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, July 25, 2016 | **6:00 PM** | **Town Hall, 363 N. Main Street**

MEETING CALLED TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

AGENDA REVIEW

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

1A. 16-307 Proclamation in Special Recognition of Participants in the Mendocino Coast Children Fund's 2016 Bridge Internship Program

Attachments: Bridge Internship Program Proclamation

1B. 16-304 Presentation by Marcia Sloane Regarding Symphony of the Redwoods

Attachments: Symphony of the Redwoods Flyer

1C. 16-310 Presentation by Mike Carter Regarding Mendocino County's Community Emergency Response Team (CERT) Program

Attachments: What is CERT? Presentation

CERT Brochure

2. STAFF COMMENTS

3. MATTERS FROM COUNCILMEMBERS

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

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

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

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

5. PUBLIC HEARING

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

6. CONDUCT OF BUSINESS

6A. 16-308 Receive Presentation Regarding Other Post-Employment Benefits ("OPEB") Actuarial Valuation Report Prepared by Bartel Associates, LLC

Attachments: 07252016 2015 OPEB Actuarial Staff Report

Attachment 1 - OPEB 06-30-2015 Valuation FINAL Report

Post Retirement Health Program Actuarial Valuation Report Presentation

6B. 16-298 Receive Recommendation from Public Safety Committee and Provide Direction to Staff Regarding Cannabis Manufacturing Ordinance

Attachments: 07252016 Cannabis Manufacturing

Attachment 1 - June 29, 2016 Public Safety Committee Staff Report

Attachment 2 - Cannabis Manufacturing Policy Matrix

6C. 16-302 Receive Report and Consider Adopting City Council Resolution Approving Professional Services Agreement with Michael Baker International for Preparation of Hare Creek Center Environmental Impact Report and Authorizing City Manager to Execute Same (Amount Not to Exceed $66,105; Funded by Developer Deposit Account DDA-016)

Attachments: 07252016 Hare Creek Center EIR Contract Report

Attachment 1 - RESO Hare Creek EIR

Attachment 2 - Hare Creek EIR RFP

Attachment 3 - Hare Creek EIR Consultant List

Attachment 4 - Michael Baker EIR Contract

Attachment 5 - CEQA Flow Chart

Attachment 6 - Michael Baker Proposal

Attachment 7 - DUDEK Proposal

Hare Creek Comments - Handed out at meeting

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

See 4A. above.

7. CONSENT CALENDAR

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

7A. 16-290 Adopt City Council Resolution Appointing Representative to Represent and Vote on Behalf of the City at the 2016 League of California Cities Annual Conference

Attachments: RESO League of CA Cities Delegate

Designation of Voting Delegates and Alternates

7B. 16-306 Adopt City Council Resolution Confirming the Continued Existence of a Local Drought Emergency in the City of Fort Bragg

Attachments: RESO Declaring Continuing Local Drought Emergency

7C. 16-309 Adopt City Council Resolution Consenting to the County of Mendocino's Extension of Caspar Transfer Station Operations Agreement and Lease to June 30, 2021

Attachments: RESO Caspar Transfer Station Operations Agreement & Lease Extension

7D. 16-305 Readopt Master Traffic Resolution

Attachments: RESO1271-2016A Master Traffic Reso

7E. 16-300 Approve Scope of Services for a Market Research Study Regarding Marketing and Promotion of Fort Bragg to Out-of-Area Visitors

Attachments: Market Study Scope of Services

7F. 16-301 Approve Minutes of July 11, 2016

Attachments: CCM2016-07-11

8. CLOSED SESSION

ADJOURNMENT

The adjournment time for all Council meetings is no later than 10:00 p.m. If the Council is still in session at 10:00 p.m., the Council may continue the meeting upon majority vote.

NEXT REGULAR CITY COUNCIL MEETING: 6:00 P.M., MONDAY, AUGUST 22, 2016

STATE OF CALIFORNIA)
)ss.
COUNTY OF MENDOCINO)
I declare, under penalty of perjury, that I am employed by the City of Fort Bragg and that I caused this agenda to be posted in the City Hall notice case on July 20, 2016.

_____
Brenda Jourdain, Administrative Assistant

NOTICE TO THE PUBLIC:

DISTRIBUTION OF ADDITIONAL INFORMATION FOLLOWING AGENDA PACKET DISTRIBUTION:

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

ADA NOTICE AND HEARING IMPAIRED PROVISIONS:

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

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

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

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

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Text File

File Number: 16-307

Agenda Date: 7/25/2016 **Version:** 1 **Status:** Mayor's Office

In Control: City Council **File Type:** Recognition/Announcements

Agenda Number: 1A.

Proclamation in Special Recognition of Participants in the Mendocino Coast Children Fund's 2016 Bridge Internship Program

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

IN SPECIAL RECOGNITION OF PARTICIPANTS IN THE MENDOCINO COAST CHILDREN FUND'S 2016 BRIDGE INTERNSHIP PROGRAM

WHEREAS, the Mendocino Coast Children's Fund, in collaboration with the Redwood Coast Senior Center, began the Bridge Internship Program in 2015 with eight students from Fort Bragg High School volunteering at the Redwood Coast Senior Center; and

WHEREAS, the Bridge Internship Program was expanded in 2016 to include 10 students working at four locations – Fort Bragg City Hall, Fort Bragg Police Department, Redwood Coast Senior Center and Fort Bragg Library; and

WHEREAS, the goal of the Bridge Internship Program is to help prepare students for college readiness and success in a global society while enriching the local community; and

WHEREAS, the participants in the Bridge Internship Program have been able to learn a variety of valuable skills while assisting local professionals in their specific jobs at the four locations; and

WHEREAS, through their hard work and commitment over the past several weeks, the 2016 Bridge Internship Program participants have provided invaluable service to the City of Fort Bragg, the Redwood Coast Senior Center and the Fort Bragg Library and, by extension, to all residents of the Fort Bragg area.

NOW, THEREFORE, I, Dave Turner, Mayor of the City of Fort Bragg, on behalf of the entire City Council, do hereby express appreciation for the participants in the 2016 Bridge Internship Program – Gracie Butterfield, Abigail Calderon, Julio Gonzalez, Lissett Hurtado, Ricardo Manzano, Abigail Martinez-Cervera, Angel Mex, Angelique Meza, Maria Ramirez and America Suarez – and extend thanks for their hard work and community service.

SIGNED this 25th day of July, 2016

_____

DAVE TURNER, Mayor

ATTEST:

_____

June Lemos, City Clerk

No. 16-2016

City of Fort Bragg

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Text File

File Number: 16-304

Agenda Date: 7/25/2016 **Version:** 1 **Status:** Mayor's Office

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

Agenda Number: 1B.

Presentation by Marcia Sloane Regarding Symphony of the Redwoods

About Us

Symphony of the Redwoods began with a small group of musicians who wanted to bring live classical music to the Mendocino coast. From humble beginnings, the Symphony has become the "crown jewel of the Mendocino coast arts community."

Symphony of the Redwoods is an integral part of the local arts scene – a home base for musicians who also play for theater, opera, festivals, weddings, parties and more.

Ticket sales cover less than a quarter of the Symphony's costs. Sponsors, donors, fundraisers, and program ads provide most of the rest. We give our hearts and music to our community and we hope you will continue to support us for many years to come.

This season is going to be very exciting! Don't miss a single concert!

12 Nights Out!
RAFFLE

GRAND PRIZE
12 dinners for 2
at great local restaurants!

Final drawing: April 9, 2017
Lots of other prizes given throughout the season!

ONLY 100 TICKETS SOLD! $100 each!

Support your local Symphony!
Contact Tess 961.1123!

More info at
symphonyoftheredwoods.org.

Cut here & mail

PLEASE LIKE US ON FACEBOOK!

Opus Chamber Music Series

October 9, 2016
Matthew Miksak, baritone, and **Carolyn Steinbuck**, piano, join forces again for an afternoon of German songs by Schubert, Brahms and Loewe, among others.

November 20, 2016
Linda Wang, violin, and **Miles Graber**, piano, will perform, among other great pieces, F Schubert's Fantasy and P Sarasate's Carmen Fantasy for violin and piano.

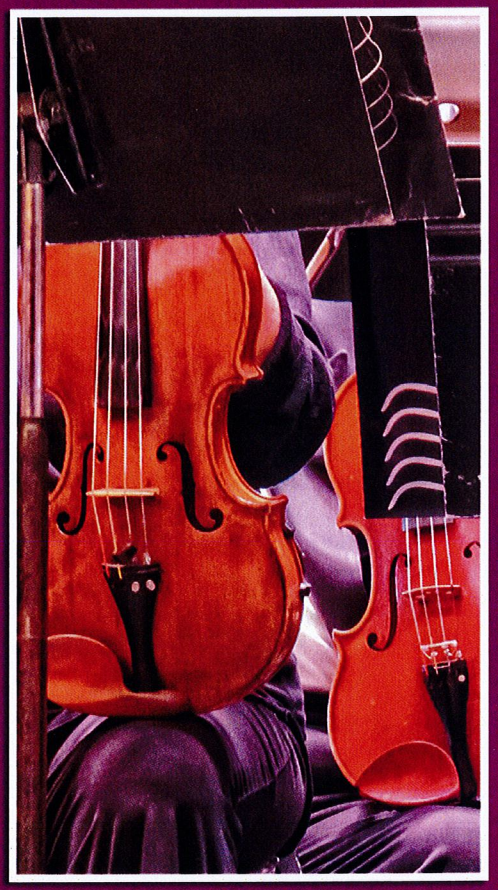
January 23, 2017
The Vinifera Trio bring an appealing kind of casual intimacy to their performances. Highlights from this program include *L'Histoire du Soldat*, Liger's *Trois Bagatelles* and Gershwin's An American in Paris.

March 12, 2017
Horns a Plenty is a 6-piece brass band who will present a program of jazz, classical, park band, ragtime, fanfares, ballroom, and love songs. You'll be tapping your foot along with the music.

Opus concerts are held on Sundays at 3 pm at Preston Hall, next to the Presbyterian Church, in Mendocino.

SYMPHONY OF THE REDWOODS
PO Box 278 * Fort Bragg, CA 95437
707.964.0898 * symphony@mcn.org

SYMPHONY OF THE REDWOODS



2016-17 Season

PO Box 278 ❖ Fort Bragg, CA 95437
707.964.0898 ❖ symphony@mcn.org
www.SymphonyoftheRedwoods.org

Paul Psarras

Fall Concert

November 12 & 13 2016

Shall We Dance?! The fall concert sparkles with the joy of dance, from the delightful Danzon #2 of Marquez to the stately Firebird ballet suite of Stravinsky. With tango music of Piazzolla and the beloved Rodrigo guitar concerto, this concert will warm your hearts and lift your spirits.

