHISE
AGREEMENT FOR SOLID WASTE SERVICES WITH C&S WASTE
SOLUTIONS OF CALIFORNIA, INC.**

WHEREAS, the Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1989, has declared that it is within the public interest to authorize and require local agencies to make adequate provisions for Solid Waste handling within their jurisdictions; and

WHEREAS, pursuant to California Public Resources Code Section 40059 (a) (2), the City Council of the City of Fort Bragg (City) determined that the public health, safety and well-being require that an exclusive franchise be awarded to a qualified Solid Waste enterprise for the collection and recovery of solid waste from certain residential, industrial and commercial areas in the City; and

WHEREAS, the Fort Bragg Municipal Code Section 6.08.020 provides that no one can engage in refuse and recycling collection services in the City except under contract with the City; and

WHEREAS, regular pickup of garbage, green waste and recyclables is more sanitary and reduces the risk of the solid waste being spread by animals or creating unwanted smells; and

WHEREAS, The City and USA Waste of California, Inc., DBA Empire Waste Management (Waste Management) executed a Franchise Agreement (Agreement) dated January 8, 2007 which expires on June 30, 2022; and

WHEREAS, the City's intention in executing the Agreement was to maintain reasonable rates for collection and transportation of solid waste, discarded recyclable materials and green waste within the area covered by the Agreement; and

WHEREAS, the City of Fort Bragg and the County of Mendocino issued a joint Request for Proposals for residential and commercial garbage, recyclable material and organic waste collection for the County Solid Waste Franchise Area Number Two and the City of Fort Bragg City limits; and

WHEREAS, C&S Waste Solutions of California, Inc. was selected as the preferred Solid Waste Provider by the City's Solid Waste Franchise Agreement Ad Hoc Committee and by the Mendocino County's Evaluation Committee based on a proposal review weighting 55% of the score for technical proposal, qualifications and sustainability and 45% for the proposed cost to the customers; and

WHEREAS, C&S has operated in Northern California for more than two decades and provides integrated collection, transfer, processing of waste and recyclables (including green waste), and

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

1. It is in the best interest of the City and all Fort Bragg solid waste customers to secure refuse and recyclable collection services for the next ten (10) years.
2. C&S Waste Solutions of California, Inc. has successfully operated integrated waste services locally for more than a decade in Mendocino and Lake County and was recommended to the City by other jurisdictions.
3. C&S Waste Solutions of California, Inc. has agreed to hire staff laid off from Waste Management as a result of the City's decision to transition refuse and recycling services to another provider.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby authorize the City Manager to negotiate a ten (10) year Solid Waste Franchise Agreement between the City of Fort Bragg and C&S Waste Solutions of California, Inc. for final approval by the City Council.

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 13th day of September, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

BERNIE NORVELL
Mayor

ATTEST:

June Lemos, CMC
City Clerk

RFP Reference Section	Evaluation Criteria	Weighting (%)	Scoring	Scoring Description
STEP 1 – Proposal Responsiveness (if all PASS, move to STEP 2)				
Responsiveness to RFP			P/F	PASS if required information provided; FAIL if required information not provided
1.2	Attend Mandatory Pre-proposal Video Conference			Provision of required information
5.7.1	Cover letter that includes all of the requirements listed in Section			Provision of required information
5.7.1	Executive summary that highlights the major elements of the Vendor's qualifications and proposal, including a brief description of the Vendor's initial transition plan and schedule, and facilities to be used.			Provision of required information
5.7.1	Proposal Bond			Provision of required information
5.7.1	Performance Bond Commitment Letter			Provision of required information
5.7.1	Signed Copies of Addenda acknowledging receipt			Provision of required information
5.7.1	Table of Contents			Provision of required information
5.7.2	Key personnel and brief descriptions of the qualifications and experience of the individuals who will administer the Franchise Agreement.			Provision of required information
5.7.2	Name and resumes of principal officers, partners, or other officials or managers who will be performing substantive responsibilities required under the Franchise Agreement.			Provision of required information
5.7.2	Provide four (4) clients that the City may conduct a reference			Provision of required information
5.7.2	Conflict of interest statement			Provision of required information
5.7.2	Provide history for the last five (5) years of all claim settlements, arbitrations, litigation proceedings, and civil actions involving One Hundred Thousand Dollars or more, and all criminal actions in which the company, its parent company, subsidiaries, all partners, or principals were involved.			Provision of required information
5.7.2	List any liquidated damages, administrative fines, charges, or assessments that total fifty thousand dollars or greater in any one (1) calendar year during the last five (5) years.			Provision of required information
5.7.3	Letter from Vendor's bank/financial institution clearly stating that the Vendor has adequate assets and/or irrevocable line or credit that is sufficient to compensate for all required payments to the City, capital costs, equipment costs, start-up costs, and a minimum of three (3) months' operating costs.			Provision of required information
5.7.3	Audited financial statements for the most recent three (3) fiscal years OR three (3) years of business tax returns.			Provision of required information
5.7.4.1	Transition Plan			Provision of required information
5.7.4.2	Operations Plan			Provision of required information
5.7.4.3	Customer Service Plan			Provision of required information
5.7.4.4	Diversion Plan			Provision of required information
5.7.4.5	Education and Outreach Plan			Provision of required information
5.7.5	Completed proposal forms			Provision of required information
5.7.6	Proposal Service Alternatives and Agreement Exceptions			Provision of required information