Márquez, *Danzón* N° 2

Rodrigo, *Concierto de Aranjuez*
Paul Psarras, guitar

Piazzolla, *Libertango*

Stravinsky, The Firebird

CONCERT SPONSORS
Charles & Olivia Hasty

SOLOIST SPONSOR
Out of This World

Livia Sohn & Sharon Wei

Winter Concert

January 28 & 29, 2017

Finnish composer Jean Sibelius' most magical work, the great Fifth Symphony, full of lush melodies evoking the rugged landscape of Finland, and internationally celebrated violinist Livia Sohn along with violist Sharon Wei will perform Mozart's sublime *Sinfonia Concertante*, magnificent music of tenderness and emotional power.

Martinu, Overture

Mozart, *Sinfonia Concertante*
Livia Sohn, violin and
Sharon Wei, viola

Sibelius, Symphony N° 5

CONCERT SPONSORS
Bob Wheat - Edward Jones

SOLOIST SPONSOR
Robert Slaughter

Spencer Myer

Spring Concert

April 8 & 9 2017

Music for the Ages. The symphony's season concludes with two giants of the classical repertoire. The Third Symphony of Brahms is a lyrical masterpiece, showing Brahms at the height of his career. The orchestra also accompanies audience favorite, pianist Spencer Myer, in the transcendent Fourth Piano Concerto of Beethoven. A rare chance to experience both of these glorious works in a single concert.

Brahms, Symphony N° 3

Beethoven, Piano Concerto N° 4
Spencer Myer, piano

CONCERT SPONSORS
John & Kathryn Hughes

SOLOIST SPONSOR
Samuel A Snook

NEW!

SATURDAY CONCERTS begin at 7:30 pm! Sunday concerts are *still at 2 pm*.

ALL CONCERTS are held at COTTON AUDITORIUM, corner of Harold & Fir, Fort Bragg.
The Redwood Coast Senior Center serves a delicious pre-concert dinner on Saturdays starting at 5pm. Be sure to make reservations at 707.961.4300.

City of Fort Bragg

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Text File

File Number: 16-310

Agenda Date: 7/25/2016 **Version:** 1 **Status:** Mayor's Office

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

Agenda Number: 1C.

Presentation by Mike Carter Regarding Mendocino County's Community Emergency Response Team (CERT) Program

Disaster Preparedness

CERT Basic Training
And CERT Teams

FEMA

citizen corps

What is CERT?

The Community Emergency Response Team (CERT) Program educates people about disaster preparedness for hazards that may impact their area. It trains them in basic disaster response skills, such as fire safety, light search and rescue, disaster medical operations and disaster psychology.

How can CERT's Assist?

Using the training learned in the classroom and during exercises, CERT members can assist others in their neighborhood or workplace following an event when professional responders are not immediately available to help.

CERT members can also support emergency response agencies by taking an active role in emergency preparedness training projects in their community.

CERT History

- 1985 - Mexico City earthquake response examined by City of Los Angeles. Over 100 volunteers killed aiding victims
- 1986 - Los Angeles Fire Department pilot program to train citizens for emergency response
- 1987 - Whittier Narrows Earthquake – Pilot program expanded to include entire fire department
- 1993 - FEMA expanded program to other types of disasters and offered the program nationally
- Program currently offered in all 50 states, three territories and six other countries.

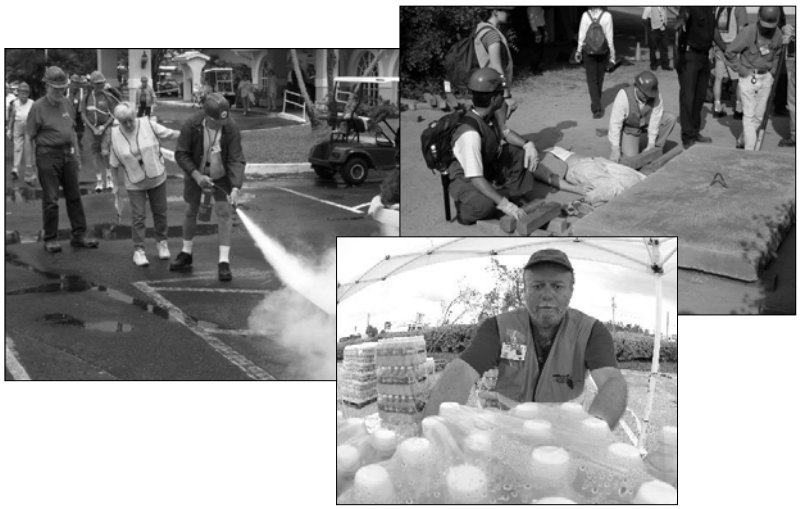
Emergency Response in Disaster

- Police: address incidences of grave public safety
- Firefighters: suppress major fires
- EMS personnel: handle life-threatening injuries
- Lower priority needs met in other ways
- CERT can be a force multiplier assisting, but not replacing, professional services.

CERT Disaster Response

- CERT members' first responsibility is personal and family safety
- Assist emergency response personnel when requested
- CERT members do NOT deploy unless requested
- Respond after a disaster:
  - Locate and turn off utilities, if safe
  - Extinguish small fires
  - Treat injuries
  - Conduct light search and rescue
  - Help to relieve survivor stress

CERT in Action



Levels of CERT Membership

- Level 1 – Receives basic training for personal emergency readiness
- Level 2 – Receives basic training and attends additional training when offered
- Level 3 – Receives basic training and joins an organized CERT Team for additional training, exercises and functions

Course Curriculum

- Fire safety
- Disaster medical operations
- Light search and rescue
- Disaster psychology
- CERT and terrorism
- CERT Organization

Additional Training for CERTs

- Advanced first aid
- Animal issues in disasters
- Automated External Defibrillator (AED) use
- Community relations
- CPR skills
- Debris removal
- Donations management
- Shelter management
- Special needs concerns
- Traffic/crowd control
- Utilities control
- Online courses

Personal Protective Equipment

- Helmet
- Goggles
- N95 Mask
- Gloves (work and non-latex)
- Sturdy shoes or work boots

Protection for Disaster Workers

- CERT members generally protected by:
  - "Good Samaritan" laws
  - Volunteer Protection Act of 1997
  - Relevant State statutes

Non-Disaster Roles

- Identify and aid neighbors/co-workers who might need assistance
- Distribute preparedness materials; do demos
- Staff first aid booths at special events
- Parade route management

Home and Workplace Preparedness

FEMA

CERT Basic Training
Unit 1: Disaster Preparedness

1-13

CERT COMMUNITY EMERGENCY RESPONSE TEAM

Develop a Disaster Plan

- Do you have a written plan?
- If you have to evacuate, what will you take from your house?
- Where will you meet other family members?
- Who is your out-of-State "check-in" contact?
- Do you have transportation?
- What route (and several alternates) will you use to evacuate your neighborhood?
- Did you remember your pets in your plan?
- Does your family know your plan?
- Did you practice your plan?

Conclusion

CERT members are trained to assist their family and neighbors in a disaster. They can also help to prepare their neighbors for emergencies.

CERT Team members can assist the local community and emergency services by supplementing them and by performing duties that support the emergency services. This can free trained personnel to perform their functions.

Be Prepared
Be Aware
Be Involved!

MENDOCINO COUNTY OFFICE OF EMERGENCY SERVICES

NCO
NORTH COAST OPPORTUNITIES
VOLUNTEER NETWORK

POWERED BY Friedman's HOME IMPROVEMENT
LOWEST PRICE. LOCAL ADVICE

RSVP
Retired & Senior Volunteer Program

NORTH COAST OPPORTUNITIES, INC.
413 N STATE ST, UKIAH CA 95482
707.462.1959
www.ncoinc.org

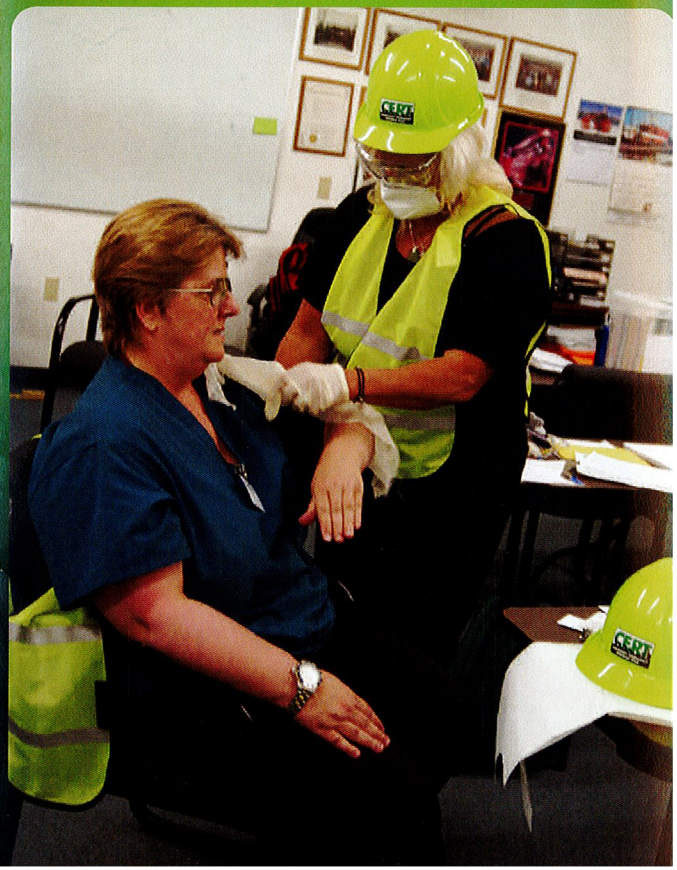
In 95% of all emergencies, the victim or bystander provides the first immediate assistance on the scene.

Would YOU know WHAT to do?

BECOME A CERT VOLUNTEER

COMMUNITY EMERGENCY RESPONSE TEAM

BE PART OF AN ORGANIZED TEAM TRAINED TO PROTECT YOURSELF, YOUR FAMILY & YOUR COMMUNITY!



About CERT

The Federal Emergency Management Agency, using the model created by the Los Angeles City Fire Department, began promoting nationwide use of the Community Emergency Response Team (CERT) concept in 1994. Since then, CERTs have been established in hundreds of communities.

CERT Benefits

Emergencies occur in our communities, neighborhoods, and workplaces every day. We also know that a large scale disaster (such as an earthquake) will quickly overwhelm professional responders. CERT training will provide with the practical skills necessary to:

- Safely assist families, neighbors, and associates while waiting for professional responders to arrive
- Become better prepared for disaster
- Support professional responders as directed once they arrive at the scene

CERT-trained citizens may have many opportunities to volunteer in their communities. CERT members often help with neighborhood fire prevention or emergency preparedness efforts, and may volunteer help at special community events, such as parades, sporting events, concerts and more.

BECOME A CERT VOLUNTEER

COMMUNITY EMERGENCY RESPONSE TEAM

BE PART OF AN ORGANIZED TEAM TRAINED TO PROTECT YOURSELF, YOUR FAMILY & YOUR COMMUNITY!

1. Why Should I Join The CERT Team?

Your community needs you. Join CERT if you want an opportunity to:

- Educate yourself, your family and others about preparing for emergencies.
- Help your neighbors in times of disaster.
- Strengthen your relationship with your community.

2. What Kind Of Training Will I Receive?

Classes are 3 to 4 days for a total of 20 hours of training. Trainings are provided by CERT Volunteer Leaders. The CERT curriculum has been adapted from the FEMA national program to reflect the unique hazards that exist in Lake and Mendocino Counties. Course topics include an introduction to CERT and incident command, rural environment training, fire safety, first aid, light search and rescue, and terrorism awareness.

3. How Do I Join CERT?

If you want to join CERT you only need to complete a CERT training and join a team. You can call to find out when the next training in your area will be taking place.

4. How Does CERT Help The Community?

The CERT program has a role for everyone. Members use a combination of CERT training and community knowledge to serve their neighbors in times of disaster

- Traffic and crowd control at various community parades and events
- Escorting residents out of evacuated areas
- Staff Emergency Operations Centers
- Light search and rescue for lost persons

Since NCO Volunteer Network and RSVP began sponsoring the CERT program in 2006, CERT members have participated in many community prepareness and disaster responce activities including

- Assisting Red Cross and other relief organizations
- Managing "Spontaneous/convergent" volunteers
- Providing various trainings in their community
- Presenting disaster preparedness information to communities and businesses

5. What Is A Community Disaster Network?

Community Disaster Networks refer to the contacts CERT members establish within their community districts. To develop these networks, teams reach out to colleagues and organizations in their neighborhoods and capture information about resources, skills, or other details that might be used to help the community better respond to or recover from a disaster. More importantly, these networks help teams connect their communities with preparedness and recovery.

NCO NORTH COAST OPPORTUNITIES VOLUNTEER NETWORK POWERED BY Friedman's HOME IMPROVEMENT LOWEST PRICE. LOCAL ADVICE

MENDOCINO COUNTY OFFICE OF EMERGENCY SERVICES

RSVP Retired & Senior Volunteer Program

City of Fort Bragg

416 N Franklin Street
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Text File

File Number: 16-308

Agenda Date: 7/25/2016 **Version:** 1 **Status:** Filed

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

Agenda Number: 6A.

Receive Presentation Regarding Other Post-Employment Benefits ("OPEB") Actuarial Valuation Report Prepared by Bartel Associates, LLC

AGENCY:	**City Council/MID**
MEETING DATE:	**July 25, 2016**
DEPARTMENT:	**Finance**
PREPARED BY:	**V. Damiani**
PRESENTED BY:	**V. Damiani/ M. Oliver**

AGENDA ITEM SUMMARY

TITLE:
RECEIVE PRESENTATION REGARDING OTHER POST-EMPLOYMENT BENEFITS (OPEB) ACTUARIAL VALUATION REPORT PREPARED BY BARTEL ASSOCIATES, LLC

ISSUE:
The City of Fort Bragg (City) and Fort Bragg Municipal Improvement District No. 1 (MID) provide healthcare benefits to eligible retirees. These benefits are also known as Other Post-Employment Benefits (OPEB). As required under Government Accounting Standards Board (GASB) Statement No. 45, *Accounting and Financial Reporting by Employers for Post-Employment Benefits Other than Pensions* (GASB 45), the cost of an entity's OPEB obligation must be measured and reported on its annual financial reports. An Actuarial Valuation Report as of June 30, 2015 has been prepared by Bartel Associates, LLC (Attachment 1) and will be presented to the City Council/District Board in compliance with reporting requirements.

RECOMMENDED ACTION:
Receive and accept report as presented.

ALTERNATIVE ACTION(S):
Provide direction to staff to modify the assumptions used and resubmit the report.

ANALYSIS:
This item is for presentation of the GASB 45 actuarial study of the City's OPEB obligation. The purpose of this report is to provide the Council/MID Board with the actuarial study results required by GASB 45. GASB 45 addresses how public entities should account for and report their costs and obligations related to post-employment health care and other non-pension benefits.

In accordance with the requirements of GASB 45, the City and MID are required to account for the future costs of retiree health insurance benefits for qualified employees under the City's personnel policies. GASB now requires governmental units to expense such benefit obligations on the balance sheet when they are incurred rather than when they are paid. Annual funding requirements are based on a biannual actuarial study of future financial obligations. The actuarial study also determines the proper amount to be transferred to the Post-Employment Benefits Trust. The trust is a legal instrument designed to ensure that such funds are used only to pay for qualified retiree benefits in the future and to enhance the return on investment of idle funds for which significant payment of obligations will not occur for 5-10 years. The City has established a CalPERS California Employers' Retiree Benefit Trust (CERBT) fund and is making annual contributions to prefund its OPEB liabilities. As of February 29, 2016, the Trust account has a balance of $1,276,620 including contributions, investment earnings and CERBT expenses.

Bartel Associates has prepared the attached Actuarial Valuation as of June 30, 2015. Marilyn Oliver will present the report, explain the changes in the assumptions used, the reasons for the changes and the effect of pre-funding the trust on the overall liability and the Annual Required Contribution.

FISCAL IMPACT:
None

IMPLEMENTATION/TIMEFRAMES:
None

ATTACHMENTS:
1. 6-30-15 OPEB Valuation Report

NOTIFICATION:
1. Marilyn Oliver

City Clerk's Office Use Only

Agency Action ☐ Approved ☐ Denied ☐ Approved as Amended

Resolution No.: _____ Ordinance No.: _____

Moved by: _____ Seconded by: _____

Vote: _____

☐ Deferred/Continued to meeting of: _____

☐ Referred to: _____

City of Fort Bragg
Retiree Healthcare Plan

Actuarial Valuation as of June 30, 2015
For Fiscal Years 2016/17 and 2017/18

July 20, 2016

Bartel Associates, LLC
411 Borel Avenue, Suite 101
San Mateo, California 94402
Phone: 650/377-1618
Fax: 650/345-8057
Email: moliver@bartel-associates.com

BARTEL ASSOCIATES, LLC

ACTUARIAL VALUATION CERTIFICATION

This report presents the City of Fort Bragg Retiree Healthcare Plan ("Plan") June 30, 2015 actuarial valuation. The purpose of this valuation is to:

- Determine the Governmental Accounting Standards Board Statement Nos. 43 and 45 June 30, 2015 Benefit Obligations,
- Determine the Plan's June 30, 2015 Funded Status, and
- Calculate the 2016/17 Annual Required Contribution and 2017/18 Actuarially Determined Contribution.

This report includes the following sections:

- Section 1 presents an introduction.
- Section 2 summarizes the census data.
- Section 3 summarizes the Plan provisions.
- Section 4 summarizes the actuarial methods and assumptions.
- Section 5 provides the results of the actuarial valuation.
- Section 6 summarizes the health plans and premiums.
- Section 7 summarizes the life expectancies.
- Section 8 provides a brief summary of GASB 45 and GASB 75.

The report provides information intended for reporting under GASB 43 and 45, but may not be appropriate for other purposes. Information provided in this report may be useful to the City for the Plan's financial management. Future valuations may differ significantly if the Plan's experience differs from our assumptions or if there are changes in Plan design, actuarial methods or actuarial assumptions. The project scope did not include an analysis of this potential variation.

The valuation is based on Plan provisions, participant data, and asset information provided by the City as summarized in this report, which we relied on and did not audit. We reviewed the participant data for reasonableness.

To the best of our knowledge, this report is complete and accurate and has been conducted using generally accepted actuarial principals and practices. Additionally, in our opinion, actuarial methods and assumptions comply with GASB 43 and 45. As members of the American Academy of Actuaries meeting the Academy Qualification Standards, we certify the actuarial results and opinions herein.

Respectfully submitted,
Bartel Associates, LLC

Marilyn Oliver, FSA, MAAA
Vice President and Actuary

Katherine Moore, ASA, MAAA
Associate Actuary

411 Borel Avenue, Suite 101 • San Mateo, California 94402
main: 650/377-1600 • *fax:* 650/345-8057 • *web:* www.bartel-associates.com

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	Appendix A: Additional Assumptions / Methods	

Actuarial and Accounting Terminology Used in this Report

- AAL – Actuarial Accrued Liability
- ADC – Actuarially Determined Contribution
- AOC – Annual OPEB Cost
- ARC – Annual Required Contribution
- EAN – Entry Age Normal Cost Method
- GASB 45 – Governmental Accounting Standards Board Statement No. 45
- GASB 75 – Governmental Accounting Standards Board Statement No. 75
- NC – Normal Cost
- NOO – Net OPEB Obligation
- OPEB – Other (than pensions) Post Employment Benefits
- PVFB – Present Value of all Future Benefits
- UAAL – Unfunded Actuarial Accrued Liability

SECTION 1
INTRODUCTION

Introduction

The City's post-retirement healthcare program covers service and disability retirements directly from service with 10 years of City service. Benefits provided are dependent on bargaining group and hire date. **Retirees hired on or after July 1, 2011 (January 1, 2012 for Fort Bragg Police Officer Association members) are not covered by the program**. Currently 30 retirees are covered by the program and 32 employees are potentially eligible for benefits upon retirement.

SECTION 2
DATA SUMMARY

Participant Statistics

	FBPA	SEIU	Mid-Mgmt & Mgmt	Other[1]	Total
Actives[2]					
Counts:					
Tier 1	1	2	1	0	4
Tier 2	1	6	2	0	9
Tier 3	6	7	2	1	16
Tier 4	1	0	0	2	3
Total	9	15	5	3	32
Avg. Age	40.3	52.7	53.0	56.0	49.6
Avg. Svc.	11.7	14.8	14.8	7.6	13.2
Avg. Entry Age	28.6	38.0	38.3	48.4	36.4
Avg. Pay	$ 62,533	$ 56,263	$ 105,426	$ 55,040	$ 65,594
Total Pay	562,794	843,952	527,130	165,120	2,098,996
Inactives					
Count					
Under 65	2	3	4	0	9
Over 65	5	9	3	4	21
Total	7	12	7	4	30
Avg. Age	68.8	70.2	64.1	92.1	71.4

Medical and Dental Coverage

	Single	2-Party	Family	Waived	Total
Actives					
Medical					
EPO 250	5	12	9	0	26
EPO 500	0	0	1	0	1
HSA 1300	1	1	1	0	3
Waived	0	0	0	2	2
Total	6	13	11	2	32
Dental	7	12	11	2	32

[1] Part-time employees or not represented by current bargaining groups.
[2] Excludes employees not eligible for the plan.