RFP Reference Section	Evaluation Criteria	Weighting (%)	Scoring	Scoring Description
STEP 2 – Technical Review (Complete Review before Cost Proposal Review in STEP 3)				
Qualifications and		20	0-5	0 is low score; 5 is high score
5.8.2.1	Municipal Collection Experience	3		High score if four contacts provided, services include all of the materials collected; counties and/or cities equal to or larger than Mendocino County and/or City of Fort Bragg, contracts active, and positive references; Low score if services did not include all of the materials requested (recyclables, organics, refuse), cities smaller than Mendocino County and/or City of Fort Bragg, contracts expired, and poor references.
5.8.2.1	Key Personnel	3		High score if personnel have 10 or more years professional experience, have been with the company 5 or more years, and their experience is similar to the type of services proposed to Mendocino County and/or City of Fort Bragg; Low score if personnel have less than 10 years professional experience, have been with the company less than 5 years, or their experience is not similar to the type of services proposed to Mendocino County and/or City of Fort Bragg.
5.8.2.1	Service Transition Experience	3		High score if service transition is similar to the services proposed to Mendocino County and/or City of Fort Bragg, transitions occurred within the past 10 years, and positive references; Low score if service transition not similar to the services proposed to Mendocino County and/or City of Fort Bragg, transitions occurred over 10 years ago, and poor references.
5.8.2.1	Public Education Experience	2		High score for good experience in designing, implementing, and operating public education and information programs that promote high participation and diversion
5.8.2.1	Litigation History and Regulatory Compliance	3		High score for no active or settled litigation and no NOV's or other enforcement actions; Low score for multiple active or settled litigations, multiple NOV's or other enforcement actions.
5.8.2.2	Financial Capability and Stability	3		High score for good credit score or financial statements; Low score for poor credit score or financial statements.
5.8.2.1	Reference checks	3		High score for good reference checks; Low score for poor reference checks.

RFP Reference Section	Evaluation Criteria	Weighting (%)	Scoring	Scoring Description
Technical Proposal		25	0-5	0 is low score; 5 is high score
5.8.3	Collection Methodology	4		High score if collection methodology is clear and proposes to meet or exceed the service requirements for the zone, collection addresses the mix of businesses and multi-family units, collection schedule meets the requirement outlined in RFP, holidays and other service disruptions addressed, special collections services are outlined such as holiday tree collection, bulky waste collection, and abandoned item collection; Low score if not.
5.8.3	Customer Service and Tracking Program	4		High score for sufficient data management system for tracking customer service data and ability to provide accurate reports to the County and the City. Low score if not.
5.8.3	Technology/Innovation Programs	4		High score for defined technology or innovation programs including route optimization, bin and container cameras or sensors, vehicles having on-board computers and cameras, use of RFID data collection and management, web based performance dashboards; Low score if not.
5.8.3	Commitment to employee and public safety	4		High score for good safety record and approach; Low score for poor safety record and approach.
5.7.4.1	Transition Plan	4		High score if proposer provides a detailed transition plan that addresses all services proposed, addresses equipment procurement, personnel hiring and training, and public education and outreach prior to services beginning; Low score if not.
5.8.3	Processing Facility(ies)	3		High score for sufficient processing capacity at facility(ies) for Recyclable Material and Organic Waste. Vendors will be disqualified for offering a processing facility(ies) that is not fully permitted and/or is not capable of handling the volume and types of materials generated by the County and/or City during the term of the Franchise Agreement.
5.8.3	Location of Processing Facility(ies)	2		High score for local (low transportation distance) processing facilities; low score for distance (high transportation distance) processing facilities.

RFP Reference Section	Evaluation Criteria	Weighting (%)	Scoring	Scoring Description
Sustainability		10	0-5	0 is low score; 5 is high score
5.8.4.1	Diversion Programs	5		High score if the proposer clearly describes their organics processing and marketing plans, the plans fully describe their ability to meet at 75% diversion requirement by June 31, 2031 defines how the proposer will address contamination reduction, states schedule showing specific programs and tasks; Low score if not.
5.8.4.2	Education and Outreach Program	5		High score if the proposed public education and outreach activities enhance the County and City's goals and objectives, there is a communications plan for recycling and organics management, the public education and outreach plan addresses anticipated contamination issues with recycling and organics, there is full-time public education and outreach personnel assigned to County and City programs; Low score if not

From: [Jacob Patterson](#)
To: [Lemos, June](#); [Munoz, Cristal](#)
Cc: [Miller, Tabatha](#)
Subject: Public Comment -- 9/13/21 CC Mtg., Item No. 8C
Date: Wednesday, September 8, 2021 11:18:27 PM

City Council,

I like the idea of C&S providing our solid waste services but I have an additional concern that wasn't mentioned in the staff report I would like you to consider. The report identifies a new location in the north part of town for a C & S solid waste facility. Apparently, there is already talk about a CEQA review but the City shouldn't be limiting that scope without first holding a public scoping session. For example, the staff report lists air quality, greenhouse gas emissions, and noise as the areas of focus for a CEQA review. This list omits several issues that will likely need to be considered. First, there is likely a public easement on the cited property for parking and coastal access purposes. That likely prescriptive public easement could easily complicate any development of that site. The areas of study are also too limited because this project likely implicates significant aesthetic impacts not just noise and air quality. I also wouldn't be surprised if there are traffic impacts due to the extra driving distances relative to the existing baseline conditions or biological impacts due to on-site plants of habitat.

Please factor these broader environmental and planning issues into your decision and direction to staff.

Regards,

--Jacob

Solid Waste Ad Hoc Committee Recommendation

CITY COUNCIL MEETING
SEPTEMBER 13, 2021



Joint County/City Request for Proposals

City and County's separate Franchise Agreements with Waste Management expire on 6-30-2022

Joint RFP with goal of receiving best pricing for all customers and compliance with legislative mandates, including SB 1383

Issued 6-15-2021

Closed 8-03-2021

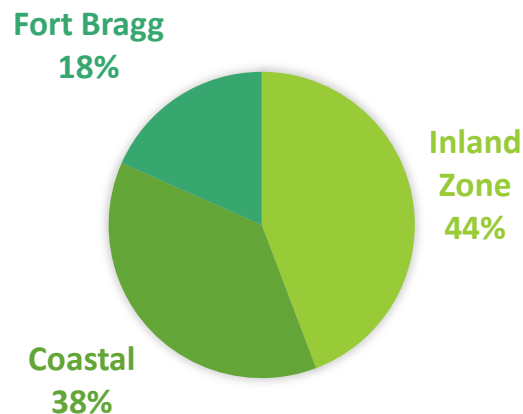
Responses:

- C&S Waste Solutions of California, Inc. (C&S)
- Solid Waste of Willits, Inc. (SWOW)
- Waste Management Collection and Recycling, Inc. (WM)

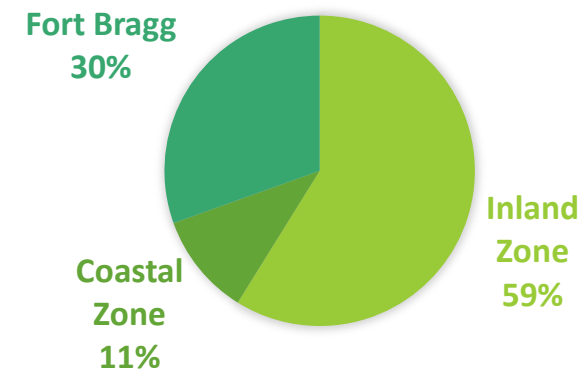
Approximate Customer Counts

Customer Type	Mendocino County Coastal Zone	Mendocino County Inland Zone	City of Fort Bragg	Total
Residential	3,760	4,444	1,845	10,049
Commercial	138	761	394	1,293