	Single	2-Party	Family	Waived	Total
Inactives					
Medical <65					
EPO 250	5	3	0	0	8
PPO 250	0	1	0	0	1
Medical >65					
Hartford	13	8	0	0	21
Total Medical	18	12	0	0	30
Dental	18	12	0	0	30

Participant Reconciliation – Plan Participants Only

		Inactives				
	Actives	Service	Disability	Beneficiary	Total	Total
June 30, 2013	42	16	7	6	29	71
New Hires	0	0	0	0	0	0
Terminations	(6)	0	0	0	0	(6)
Deaths	0	(1)	0	(2)	(3)	(3)
New Eligible Retirees	(3)	3	0	0	3	0
New Ineligible Retirees	(1)	0	0	0	0	(1)
Corrections	0	0	1	0	1	1
June 30, 2015	32	18	8	4	30	62

Design of Current Program

Health Plans

The City's post-retirement healthcare program covers service and disability retirements who retire directly from service with 10 years of City service. Benefits provided are dependent on bargaining group and hire date. The City pays vision benefits for 6 grandfathered retirees.

Tier 1: For retirees hired before January 1, 1992, the City pays the full cost of medical and dental premiums for the former employee. In addition the City pays a percentage of the spouse's medical plan premium starting at the retiree's age 60. The percentage is 10% for each year of service after 10 years, reaching 100% for those retiring with 19 or more years of service. In addition, the spouse may participate in the dental program – but at their own cost.

Tier 2: For retirees hired on or after January 1, 1992 and before July 1, 2003 (July 1, 2004 for Fort Bragg Police Officer Association members), the City pays the full cost of medical and dental premiums for the former employee only. Spouses of Management retirees may participate in the City health plans at their own cost.

Tier 3: For retirees hired on or after July 1, 2003 (July 1, 2004 for Fort Bragg Police Officer Association members) and before July 1, 2007, the City pays the full cost of medical and dental premiums for the former employee until age 65 when Medicare becomes payable. Thereafter, coverage is limited to a supplemental prescription drug plan, which is paid for by the City. Spouses of Management retirees may participate in the City health plans until age 65 at their own cost.

Tier 4: For retirees hired on or after July 1, 2007 and before July 1, 2011 (January 1, 2012 for Fort Bragg Police Officer Association members), the retiree only may remain in the City's health plans until age 65, but at their own cost. Spouses of Management retirees may participate in the City health plans until age 65 at their own cost.

For retirees hired on or after July 1, 2011 (January 1, 2012 for Fort Bragg Police Officer Association members), the retiree and spouse receive no City payments towards medical and dental coverage and may not participate in the City's health plans.

Demographic Assumptions

Pre-retirement disability, termination, and retirement probabilities	CalPERS 2014 experience study (1997-2011 experience) assumptions for Public Agencies for retirement formula covering employee (i.e., 2% at 55 for general employees and 2% at 50 for FBPA members).
Pre- and Post-retirement mortality probabilities	CalPERS 2014 experience study mortality table assumptions for pre-retirements, service retirements and disabilities adjusted for future mortality improvement using Scale MP-2014 with 15-year convergence in 2022.
CalPERS Reciprocal Service	City service plus ½ years between age 30 and City hire age.
Medical Coverage of current employees after retirement	Tiers 1-3: All future retirees (including employees currently waiving coverage) are expected to elect medical and dental coverage available to them at retirement. Tier 4: 75% of future retirees (including employees currently waiving coverage) are expected to elect medical and dental coverage available to them at retirement. To the extent allowable under the plan, employees with spouse or family coverage are assumed to cover their spouses after retirement.
Medicare Coverage	All employees, retirees and spouses are assumed to be covered by Medicare A and B at age 65.
Spouse ages	Employees: Female spouse is three years younger than male spouse. Retirees: Spouse date of birth was provided by the City.
PPACA High Cost Plan Excise Tax	2% load, City-paid medical premiums

Economic Assumptions

Long-term Investment Return	**7.25%**
General Salary Increases	3.25%
Inflation Rate	3.00%

The City pre-funds using the California Employers' Retiree Benefit Trust (CERBT), the irrevocable trust set up by CalPERS for prefunding post-retirement benefits other than pensions. The 7.25% long-term investment return assumption is consistent with the CERBT asset allocation the City has chosen, Strategy #1 with a target allocation of 57% equities, 27% fixed income, 5% inflation linked bonds, 8% REITs, and 3% commodities and contains a 0.08% margin for adverse investment experience. The general salary increase assumption is based on 3.0% future inflation plus 0.25% across-the-board pay increases.

Medical Assumptions

Future Increases in Premium Rates

Medical premiums and claims are assumed to increase at the rates shown below.

Increase effective					
7/1/17	7/1/18	7/1/19	7/1/20	7/1/21	7/1/22+
8.00%	7.50%	7.00%	6.50%	6.00%	5.25%

Dental costs are assumed to increase at 5.25% per year. Vision costs are assumed to increase at 3.25% per year.

Premium for Tier 3 Supplemental Pharmacy Plan

Since the plan has not been priced or installed, the pharmacy portion of the Hartford premium has been used.

Implied Subsidy for Pre-Medicare Retirees

Under the current REMIF rate structure, active employees are partially subsidizing early retiree claims costs. This subsidy, known as an implied subsidy, is included in the valuation.

Claims Costs for Pre- and Post-Medicare Retirees

Information regarding age/gender based claim costs used in the valuation may be found in Appendix A.

Actuarial Cost Method

The level percentage of pay Entry Age Normal Cost Method has been used to calculate contribution levels and the Unfunded Actuarial Accrued Liability. This is the same actuarial method that is used to fund California PERS retirement benefits. For purposes of calculating the 2016/17 Annual Required Contribution, the Unfunded Actuarial Accrued Liability is amortized as a level dollar amount over the closed 26-year period from July 1, 2016 to June 30, 2042.

Demographic Data

Data as of June 30, 2015 was provided by the City. The data has been checked for general reasonability but has not been audited.

Funding Policy

The City began fully prefunding the plan by paying the Annual Required Contribution starting in the 2011/12 plan year.

Assets

The Actuarial Value of Assets is set equal to the Market Value of Assets.

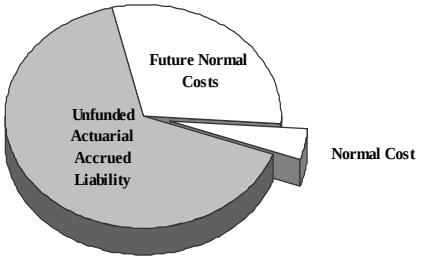
Changes since the Last Valuation

The following assumptions were changed:

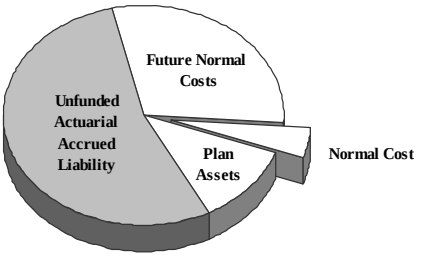
- The aging factors used in the development of the claims cost were updated.
- The CalPERS experience study assumptions and our mortality improvement scale were updated.
- Future increases in medical premiums from 7/1/17 to 7/1/22 were changed:
  - From: 7.0%, 6.5%, 6.0%, 5.25%, 5.25%, 5.25%
  - To: 8.0%, 7.5%, 7.0%, 6.5%, 6.0%, 5.25%
- The City-paid medical premiums were loaded 2% to estimate the cost of PPACA high cost plan excise tax (Cadillac Tax).

Terminology

This report develops the AAL and Normal Cost using the Entry Age Normal actuarial cost method. It is designed to produce a Normal Cost that, if all assumptions are met, will generally be a level percent of payroll. The following charts illustrate a sample PVPB, both with and without plan assets, with the shaded area representing the unfunded AAL:



Present Value of Projected Benefits (Without Plan Assets)



Present Value of Projected Benefits (With Plan Assets)

- **The Present Value of Projected Benefits (PVPB)** is a measure of the City's total obligation for expected retiree healthcare benefits due to both past and future service for current employees and retirees.
- **The Actuarial Accrued Liability (AAL)** is a measure of the City's obligation for benefits earned or allocated to past service.
- **The Normal Cost (NC)** is the value of City-provided benefits expected to be earned or allocated to the current fiscal year determined as of the end of the fiscal year.
- **Plan Assets** must be segregated in a trust for the sole purpose of paying Plan benefits in order to be considered Plan Assets for GASB 45.
- **The Unfunded Actuarial Accrued Liability (UAAL)** is the difference between the AAL and the Plan Assets.
- **Expected Benefit Payments** are the City-paid retiree healthcare benefit payments for the current fiscal year. They include payments for current retirees and active employees expected to retire during the year.
- **The Annual Required Contribution (ARC)** is the sum of the Normal Cost plus amortization of the Unfunded Actuarial Accrued Liability (or less an amortization of excess assets) determined as of the middle of the fiscal year.

- **The Annual OPEB Cost (AOC)** is the expense recorded in the City's financial statements and initially set equal to the Annual Required Contribution. To the extent that less than the Annual Required Contribution (ARC) is contributed to the plan, a **Net OPEB Obligation (NOO)** is created which is reported as a long-term liability and each years Annual OPEB Cost is adjusted to include interest on this Net OPEB Obligation.

- An actuarial standard (#6) requires that the **Implied Subsidy** for retirees be included in the AAL and the ARC. An Implied Subsidy exists when the experience of groups with different claims rates is combined in calculating premiums. In this case, premiums paid by one group (for example early retirees) may be insufficient to pay their claims – leading to subsidization from the premiums from lower cost groups (for example employees).

Asset Reconciliation
July 1, 2013 – June 30, 2015

	Total
■ **Assets as of July 1, 2013**	$ 672,100
• Contributions 7/1/2013-6/30/2014	301,300
• Disbursements 7/1/2013-6/30/2014	0
• Investment Earnings 7/1/2013-6/30/2014	123,838
• Investment Expenses 7/1/2013-6/30/2014	(1,011)
■ **Assets as of June 30, 2014**	1,096,227
• Contributions 7/1/2014-6/30/2015	285,000
• Disbursements 7/1/2014-6/30/2015	0
• Investment Earnings 7/1/2014-6/30/2015	(8,460)
• Investment Expenses 7/1/2014-6/30/2015	(1,145)
■ **Assets as of July 1, 2015**	1,371,622

The return on market value of assets was 18.3% for fiscal year 2013/14 and (0.8%) for fiscal year 2014/15.