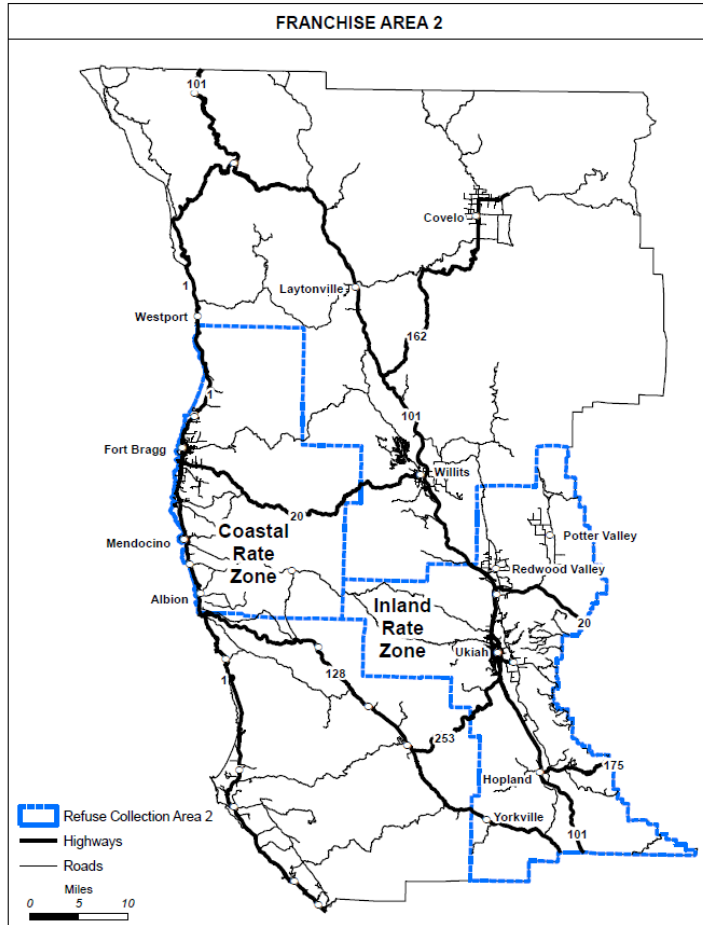
RESIDENTIAL



COMMERCIAL



Franchise Areas



RFP Rating Scores

RFP Section	Points Allocated	Waste Management	C&S Waste Solutions	Solid Waste of Willits
RFP Responsive	Pass/Fail	Pass	Pass	Pass
Qualifications	20	17.90	18.29	12.57
Technical Score	25	21.43	21.19	17.14
Sustainability	10	9	9	8
Pricing	45	42.40	45.00	44.52
Total	100	90.73	93.48	82.23

Selected Proposed Residential Rates Effective 07-01-2022

Residential - Single Family	SWOW	WM	C&S	Current WM Rate	Difference	%
Weekly Service						
20 Gallons	\$ 26.00	\$ 26.41	\$ 22.01	\$ 24.45	\$ (2.44)	-10.0%
32 Gallons	\$ 38.00	\$ 42.07	\$ 33.11	\$ 38.95	\$ (5.84)	-15.0%
64 Gallons	\$ 77.00	\$ 84.14	\$ 66.22	\$ 77.91	\$ (11.69)	-15.0%
96 Gallons	\$ 115.00	\$ 126.24	\$ 99.36	\$ 116.89	\$ (17.53)	-15.0%

Selected Proposed Commerical Rates Effective 07-01-2022

Residential - Single Family	SWOW	WM	C&S	Current WM Rate	Difference	%
1-Weekly Service						
32-Gallon Cart	\$38.00	\$37.93	\$39.99	\$37.37	\$ 2.62	7.0%
64-Gallon Cart	\$77.00	\$75.85	\$79.96	\$74.73	\$ 5.23	7.0%
96-Gallon Cart	\$115.00	\$113.79	\$119.95	\$112.11	\$ 7.84	7.0%
1 CY Bin	\$225.03	\$228.41	\$240.78	\$225.03	\$ 15.75	7.0%
2 CY Bin	\$385.53	\$395.26	\$416.68	\$389.42	\$ 27.26	7.0%
3 CY Bin	\$452.41	\$463.83	\$488.97	\$456.98	\$ 31.99	7.0%
4 CY Bin	\$722.72	\$722.72	\$761.88	\$712.04	\$ 49.84	7.0%
2 CY Compactor	\$452.41	\$625.77	\$678.17	\$616.52	\$ 61.65	10.0%
3 CY Compactor	\$516.72	\$682.27	\$739.41	\$672.19	\$ 67.22	10.0%
4 CY Compactor	\$578.29	\$806.65	\$874.20	\$794.73	\$ 79.47	10.0%

High Marks C&S Waste Solutions

References

Local customer service call center

Strong education, diversion and outreach program

Lowest overall pricing

Strong Transition & Operation Plans

New bins, carts and vehicles

Split-body load collection trucks reduce number of trips through neighborhoods

Experienced transition advisor

Franchise Agreement

10-year term

Council approval required

July 1, 2022 effective date

Coastal Facility within City Limits

Questions



City of Fort Bragg

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

Text File

File Number: 21-479

Agenda Date: 9/13/2021

Version: 1

Status: Closed Session

In Control: City Council

File Type: Report

Agenda Number: 9A.

CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: One (1) Case.

From: [Jacob Patterson](#)
To: [Lemos, June](#); [Munoz, Cristal](#)
Cc: [Miller, Tabatha](#)
Subject: Public Comment -- 9/13/21 CC Mtg., Item No. 9A
Date: Wednesday, September 8, 2021 10:57:13 PM

City Council,

I am fairly confident there is more than one potential case at the moment; I mean, I have more than one potential claim and I am only one of many potential plaintiffs/petitioners that could be bringing a challenge or claims against the City. I am aware of other people who could bring something against the City based on recent events. I really think the City needs to be more forthcoming about who might be involved and what the potential claims might be for these types of agenda items. I mean, there really aren't many potential cases I am aware of where it would likely harm the City's positions to identify the subject matter of the closed session and the parties because the most likely parties are probably already aware of what their options are... Please make a better effort to provide adequate information to the public about closed session items concerning potential litigation.

Also, why didn't the City publish the petition/complaint for the Grocery Outlet lawsuit in Item No. 9C. I think the public should be able to easily access the actual complaint that justifies that closed session item and it doesn't harm the City to include that in the published agenda materials.

Thanks,

--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: 21-480

Agenda Date: 9/13/2021

Version: 2

Status: Closed Session

In Control: City Council

File Type: Staff Report

Agenda Number: 9B.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS FOR POSSIBLE ACQUISITION OF REAL PROPERTY, Pursuant to Government Code Section 54956.8: Real Property: APN 008-430-21, APN 008-430-22, APN 018-040-61, APN 018-430-22, APN 018-040-61, APN 018-120-50, APN 008-171-07, APN 008-161-08, APN 008-151-26, APN 008-161-27 and the Southern portion of former APN 008-020-15, Fort Bragg, CA 95437; City Negotiator: Tabatha Miller, City Manager; Negotiating Party: Dave Massengill, Environmental Affairs, Georgia Pacific Corporation; Under Negotiation: Terms of Acquisition, Price



City of Fort Bragg

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

Text File

File Number: 21-482

Agenda Date: 9/13/2021

Version: 1

Status: Closed Session

In Control: City Council

File Type: Staff Report

Agenda Number: 9C.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9; FB Local Business Matters and Leslie Kashiwada v. City of Fort Bragg, Superior Court of California, County of Mendocino, Case No. 21CV00652

1 Mark R. Wolfe, CSB No. 176753
2 John H. Farrow, CSB No. 209221
3 M. R. WOLFE & ASSOCIATES, P.C.
4 580 California Street, Suite 1200
5 San Francisco, CA 94104
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ELECTRONICALLY FILED
8/24/2021 12:09 PM
Superior Court of California
County of Mendocino

By: *M. Stafford*
M. Stafford
Deputy Clerk

9 Attorneys for Petitioners LESLIE KASHIWADA and
10 FB LOCAL BUSINESS MATTERS

11 THE SUPERIOR COURT OF CALIFORNIA
12 COUNTY OF MENDOCINO

13 FB LOCAL BUSINESS MATTERS; and
14 LESLIE KASHIWADA,

15 Petitioners,

16 vs.

17 CITY OF FORT BRAGG

18 Respondent;

19 BEST DEVELOPMENT GROUP, LLC;
20 BRR ARCHITECTURE, INC.; GROCERY
21 OUTLET INC.; JENNA MARKLEY; and
22 DOES 1 through 25, inclusive;

23 Real Parties in
24 Interest.

Case No.: 21CV00652

**PETITION FOR WRIT OF
MANDATE**

[Code Civ. Proc. § 1094.5; California
Environmental Quality Act, Pub. Resources
Code § 21168 ; State Planning & Zoning
Law, Gov't Code § 65000]

RECEIVED
AUG 27 2021
CITY OF FORT BRAGG
CITY CLERK

PETITION FOR WRIT OF MANDATE
FB Local Business Matters, et al. v. City of Fort Bragg
Case No.

1 **INTRODUCTION**

2 1. With this lawsuit, Petitioners FB LOCAL BUSINESS MATTERS, an
3 unincorporated association of Fort Bragg citizens and businesses, and LESLIE KASHIWADA,
4 an adult citizen of Mendocino County ("Petitioners"), challenge the July 26, 2021 final actions
5 by Respondent CITY OF FORT BRAGG ("City") adopting a Mitigated Negative Declaration
6 pursuant to the California Environmental Quality Act ("CEQA"), Pub. Resources Code § 21000
7 et seq., and approving Coastal Development Permit 8-19, Design Review 1-19, and Parcel
8 Merger 1-19 ("Approvals") for a new 16,157 square-foot grocery store with a 55-space parking
9 lot 825, 845, and 851 South Franklin Street in the City ("Project"). The Project owners and/or
10 proponents are Real Parties In Interest BEST DEVELOPMENT GROUP, LLC; BRR
11 ARCHITECTURE, INC.; GROCERY OUTLET INC., and JENNA MARKLEY ("Real
12 Parties").

13 2. Petitioners contend the City prejudicially abused its discretion by adopting and
14 relying on a Mitigated Negative Declaration ("MND") in lieu of preparing a full environmental
15 impact report ("EIR") for the Project. Under CEQA, if there is substantial evidence in the
16 administrative record before a public agency that a proposed project may have a significant
17 impact on the environment, the agency must prepare an EIR, even if other substantial evidence
18 shows the project will have no such impact. In this case, there is substantial evidence in the
19 record before the City that the Project not only may but will have several significant
20 environmental effects, most notably in the areas of air quality, biological resources,
21 geology/soils, greenhouse gas emissions, land use planning, and cumulative impacts. The City
22 therefore had a mandatory duty under CEQA to prepare and circulate an EIR before approving
23 the Project. Petitioners also contend the City abused its discretion by approving the Project
24 despite material inconsistencies and incompatibilities with governing goals, policies, and
25 regulations contained in the Fort Bragg General Plan, in violation of the State Planning and
26 Zoning Law, Gov't Code § 65000.