Results

Shown on the next page for all current employees and retirees by bargaining group are:

(1) The present value of all future post-retirement health benefits anticipated to be paid by the City
(2) The associated Actuarial Accrued Liability and Unfunded Actuarial Accrued Liability
(3) Annual Required Contribution (ARC) amounts calculated in accordance with GASB 45.

Contribution levels as a percentage of payroll differ between groups due to:

1. Relative number of participants covered by the various benefit Tiers
2. Average entry age
3. Average pay rate
4. Ratio of retirees to employees
5. Other demographic characteristics

Results of Post-Retirement Health Valuation as of June 30, 2015

	FBPA	SEIU	Mid-Mgmt & Mmgt	Others	Total
(1) Present Value of Future Benefits (PVFB)					
PVFB:					
Actives	$ 933,158	$ 1,620,332	$ 583,623	$ 82,337	$ 3,219,450
Inactives	1,008,269	1,618,193	1,622,354	104,419	4,353,235
Total PVFB	1,941,427	3,238,525	2,205,977	186,756	7,572,685
(2) Unfunded Actuarial Accrued Liability (UAAL)					
Actuarial Accrued Liability (AAL):					
Actives	613,312	1,275,295	428,265	54,602	2,371,474
Inactives	1,008,269	1,618,193	1,622,354	104,419	4,353,235
Total AAL	1,621,581	2,893,488	2,050,619	159,021	6,724,709
Assets (Reserve)[3]	330,750	590,178	418,260	32,435	1,371,622
UAAL	1,290,831	2,303,310	1,632,359	126,586	5,353,087
(3) FY 2016/17 ARC Amounts*					
26-Year Funding - $ amount					
Normal Cost	32,324	55,755	21,381	4,769	114,229
26-year Funding of UAAL	109,429	194,973	137,525	10,081	452,007
Total	141,753	250,728	158,906	14,850	566,237
26-Year Funding - % of covered pay					
Normal Cost	5.7%	7.1%	4.0%	2.9%	5.6%
26-year Funding of UAAL	19.3%	24.8%	26.0%	6.1%	22.1%
Total**	25.0%	31.9%	30.1%	9.0%	27.7%
(4) Projected 2016/17 Covered Payroll[4]	$ 567,841	$ 785,075	$ 528,100	$ 165,715	$ 2,046,730

*Contributions are assumed to be payable at the middle of the year.

**Differences due to rounding.

[3] Allocated based on AAL.
[4] Payroll for plan participants only.

Annual Required Contribution (ARC)/Actuarially Determined Contribution (ADC)
The Annual Required Contribution for 2016/17 and the Actuarially Determined Contribution[5] for 2017/18 are shown below based on estimated trust earnings of 0.2% in 2016/17 and 7.25% in 2017/18.

	2016/17	2017/18
■ **ARC/ADC - $ (Middle of Year)**		
• Normal Cost	$ 114,229	$ 107,719
• UAAL 26 Year Amortization	452,007	452,007
• Total	566,237	559,726
■ **Projected Covered Payroll[6]**	2,046,730	1,959,882
■ **ARC/ADC - %**		
• Normal Cost	5.6%	5.5%
• UAAL 26 Year Amortization	22.1%	23.1%
• Total	27.7%	28.6%

[5] Name change due to new accounting standard (#75) effective for 2017/18. See page 27 for more information regarding GASB #75.
[6] Payroll for plan participants only.

Net OPEB Obligation (NOO)

The development of the estimated NOOs is shown below.

	2014/15	2015/16	2016/17
■ **Estimated NOO at Beg. of Year**	$926,431	$ 915,415	$903,602
■ **Annual OPEB Cost**			
• Annual Required Contribution (MOY[7])	566,586	559,013	566,237
• Interest on NOO	67,166	66,368	65,511
• Amortization of NOO	(78,181)	(78,181)	(78,181)
• Interest on ARC to end of year	20,179	19,910	20,167
• Annual OPEB Cost	575,751	567,109	573,733
■ **Contributions**			
• Cash Benefit Payments[8]	238,829	270,654	290,456
• Implied Subsidy Benefit Payments	43,391	45,035	27,855
• Pre-funding Contribution	285,000	243,323	247,925
• Interest on Contributions to end of year	19,546	19,910	20,167
• Total Contributions	586,766	578,922	586,403
■ **Estimated NOO at End of Year**	915,415	903,602	890,932

[7] Middle of the year.
[8] Actual benefit payments should be used and interest to end of year adjusted accordingly.

Comparison to Prior Valuation

A summary of valuation results appears below along with a comparison to the prior valuation.

	6/30/2013	6/30/2015
■ **Discount Rate**	**7.25%**	**7.25%**
■ **Present Value of Future Benefits**	$ 6,902,501	$ 7,572,685
■ **Funded Status**		
• Actuarial Accrued Liability (AAL)	5,790,855	6,724,709
• Assets	672,100	1,371,622
• Unfunded AAL	5,118,755	5,353,087
■ Funded Ratio (Assets/AAL)	11.6%	20.4%

	2014/15	2016/17
■ **ARC - $ Middle of the Year**		
• Normal Cost	$ 150,159	$ 114,229
• UAAL Amortization	416,427	452,007
• ARC	566,586	566,237
■ **ARC - % of Covered Pay**		
• Normal Cost	5.6%	5.6%
• UAAL Amortization	15.6%	22.1%
• ARC as % of Covered Pay	21.2%	27.7%
■ **Projected Covered Payroll**[9]	$ 2,670,713	$ 2,046,730

The increase in contribution rates from 2014/15 to 2016/17 is primarily due to assumption and method changes.

[9] Payroll for plan participants only.

An analysis of changes in the plan's Unfunded Actuarial Accrued Liability (UAAL) is below (amounts in 000's).

	AAL	Assets	UAAL
■ **Actual at 6/30/2013**	$ 5,791	$ 672	$ 5,119
■ **Expected at 6/30/2015**	6,428	1,383	5,045
● Experience			
o Premiums less than expected	(374)		(374)
o Contribution gain		2	(2)
o Investment loss		(13)	13
o Other including demographic	259		259
o Total	(115)	(11)	(104)
● Assumption and Method Changes			
o CalPERS 2014 Experience Study	(28)		(28)
o MP-14 Mortality Improvement	311		311
o ACA Excise Tax (Cadillac Tax)	95		95
o Change in pre-and post-Medicare claims cost aging/gender factors	(208)		(208)
o Change in medical trend	242		242
o Total	412	0	412
■ **Actual at 6/30/2015**	6,725	1,372	5,353

ARCs as a % of covered pay[10] are shown below by bargaining group. ARCs from the 6/30/2013 valuation are for fiscal year 2014/15. ARCs from the 6/30/2015 valuation are for FY 2016/17.

	Normal Cost	UAAL Amort.	ARC as % of Covered Pay[11]
■ **FBPA: 6/30/2013**	5.4%	14.7%	20.0%
■ **FBPA: 6/30/2015**	5.7%	19.3%	25.0%
■ **SEIU: 6/30/2013**	7.4%	19.6%	26.9%
■ **SEIU: 6/30/2015**	7.1%	24.8%	31.9%
■ **Mid-Mgmt & Mgmt: 6/30/2013**	3.8%	12.8%	16.7%
■ **Mid-Mgmt & Mgmt: 6/30/2015**	4.0%	26.0%	30.1%
■ **Other: 6/30/2013**	4.2%	7.3%	11.6%
■ **Other: 6/30/2015**	2.9%	6.1%	9.0%
■ **Total: 6/30/2013**	5.6%	15.6%	21.2%
■ **Total: 6/30/2015**	5.6%	22.1%	27.7%

Contribution rates would be expected to change differently between categories due to demographic differences, coverage differences, and different ratios of retirees to actives.

[10] Payroll for plan participants only.
[11] Differences in sums and totals due to rounding.

Projections

Shown below are projected valuation results assuming that the City prefunds the program. The projections assume no new entrants since the plan is closed to new hires. The amortization period for unfunded liabilities is the 26-year period from 7/1/2016 to 6/30/2042.

Projected Unfunded Actuarial Accrued Liability (UAAL), Annual Required Contribution, and Benefit Payments (thousands)

			Next FY ARC[12]				FY ARC[12] as % of Covered Payroll				
Valuation as of June 30,	UAAL	FY Benefit Payments[15]	UAAL Pymt	Normal Cost	Total	Covered[13] Payroll	UAAL Pymt	Normal Cost	Total	Total City Payroll	ARC as % of Total[14] Payroll
2016	5,410	318	452	114	566	2,047	22.1%	5.6%	27.7%	3,633	15.6%
2017	5,334	345	452	108	560	1,960	23.1%	5.5%	28.6%	3,751	14.9%
2018	5,253	379	452	101	553	1,868	24.2%	5.4%	29.6%	3,873	14.3%
2019	5,166	418	452	94	546	1,776	25.5%	5.3%	30.7%	3,999	13.7%
2020	5,072	447	452	87	539	1,684	26.8%	5.2%	32.0%	4,129	13.1%
2021	4,972	470	452	81	533	1,599	28.3%	5.1%	33.3%	4,263	12.5%
2022	4,864	498	452	76	528	1,499	30.2%	5.1%	35.2%	4,401	12.0%
2023	4,749	515	452	70	522	1,403	32.2%	5.0%	37.2%	4,544	11.5%
2024	4,625	505	452	65	517	1,315	34.4%	4.9%	39.3%	4,692	11.0%
2025	4,492	509	452	60	512	1,226	36.9%	4.9%	41.8%	4,845	10.6%
2026	4,350	518	452	55	507	1,140	39.6%	4.8%	44.5%	5,002	10.1%
2027	4,197	551	452	50	502	1,047	43.2%	4.8%	47.9%	5,165	9.7%

[12] Starting in 2017/18 Actuarially Determined Contribution (ADC) under GASB 75.
[13] Payroll for plan participants only.
[14] Estimated city payroll including employees not eligible for plan.
[15] Includes implied subsidy amounts.

Projected Contribution: (thousands)

Fiscal year Beginning July 1 of:	ARC[16]	Estimated City Payments: Retirees' Premiums[17]	Implied Subsidy	Trust Pre-funding	Total
2016	566	290	28	248	566
2017	560	317	28	215	560
2018	553	352	27	174	553
2019	546	391	26	128	545
2020	539	415	32	93	539
2021	533	435	34	63	533
2022	528	459	39	30	527
2023	522	484	31	7	523
2024	517	486	20	12	518
2025	512	491	18	3	512
2026	507	504	14	(11)[18]	507
2027	502	534	17	(50)	501

[16] Starting in 2017/18 Actuarially Determined Contribution (ADC) under GASB 75.
[17] Assumed paid directly to retirees by City.
[18] Draw down of trust for benefit payments.

Sensitivity Analysis

Sensitivity of the results is illustrated below for the 26-year funding contribution for the following healthcare trend sensitivity:

- Medical trend rate increased by 1/3 over the next 5 years, for example:
  From: 8.0%, 7.5%, 7.0%, 6.5%, and 6.0%
  To: 10.7%, 10.0%, 9.3%, 8.7%, and 8.0%
- Medical trend rate decreased by 1/3 over the next 5 years (but not below 5.25%), for example:
  From: 8.0%, 7.5%, 7.0%, 6.5%, and 6.0%
  To: 5.33% and 5.25% thereafter

	UAAL	Normal Cost	UAAL Pymt	ARC	ARC as % of Covered Pay[19]
Baseline	$ 5,353,087	$114,229	$452,007	$566,237	27.7%
Medical Trend next 5 yrs increased by 1/3	5,953,869	125,318	504,528	629,847	30.8%
Medical Trend next 5 yrs decreased by 1/3	4,929,433	106,487	414,971	521,458	25.5%

[19] Payroll for plan participants only.

Medical Coverage

Medical plans offered by the City of Fort Bragg are described below. Open enrollment is conducted yearly for both employees and retirees.

1. Monthly 2015/16 REMIF Medical Premiums

	EPO $250	EPO $500	HSA $1,300	Blue Card PPO $250
Under Age 65:				
Single	$ 808.00	$ 699.00	$ 589.00	$ 808.00
Dual	1,696.00	1,468.00	1,235.00	1,696.00

2. Monthly 2016/17 REMIF Medical Premiums

	EPO $250	EPO $500	HSA $1,300	Blue Card PPO $250
Under Age 65:				
Single	$ 884.00	$ 767.00	$ 649.00	$ 884.00
Dual	1,854.00	1,610.00	1,360.00	1,854.00

3. Monthly 2015 and 2016 Hartford Premiums

	January 1, 2015	January 1, 2016
Over Age 65 and Eligible for Medicare:		
Single	$ 398.93	$ 428.04
Dual	797.86	856.08
Over Age 65 and Eligible for Medicare:		
RX Only Retiree	167.00	178.00

4. Medical Plan Provisions for Self-Funded and Hartford

	EPO $250	EPO $500	HSA $1,300	Blue Card PPO $250
Deductible	$250	$500	$1,300	$250
Office Visit Co-pay	$25/visit	$30/visit	10%	$25/visit
In-patient Hospital (In network)	No Charge	10%	10%	No Charge
Emergency Room	$100/visit	$100/visit	10%	$100/visit
X-ray and Lab	No Charge	10%	10%	No Charge
Rx	$10 generic $25 brand	$15 generic $30 brand	$10 generic $20 brand	$10 generic $25 brand

	Hartford	
Hospital Confinement Benefit	1st – 90th day 60 day Lifetime Reserve Period After Lifetime Reserve, 365 days per lifetime	Medicare deductible / co-pay Medicare co-pay 100%
Skilled Nursing Facility Care	First 20 days 21st – 100th day	$0 (covered by Medicare) Medicare co-pay
Hospice Care	Medicare Co-pay	
Outpatient Medical Expenses	Medicare Part B Deductible Other Medicare-approved amounts Clinical lab services Part B Excess Charges	Medicare deductible Generally 20% (80% covered by Medicare) $0 (covered by Medicare) 100%
Home Health Care	Medically Necessary skilled care and medical supplies Durable Medical Equipment Other Medicare-approved amounts	$0 (covered by Medicare) Medicare deductible 20% (80% covered by Medicare)
RX	Deductible Retail Mail Specialty Drugs	$0 30 day $5 generic/ $25 preferred/ $60 non-preferred 90 day $8/$56/$165 33%

Dental Coverage

Dental coverage is provided through Delta Dental. Premiums effective July 1, 2015 – June 30, 2016 are $52, $88 and $131 for 1-person, 2-person and 3-person coverage respectively. Percentages of reasonable and customary charges paid under the dental plan are shown below. The yearly maximum covered amount is $1,500.

Category of Care	Percent Paid by Dental Plan (In Network)	Percent Paid by Dental Plan (Out of Network)
Preventative	100%	100%
Basic and Restorative	85%	80%
Prosthodontics	50%	50%
Orthodontics	50%	50%
	(Lifetime orthodontics max is $1,000)	

Vision Coverage

Vision coverage is provided through VSP Vision Care. Services covered by the Plan include WellVision eye examinations and treatments, prescription eyeglasses and contact lenses. A premium of $9.50 per member was assumed effective July 1, 2015.

Actuarial Assumptions – Life Expectancies

CalPERS (1997-2011) mortality rates after Service Retirement

Age at 6/30/2015	Male	Female
50	35.0	38.0
55	30.4	33.4
60	25.8	28.6
65	21.4	23.9
75	13.2	15.2
85	6.9	8.2
95	3.2	3.7

On June 21, 2004, the Governmental Accounting Standards Board approved Statement No. 45 (GASB 45), accounting standards for *other* (than pensions) *post employment benefits* (OPEB). The GASB position is that OPEB, like pension benefits, are a form of deferred compensation. Accordingly, GASB 45 requires recognizing OPEB (in the financial statement) *as employees render service* (and consequently earn the benefit), rather than when paid. This section summarizes GASB 45.

What Benefits are OPEB?

OPEB includes most post employment benefits, other than pensions, that employees are entitled to after leaving employment:

- Retiree medical
- Dental
- Prescription drug
- Vision
- Life insurance
- Outside group legal
- Long-term care
- Disability benefits outside a pension plan

OPEB does not include vacation, sick leave, COBRA, or ad hoc early retirement incentives, which fall under other GASB accounting statements.

Accounting Standards

Under GASB 45, pay-as-you-go accounting is replaced with accrual accounting. This is virtually identical to GASB's approach under Statement No. 27, with the key financial statement components being an Annual Required Contribution, an Annual OPEB Cost, and a Net OPEB Obligation.

- **Annual Required Contribution (ARC)**: GASB 45 doesn't require an agency to make up any shortfall (unfunded Actuarial Liability) immediately, nor does it allow an immediate credit for any excess Plan Assets. Instead, the difference is amortized over time. An agency's ARC is nothing more than the employer current Normal Cost (value of benefits being "earned" during a year), plus the amortized unfunded Actuarial Liability (or less the amortized excess Plan Assets). Simply put, the ARC is the value of benefits earned during the year plus (or minus) something to move the plan toward being on track for funding. GASB 45 allows actuaries to amortize the unfunded Actuarial Liability (or excess Plan Assets) on a level dollar or level percent of payroll basis. We believe most agencies will want to use a level percent of payroll amortization because it's more consistent with the budget process and how pension contributions are usually calculated. The ARC must be based on the underlying OPEB promise (as understood by the plan sponsor and employees).
- **Annual OPEB Cost (AOC)**: The first year an agency complies with the new standards, the AOC equals the ARC. In subsequent years, the AOC will equal the ARC, adjusted for prior

differences between the ARC and AOC.

- **Net OPEB Obligation (NOO)**: An agency's NOO is the historical difference between actual contributions made and the ARC. If an agency has always contributed the ARC, the NOO equals zero. However, an agency has not "made" the contribution unless it has been set aside *and* cannot legally be used for any other purpose.

Disclosure Requirements

Plan sponsors must disclose in their financial statement footnotes:

- Basic plan information
  - Plan type
  - Benefits provided
  - Authority under which benefits were established
- Plan funding/contribution policy information:
  - Required contribution rates for active members and employers shown in dollars or as a percent of payroll
- Plan Funded Status information:
  - AOC and the dollar contributions actually made
  - If the employer has a NOO, also
    - Components of the AOC
    - NOO increase or decrease during the year
    - End of year NOO
  - 3-year history of
    - AOC
    - Percent of AOC contributed during the year
    - End of year NOO

  Most recent year's plan Funded Status

  Actuarial methods and assumptions used to determine the ARC, AOC, and Funded Status.

In addition, plan sponsors must provide 3 years of historical required supplementary information:

- Valuation dates
- Actuarial asset values
- Actuarial Liability
- Unfunded Actuarial Liability (excess Plan Assets)

- Plan funded ratio
- Annual covered payroll
- Ratio of unfunded Actuarial Liability (excess Plan Assets) to annual covered payroll
- Factors that significantly affect comparing the above information across the years.

Defining the Plan

GASB 45 refers to the *substantive plan* as the basis for accounting. It may differ from the *written plan* in that it reflects the employer's cost sharing policy based on:

- Past practice or communication of intended changes to a plan's cost sharing provisions, or
- Past practice of cost increases in monetary benefits.

The substantive plan is the basis for allowing recognition of potential future plan changes. This approach requires entities to acknowledge the underlying promise, not just the written plan.

What if retirees participate in the active healthcare plan, but are charged a rate based on composite active and retiree experience? (This was a contentious issue during the statement drafting, with one of the seven board members dissenting from Board adoption of the final statement.) In general, GASB 45 requires recognition of the implied subsidy. However, if benefits are provided through a community rated plan (premium rates based on experience of multiple employers rather than a single employer), and the same premium is charged for active and retired participants, it is appropriate to value unadjusted premiums.

Actuarial Assumptions and Discount Rate Requirements

Under GASB 45, the actuary must follow current actuarial standards of practice, which generally call for explicit assumptions – meaning each individual assumption represents the actuary's best estimate.

GASB 45 also requires basing the discount rate on the source of funds used to pay the benefits. This means the underlying expected long-term rate of return on Plan Assets for funded plans. Since the source of funds for unfunded plans is usually an agency's general fund, and California and most other state law restricts what investments agencies can have in their general fund, unfunded plans will need to use a low (for example, 4% to 5%) discount rate. If an agency sets up a Trust and diversifies Trust Plan Assets, however, the discount rate might be much higher (such as 6%) depending on the Trust fund's expected long-term investment return.

Valuation Frequency Requirements and Small Plans

GASB 45 requires an actuarial valuation at least every two years for plans with more than 200 (active, inactive, and retired) members. Plans with fewer than 200 members will need a valuation every 3 years. In a significant departure from prior standards, though, GASB 45 allows plans with fewer than 100 members to elect a simplified measurement method not requiring an actuarial certification

Changes in the GASB Requirements

The Government Accounting Standards Board approved a new standard, GASB 75, on 6/2/15: effective for 2017/18 fiscal year. The new standard is similar to GASB 68, which became effective for the City retirement plans for the 2014/15 fiscal year. The new standard will require that the healthcare program's unfunded actuarial accrued liability be reflected on the City's balance sheet in the June 30, 2018 financial statements. If the plan is not being prefunded, the new standard will require the use of AA 20-year General Obligation Municipal Bond rate as of June 30 for valuation purposes. As of 6/30/2015 that rate was in the neighborhood of 3.80%.