27 3. Petitioners accordingly seek a peremptory writ of mandate under Code of Civil
28 Procedure section 1094.5 and Public Resources Code section 21168 commanding the City to set

1 aside its approvals, and to reconsider its actions after preparing and circulating a draft EIR for
2 public review and comment in accordance with CEQA. Petitioners further seek a stay of the
3 effect of the City's actions during the pendency of these proceedings. Finally, Petitioners seek an
4 award of costs and attorneys' fees under Code of Civil Procedure section 1021.5, together with
5 any other relief the Court deems necessary and proper.

6 In support whereof, Petitioners allege:

7 **PARTIES**

8 **FB Local Business Matters**

9 4. Petitioner FB LOCAL BUSINESS MATTERS is an unincorporated association
10 of residents and business owners living or operating in the City of Fort Bragg. Its organizational
11 purposes include advocating for environmentally and economically responsible land use
12 planning and policy, as well as diligent enforcement of planning and environmental laws in Fort
13 Bragg.

14 5. Members of FB LOCAL BUSINESS MATTERS, including Fort Bragg resident
15 Ken Armstrong, maintain a direct and regular geographic nexus with the City of Fort Bragg
16 and/or the Project site, and will suffer direct harm as a result of any adverse environmental
17 impacts caused by the Project.

18 6. FB LOCAL BUSINESS MATTERS and/or its constituent members presented
19 oral and written comments in opposition to the Project either prior to or during public hearings
20 culminating in the City Council's July 26, 2021 final approval actions, and either raised or
21 supported all claims and issues presented herein.

22 **Leslie Kashiwada**

23 7. Petitioner LESLIE KASHIWADA is an adult U.S. Citizen residing in Mendocino
24 County.

25 8. LESLIE KASHIWADA maintains a direct and regular geographic nexus with the
26 City of Fort Bragg and/or the Project site, and will suffer direct harm as a result of any adverse
27 environmental impacts caused by the Project.
28

9. LESLIE KASHIWADA presented oral and written comments in opposition to the Project either prior to and/or during public hearings culminating in the City Council's July 26, 2021 final approval actions, and either raised or supported all claims and issues presented herein.

City of Fort Bragg

10. Respondent CITY OF FORT BRAGG is a general law city situated in Mendocino County. Through its City Council, it is the government entity ultimately responsible for regulating and controlling land use within its territory.

11. At all times relevant to this Petition, the CITY OF FORT BRAGG served as the “lead agency” under CEQA responsible for evaluating the potential environmental impacts of the Project before approving it.

Best Development Group, LLC

12. Petitioners are informed and believe that Real Party In Interest BEST DEVELOPMENT GROUP, LLC is a California Limited Liability Company maintaining its principal place of business in Sacramento.

13. Petitioners are informed and believe that BEST DEVELOPMENT GROUP is an owner and/or proponent of the Project described, and is an applicant for and recipient of the land use entitlements and approvals described herein.

BRR Architecture, Inc.

14. Petitioners are informed and believe that Real Party In Interest BRR ARCHITECTURE, INC. is a Missouri corporation maintaining its principal place of business in Meriam, Kansas.

15. Petitioners are informed and believe that BRR ARCHITECTURE, INC. is a proponent of the Project described, and is an applicant for and recipient of the land use entitlements and approvals described herein.

Grocery Outlet Inc.

16. Petitioners are informed and believe that Real Party In Interest GROCERY OUTLET INC. is a California corporation maintaining its principal place of business in

1 Emeryville, Alameda County.

2 17. Petitioners are informed and believe that GROCERY OUTLET INC. is an
3 owner and/or proponent of the Project described, and is an applicant for and recipient of the
4 land use entitlements and approvals described herein.

5 **Jenna Markley**

6 18. Petitioners are informed and believe that Real Party In Interest JENNA
7 MARKLEY is an adult U.S. Citizen domiciled in San Francisco, California, and is an employee
8 of Real Party In Interest BRR ARCHITECTURE, INC. Petitioners are informed and believe that
9 JENNA MARKLEY is a proponent of the Project described, and is an applicant for and
10 recipient of the land use entitlements and approvals described herein.

11 **Real Party In Interest Does 1 through 25, Inclusive**

12 19. Petitioners currently do not know the true names and capacities of entitlement
13 recipients or Project owners and/or proponents DOES 1 through 25 inclusive, and therefore
14 names them by such fictitious names. Petitioners will seek leave from the court to amend this
15 petition to reflect the true names and capacities of DOES 1 through 25 inclusive if and when
16 ascertained.

17 **JURISDICTION & VENUE**

18 20. This action is brought pursuant to the writ of mandate provisions of Code of
19 Civil Procedure section 1094.5, and the judicial review provisions of Public Resources Code
20 section 21168. Venue is proper in Mendocino County under Code of Civil Procedure section
21 395.