Monthly Claims Costs

The City provides medical coverage through a REMIF pool for EPO250, EPO500, and HSA1300 plans before retirees are receiving Medicare and through the Hartford with Sapphire Rx for retirees receiving Medicare.

The AHP Cost Model™, which is based on Axene Health Partners, LLC's proprietary claims database, was used in the determination of age/ gender/ plan specific claims factors. Coverage offered by the City was run through the cost model to determine benefit values by age and gender. These benefit values were then used to develop the corresponding age / gender-based claims factors for the valuation.

Premium rates for each health plan were used in the claims cost projections. Current (FY 2015/16 and 2016/17) premiums, as reported by the City, were reviewed and deemed reasonable relative to benefits offered and the covered populations; however, these premiums were not audited against actual claims and we do not attest herein to their adequacy.

The sample monthly claims costs are shown below.

	7/1/15-6/30/16					
	EPO250		EPO500		HSA1300	
Age	Male	Female	Male	Female	Male	Female
35	$ 359	$ 587	$ 307	$ 506	$ 248	$ 425
45	486	627	417	542	345	458
55	782	787	679	684	579	585
64	1,164	1,010	1,021	883	885	762

	7/1/15-6/30/16			
	Hartford		Hartford Rx[20]	
Age	Male	Female	Male	Female
65	$ 300	$ 261	$ 125	$ 109
75	431	389	198	162
85	540	546	280	228

[20] Prorated based on Hartford premium.

Post-Retirement Health Program
6/30/2015 Actuarial Valuation Report

City of Fort Bragg
July 25, 2016

Marilyn Oliver, FSA

BARTEL ASSOCIATES, LLC

Topics

Purpose of Valuation

Plan Benefits

Data

Key Actuarial Assumptions

Key Actuarial Methods

Key Actuarial Terms

Results

Looking to the Future

Purpose of Valuation

- Determine:
  - Contribution Amounts for FY 2016/17 & FY 2017/18
  - 6/30/2015 Actuarial Liabilities and FY 2016/17 Expense for Financial Reporting

Plan Benefits

	Retiree	Spouse
Tier 1	City pays: Medical + Dental	% of Medical
Tier 2	Same as Tier 1	--
Tier 3	City pays: Medical + Dental until Medicare eligibility age, City pays: only Rx premiums after Medicare eligibility age	--
Tier 4	Can elect Medical + Dental until Medicare eligibility age, but Retiree pays premiums	--
City pays Vision premiums for 5 in Tier 1, 1 in Tier 2		
Closed to new hires (7/1/2011, 1/1/2012 Police)		

Data

	Actives	Retirees	Total
Tier 1	4	25	29
Tier 2	9	4	13
Tier 3	16	1	17
Tier 4	3	0	3
Total	32	30	62

Data

	6/30/13	6/30/15
Actives	42	32
Retirees	29	30
Covered Payroll	$2,727,581	$2,098,996

Key Actuarial Assumptions

- Interest (Discount) Rate
  - City policy of paying full Annual Required Contribution each year
  - Funds invested in CERBT with election of Option 1 asset allocation – our median expected return of 7.33%
  - Remained unchanged at 7.25%:
    - Margin for Adverse Deviation of 0.08%

Key Actuarial Assumptions

- Inflation Rate:
  - 3.00%
- Healthcare Trend:
  - 8.0% increase FY 17/18, …., 5.25% FY 22/23+
  - Adjusted grading period rates and extended grading period

Key Actuarial Assumptions

- Mortality, retirement, termination of employment:
  - CalPERS 2014 Experience Study
- Projecting Future Mortality Improvement
- Participation at Retirement:
  - Tiers 1-3: All eligible participate
  - Tier 4: 75% participate

Key Actuarial Assumptions

- Implied Subsidy
  - Difference between expected claims and premiums for pre-Medicare retirees
  - Paid through higher premiums for actives, but considered post-retirement benefit
  - Updated aging factors for calculating age / gender claims cost factors

Key Actuarial Methods

- Entry Age Normal Cost Method
  - Same as used in CalPERS retirement valuations
- Amortization
  - Level $ Payments over 26 Years from July 1, 2016

Key Actuarial Terms

- **PVFB – Present Value of all Future Benefits:**
  - Present value of all expected benefit payments to be paid in the future for current employee plan members and current retirees as of June 30, 2015
- **Normal Cost (NC):**
  - Value of benefits allocated (or "earned") during the current year by current employees using Entry Age Normal Cost Method, level percentage of pay

Key Actuarial Terms

- **Actuarial Accrued Liability (AAL)**
  - Portion of PVFB "earned" for past service, i.e., up to June 30, 2015
- **Unfunded Actuarial Accrued Liability (UAAL)**
  - Portion of AAL not funded as of June 30, 2015
  - UAAL = AAL – Assets
- **Covered Payroll**
  - Payroll of Plan Members only

Results

(millions)

Present Value of Benefits	
Actives	$3.2
Retirees	4.4
Total	$7.6
Actuarial Accrued Liability	
Actives	$2.4
Retirees	4.4
Total	$6.7

Results

(millions)

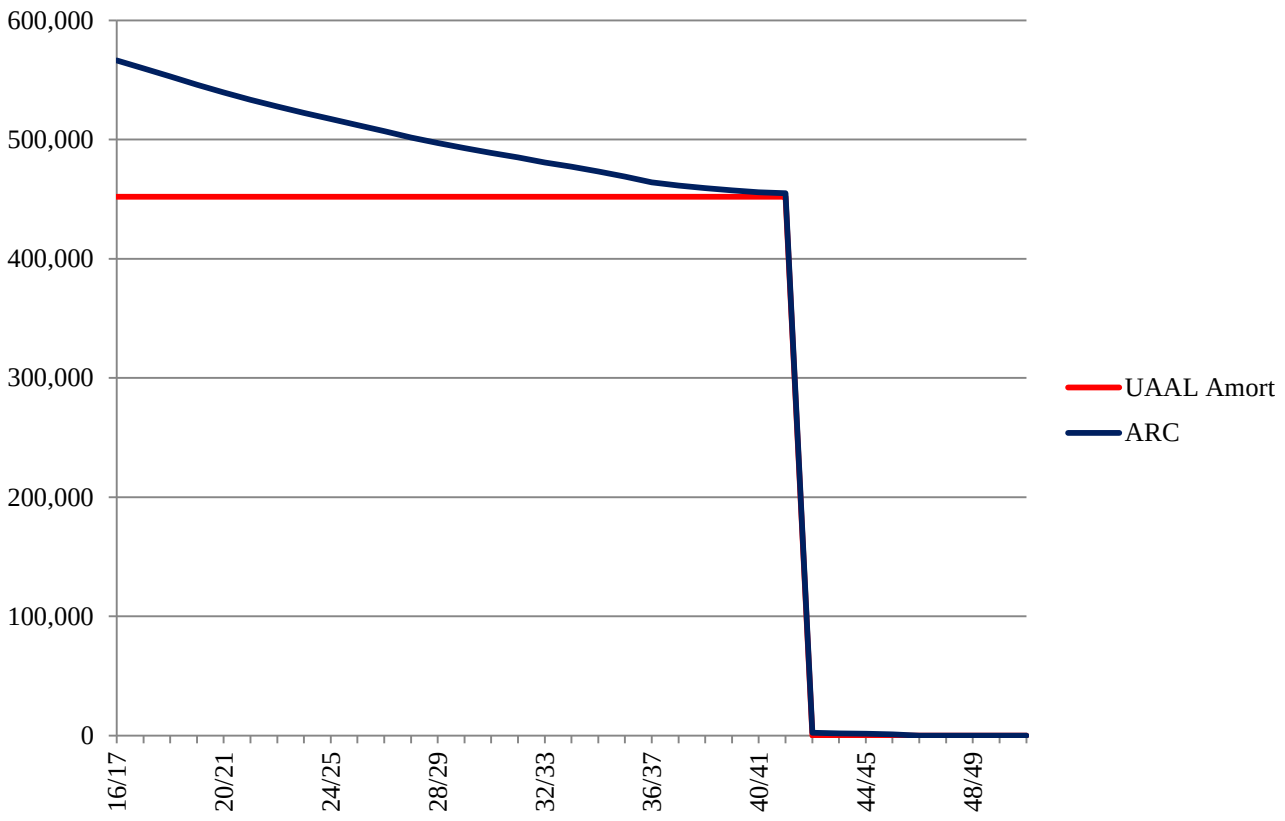
Valuation Date	6/30/13	6/30/15
Actuarial Accrued Liability (AAL)	$5.8	$6.7
Assets	($0.7)	($1.4)
Unfunded Actuarial Accrued Liability (Unfunded AAL)	$5.1	$5.4
Funded Ratio	11.6%	20.4%

Results

2016/17 Annual Required Contribution

	Amount	% of Covered Pay
Normal Cost	$114,229	5.6%
26-year Unfunded AAL Funding	$452,007	22.1%
Total Annual Required Contribution	$566,237	27.7%

Results


600,000
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100,000
0
16/17
20/21
24/25
28/29
32/33
36/37
40/41
44/45
48/49
UAAL Amort
ARC

Results

Comparison to 6/30/2013 Valuation Annual Required Contribution

% of Payroll of Employees Covered by Plan

	2014/15	2016/17
Interest Rate	7.25%	7.25%
Normal Cost	5.6%	5.6%
UAAL Amortization	15.6%	22.1%
Total Annual Required Contribution	21.2%	27.7%

Results

Expected versus Actual AAL (millions)

AAL 6/30/2013	$5.8
Expected AAL 6/30/2015	$6.4
Actual AAL 6/30/2015	$6.7
Difference	$0.3
Experience Gains	$(0.1)
Assumption / Method Changes	$0.4

Results

Changes in AAL (millions)

MP-2014 Mortality Improvement	$0.3
ACA Excise Tax (Cadillac Tax)	$0.1
Change in Pre- and Post-Medicare age/gender claims cost factors	$(0.2)
Extended Medical Trend Grading Period	$0.2
Total	$0.4

Results

Projected Results

ARC 2016/2017	$566,000
2027/2028	$502,000
UAAL 6/30/2015 (millions)	$5.4
6/30/2027	$4.2

Looking to the Future

- **New GASB 75 Accounting Standards:**
  - GASB 75 approved on June 2, 2015
  - Requires Unfunded Actuarial Accrued Liability be reflected on Balance Sheet in June 30, 2018 financial statements

City of Fort Bragg

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Text File

File Number: 16-298

Agenda Date: 7/25/2016 **Version:** 1 **Status:** Business

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

Agenda Number: 6B.