22 **FACTUAL BACKGROUND**

23 21. The Real Parties propose to construct a Grocery Outlet retail grocery store on a
24 1.63-acre Site located at 825, 845, and 851 S. Franklin Street, Fort Bragg. The Project includes
25 the demolition of an existing 16,436-square-foot vacant former office building and associated
26 parking lot and wooden fencing along the property line, and the construction and operation of a
27 16,157-square-foot, one-story, retail store with a 55-space parking lot and associated
28 improvements and infrastructure.

1 22. In 2019, BRR Architecture applied to the City for land use entitlements for the
2 Project, including a Coastal Development Permit, Design Review, and a Parcel Merger.

3 23. In December, 2020 the City released a draft Initial Study and Environmental
4 Checklist and a proposed Mitigated Negative Declaration (“IS/MND”) in accordance with
5 CEQA, purporting to evaluate the Project’s potential environmental impacts.

6 24. Petitioners submitted timely written comments on the IS/MND raising concerns
7 and objections over the document’s lack of substantive analysis of potential environmental
8 impacts, most notably in the areas of air quality, biological resources, traffic, and land use
9 planning.

10 25. On May 26, 2021 the City’s Planning Commission held a public on the Project.
11 Petitioners and other members of the public presented oral and/or written comments objecting
12 to the Project, asserting that a full EIR was required in order for the City to approve the Project,
13 and pointing out several inconsistencies and incompatibilities with governing provisions of the
14 Fort Bragg General Plan. After requesting additional information from City staff and Real
15 Parties, the Planning Commission continued the hearing to a later date.

16 26. On June 9, 2021, the Planning Commission reopened the public hearing on the
17 Project. Once again, Petitioners objected orally and/or in writing to the Approvals, pointing out
18 the analytic omissions and other deficiencies in the IS/MND, and asking that a full EIR be
19 prepared for the Project. After closing the public hearing, a majority of the Planning
20 Commission voted to adopt the IS/MND and approve the Project.

21 27. Petitioners timely appealed the Planning Commission’s actions to the City
22 Council in accordance with the appeal provisions of the Fort Bragg Municipal Code (“FBMC”).

23 28. On July 26, 2021, the City Council held a public hearing on the IS/MND and
24 Project. Before and/or during the hearing, Petitioners and other members of the public
25 presented oral and/or written comments objecting to the Project, presenting evidence and
26 expert testimony that the Project would have significant environmental impacts, asserting that a
27 full EIR was required in order for the City to approve the Project, and pointing out several
28 inconsistencies and incompatibilities with governing provisions of the Fort Bragg General Plan.

1 After closing the public hearing, a majority of the City Council voted to uphold the Planning
2 Commissions actions, and approved the IS/MND and the Project.

3 29. On July 27, 2021 the City posted a Notice of Determination with the Mendocino
4 County Clerk in accordance with CEQA, declaring that the Project would have no significant,
5 unmitigated environmental impacts.

6 **CLAIM FOR RELIEF**
7 **(Violation of CEQA – Failure to Prepare Environmental Impact Report)**

8 30. Petitioners here incorporate by reference all preceding paragraphs in their entirety.

9 31. At all times relevant to this action the City was the “Lead Agency” responsible for
10 the review and approval of the Project under Public Resources Code section 21067.

11 32. Under Public Resources Code section 21080(d), if there is substantial evidence in
12 light of the whole record before a lead agency that a project it intends to carry out or approve
13 may have a significant effect on the environment, the lead agency must prepare an EIR.

14 33. Under Public Resources Code section 21080(c)(1), a lead agency may adopt a
15 negative declaration or mitigated negative declaration for a project, only if an initial study shows
16 there is no substantial evidence in light of the whole record before the agency that the project
17 may have a significant effect on the environment. If a lead agency is presented with a “fair
18 argument” that a project may have a significant effect on the environment, the lead agency shall
19 prepare an EIR, even though it may also be presented with other substantial evidence that the
20 project will not have a significant effect. *No Oil, Inc. v. County of Los Angeles* (1974) 13 Cal. 3d 68;
21 14 Cal.Code.Reg. § 15064(f)(1).

22 34. For purposes of CEQA, “substantial evidence” is defined as including: “facts,
23 reasonable assumptions predicated upon facts, and expert opinion supported by facts.” 14
24 Cal.Code.Reg. § 15064(f) (5). Thus, if there is disagreement among expert opinion supported by
25 facts over the significance of an effect on the environment, the lead agency “shall treat the effect
26 as significant and shall prepare an EIR.” *Id.* at subd. 15064(g).

27 35. There is substantial evidence in light of the whole record before the City that the
28 Project not only may but will have significant direct, indirect, and cumulative effects on the

1 environment, in areas including but not limited to air quality, biological resources, geology/soils,
2 greenhouse gas emissions, traffic and transportation, and land use planning. There is substantial
3 evidence in the form of facts, reasonable assumptions predicated upon facts, and expert opinion
4 supported by facts that the Project will have these and other significant adverse direct, indirect,
5 and cumulative environmental effects. The City therefore had a mandatory duty under CEQA to
6 prepare and circulate a full EIR for the Project before taking any action to approve it.

7 36. The City therefore prejudicially abused its discretion by approving the Project in
8 reliance only on a MND, by failing to proceed in the manner required by CEQA, and by
9 adopting findings that are not supported by substantial evidence in the record.

10 **SECOND CLAIM FOR RELIEF**
11 **(Violations of State Planning & Zoning Law)**

12 37. Petitioners here incorporate by reference all preceding paragraphs in their entirety.

13 38. Under the State Planning and Zoning law, Government Code §§ 65000 *et seq.*, a
14 local public agency may entitle a proposed land use only if the land use is consistent with the
15 goals, policies, and objectives contained in a valid, current, internally consistent General Plan,
16 including any applicable subsidiary specific plans and/or planned unit development approvals.

17 39. The Project site is subject to the goals, policies, and objectives contained in Fort
18 Bragg Coastal General Plan ("General Plan"), and the development standards and regulations
19 contained in the Fort Bragg Coastal Land Use and Development Code ("CLUDC").

20 40. The Project is inconsistent and incompatible with governing goals, policies, and
21 programs of the General Plan, and development standards and regulations of the CLUDC.

22 41. Despite these inconsistencies, the City adopted findings that the Project is fully
23 consistent with the General Plan and CLUDC.

24 42. The City therefore prejudicially abused its discretion by approving the Project
25 notwithstanding these inconsistencies and incompatibilities, and by adopting findings of
26 consistency that are clearly erroneous and not supported by substantial evidence.

1 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

2 43. This action is brought consistent with the requirements of Code of Civil
3 Procedure section 1094.5 and Public Resources Code sections 21168 and 21177. Petitioners
4 and/or their constituent members objected to the City's approval of the Project orally and/or in
5 writing prior to the close of the final public hearing on the Project. Petitioners and/or other
6 organizations and individuals raised or affirmed each of the legal claims asserted in this petition
7 orally or in writing prior to the close of the final public hearing on the Project.

8 **INADEQUATE REMEDY AT LAW**

9 44. Petitioners declare that they have no plain, speedy, and adequate remedy in the
10 ordinary course of law for the improper action of the City.

11 **NEWLY PRODUCED EVIDENCE**

12 45. In accordance with Code of Civil Procedure section 1094.5(e), Petitioners may,
13 prior to or during the hearing on this petition, offer additional relevant evidence that could not,
14 in the exercise of reasonable diligence, have been produced at the administrative hearing.

15 **ATTORNEYS FEES**

16 46. Petitioners are entitled to recover attorneys' fees as provided under Code of Civil
17 Procedure section 1021.5 if it prevails in this action and the Court finds that a significant benefit
18 has been conferred on the general public or a large class of persons, and that the necessity and
19 burden of private enforcement is such as to make an award of fees appropriate.

20 **PRAYER**

21 WHEREFORE, Petitioners pray for entry of judgment as follows:

- 22 1. For a peremptory writ of mandate directing the City:
- 23 (a) to set aside its actions taken July 26, 2021 adopting the IS/MND and granting a
24 Coastal Development Permit, Design Review, and Parcel Merger for the Project; and
- 25 (b) to comply fully with CEQA and the State Planning & Zoning Law in any
26 subsequent action to approve the Project;
- 27 2. For an order staying the effect of the City's actions pending the outcome of this
28 proceeding.

1 3. For a preliminary and permanent injunction directing the City and Real Parties to
2 cease and refrain from engaging in any future actions predicated upon the approval actions
3 challenged herein until the City comes into compliance with applicable law.

4 4. For costs of suit.

5 5. For an award of attorneys' fees.

6 6. For other legal or equitable relief that the court deems just and proper.

7
8 Dated: August 24, 2021

M. R. WOLFE AND ASSOCIATES, P.C

9
10
11 By: 

Mark R. Wolfe

John H. Farrow

Attorney for Petitioners

12
13 LESLIE KASHIWADA and FB LOCAL
14 BUSINESS MATTERS
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VERIFICATION

I, Leslie Kashiwada, declare as follows:

I am a Petitioner in the above-captioned action.

I have read the foregoing PETITION FOR WRIT OF MANDATE and know the contents thereof. The statements made therein are true of my own knowledge, except as to those matters which are alleged on information and belief, and as to those matters I believe them to be true.

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

Dated: August 24, 2021

By: Leslie Kashiwada
Leslie Kashiwada

From: [Jacob Patterson](#)
To: [Lemos, June](#); [Munoz, Cristal](#)
Subject: Public Comment -- 9/13/21 CC Mtg., Item No. 9C
Date: Thursday, September 9, 2021 4:03:12 PM
Attachments: [Petition for Writ of Mandate.pdf](#)

Please include the attached petition that was filed in this case as a public comment for Item 9C. I received it from the City so the City Council may have already seen it but I wanted to make sure the petition is available for public review.