Receive Recommendation from Public Safety Committee and Provide Direction to Staff Regarding Cannabis Manufacturing Ordinance

AGENCY:	**City Council**
MEETING DATE:	**July 25, 2016**
DEPARTMENT:	**CDD**
PRESENTED BY:	**S. Perkins**

AGENDA ITEM SUMMARY REPORT

TITLE:
RECEIVE RECOMMENDATION FROM PUBLIC SAFETY COMMITTEE AND PROVIDE DIRECTION TO STAFF REGARDING CANNABIS MANUFACTURING ORDINANCE

ISSUE:
The State of California has adopted the Medical Marijuana Regulation and Safety Act (MMRSA) and is now instituting a new regulatory and licensing system to regulate the cultivation, transportation, third party certification, manufacture and distribution of Medical Marijuana. The Act is comprised of three State legislative bills known as AB 243, AB 266 and SB 643. While the State is still drafting regulations to implement the Act and will not issue licenses under the Act until January 2018, many communities have started to review and develop local regulations regarding the various components of the Medical Marijuana supply chain. As a result of MMRSA, both the Public Safety Committee and City Council have discussed the regulation of cannabis businesses in the City of Fort Bragg and provided direction to staff, as follows:

> **Public Safety Committee (December 9, 2015):** Received detailed report on MMRSA.
> **Public Safety Committee (April 13, 2016):** Recommended that the City a) retain its current cultivation and dispensary ordinances as they stand; b) take a "wait-and-see" approach to developing new regulations for cannabis transport and delivery as the State crafts legislation; and c) develop recommendations for modifying the Municipal Code and the Land Use and Development Code so that City Council can deliberate on whether and how to permit cannabis manufacturing in Fort Bragg.
> **City Council (May 9, 2016):** Directed staff to craft a draft ordinance to address cannabis manufacturing within City Limits.
> **Public Safety Committee (June 29, 2016):** Reviewed a spectrum of policy options for the regulation of cannabis manufacturing, and provided recommendations to City Council for the development of a cannabis manufacturing ordinance which would provide for Medical Marijuana manufacturing while offsetting negative impacts the business could present to the community.

This report details the Public Safety Committee's recommendations for regulating various aspects of cannabis manufacturing businesses for City Council's consideration.

RECOMMENDED ACTION:
Provide direction to staff regarding components of a draft ordinance allowing cannabis manufacturing businesses in the Light and Heavy Industrial Zoning Districts with an approved Use Permit, and subject to additional standards identified by City Council.

AGENDA ITEM NO. 6B

ALTERNATIVE ACTION(S):

1. No action. Under this alternative, no further actions would be taken to address cannabis manufacturing uses and the use would continue to be prohibited in Fort Bragg, until it is allowed under the regulations adopted to implement MMRSA at the State level.
2. Provide alternative and/or more specific direction regarding regulations addressing cannabis manufacturing uses.
3. Request additional information and/or analysis by staff.

ANALYSIS:

The City of Fort Bragg presently implements Municipal Code Chapter 9.30 and 9.32 for Medical Marijuana Dispensaries and Medical Marijuana Cultivation, respectively. If Council approves a new ordinance specific to cannabis manufacturing, it would reside in the Municipal Code alongside the existing dispensary and cultivation ordinances. Additionally, the use would also need to be added to the Land Use and Development Code in the Allowable Land Use Table of Chapter 2.

Some policies in the existing dispensary and cultivation ordinances could be replicated in a new cannabis manufacturing ordinance. For example, existing policies relating to application requirements and background checks for dispensaries and cultivation may be sufficient for cannabis manufacturing regulations. Additionally, numerous policies in the Municipal Code address noise, odor, solid waste and utilities, and apply to development citywide. The Public Safety Committee's recommendations described below take into account these existing regulations, as well as those found in staff's research of Colorado, Washington and other California ordinances. Attachment 1: June 29, 2016 Public Safety Committee Staff Report describes in detail the wide spectrum of policy options the Committee considered prior to making their recommendations. Attachment 2: Cannabis Manufacturing Policy Matrix truncates the discussion and highlights the various policy issues, options for regulation, and the Committee's recommendation.

Staff seeks Council's direction on the following policy recommendations of the Public Safety Committee prior to authoring a draft cannabis manufacturing ordinance and bringing it forward for City Council's consideration:

Definitions

Policy Question:	**How should a cannabis manufacturing ordinance handle the potential for future legalization of cannabis for recreational uses?**

This November, California voters will consider Proposition 64 and vote whether or not to legalize recreational use of marijuana. Fort Bragg's legislation on the topic of cannabis should account for future changes to state law. Addressing cannabis manufacturing for medical uses only, may require that the ordinance be amended following changes to state law.

1. If Council intends for an ordinance to only allow cannabis manufacturing for medical uses, then the ordinance should refer only to Medical Marijuana.
2. However if Council wants the ordinance to apply to both medical uses and potential legal recreational uses, the ordinance should consider both medical and recreational uses (if they become legal).

The Public Safety Committee discussed each approach, and recommends providing flexibility in the ordinance to accommodate future recreational uses of cannabis, and therefore recommends that the ordinance apply generically to Cannabis Manufacturing, rather than to Medical Marijuana Manufacturing.

Recommendation:	Include generic language, such as cannabis manufacturing, and language that permits the use of cannabis in the manufacturing process as permitted by the State of California.

Zoning and Permitting

Policy Question:	**In which zoning districts should cannabis manufacturing be permitted, and what permits should be required?**

Commercial cannabis manufacturing operations utilize manufacturing processes consistent with other light manufacturing uses. As the ordinance presently stands, manufacturing uses are permitted only in the Light Industrial and Heavy Industrial zoning district. Since cannabis manufacturing is most similar to other manufacturing uses, cannabis manufacturing businesses should be limited to the IL and IH districts where these compatible uses are presently permitted (with differing levels of review). For reference, dispensaries may be permitted in either the IH or IL districts with a Use Permit (although there are no dispensaries within City Limits at this time). Previous discussions, at both Committee and Council meetings, touched on the location where cannabis manufacturing uses could be permitted, and the general consensus was that cannabis manufacturing should be limited to industrial districts.

Use Permits provide a process for reviewing uses and activities that may be appropriate in the applicable zoning district, but whose actual effects on a site and neighboring uses cannot be determined before being proposed for a specific site. As cannabis manufacturing uses have the potential to pose security risks, create odors and noise, and utilize controlled materials, a Use Permit requirement is appropriate. Requiring cannabis manufacturing uses to obtain a Use Permit would allow the Planning Commission (or the City Council on appeal) to determine the suitability of the cannabis manufacturing use on a particular property, and place special conditions on any approval to ensure the continued compatibility of the cannabis manufacturing use with existing and potential surrounding land uses.

A cannabis manufacturing ordinance could also limit the maximum number of permits available, allowing the City to review the effectiveness of the ordinance and its impacts to the community. Should the ordinance be effective and the impacts minimal, City Council could increase the quantity of permits available by resolution.

Recommendation:	Table 2-10 of ILUDC Section 18.24.030 should be revised, adding a cannabis manufacturing use, and allowing the new use in both the IL and IH zoning districts with an approved Use Permit.

Proximity to Sensitive Uses

Policy Question:	**Should cannabis manufacturing be prohibited within certain distances of sensitive uses (churches, schools, hospitals, etc.)?**

Under Health and Safety Code section 11362.768, a medical marijuana cooperative, collective, dispensary, operation, establishment or provider who possesses, cultivates, or distributes medical marijuana shall not be located within a 600-foot radius of a school (defined as K-12, public or private). Cities and counties can further restrict the location of such land uses if they so choose. Subject to this mandatory minimum buffer zone for schools, a cannabis manufacturing ordinance could restrict the distance a cannabis manufacturing business may operate from a variety of

sensitive uses. Ordinances typically protect sensitive uses from potentially harmful businesses or projects by restricting either by adjacency or with a buffer.

In addition to any new policy restricting the distance cannabis manufacturing uses may operate from sensitive land uses, the Planning Commission must also make five required findings to approve any Use Permit. The third finding required by Section 18.71.060(F)(3) is as follows:

> *…The Review Authority shall approve a Use Permit or Minor Use Permit only after first finding…*
> *…the design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.*

The Public Safety Committee discussed various options to protect sensitive land uses from cannabis manufacturing operations. While the Planning Commission must already make the finding quoted above, identifying sensitive uses within a prescribed distance from the proposed project would equip the Commission with the ability to determine the potential for negative impacts on the sensitive uses. Once these proximities are determined, the Commission could place conditions of approval applicable to a specific project to mitigate impacts to the identified sensitive uses. The Public Safety Committee felt that this level of review would be appropriate for any sensitive use within 200 feet of the facility. However, as noted above, State law mandates a 600-foot minimum distance between any medical marijuana use and a school. Furthermore, if it passes, Proposition 64 will impose an identical 600-foot minimum distance between any recreational marijuana business and a school.

Recommendation:	Include as a Use Permit finding for approval for cannabis manufacturing uses that the design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity, and, specifically, with any church, park, day care, hospital, non-profit organization or residential use within 200 feet of the proposed use. The information would be used by the review authority (the Planning Commission) to determine the suitability of the project's proximity to sensitive uses, and place conditions of approval on the Use Permit to mitigate impacts. Further, prohibit any cannabis manufacturing use from locating within 600 feet of any K-12 school.

Use Restrictions

Policy Question:	**Should accessory uses or services be permissible for cannabis manufacturing uses?**

MMRSA limits the vertical integration of medical marijuana businesses with certain specified exceptions. A holder of a Type 10A dispensary license (the owner has less than three retail sites) may apply for and obtain a manufacturing license. A holder of a Type 10A dispensary license may have a manufacturing license and a cultivation license or any combination of cultivation licenses if the cultivation area is no more than four acres in total canopy size statewide.

Cities, of course, can impose further restrictions and regulations on the integration of marijuana businesses and accessory uses. ILUDC Table 2-10 of Section 18.24.030 permits specific retail sales and services uses accessory to a primary industrial use with the approval of a Minor Use Permit. However, the City may not want to allow cannabis manufacturing operations to sell product even with a Minor Use Permit. Many municipalities have sought to prohibit uses accessory to cannabis manufacturing uses. Fort Bragg's dispensary ordinance similarly prohibits dispensaries

from engaging in the commercial sale of any product, goods or service other than medical marijuana.

Allowing uses accessory to cannabis manufacturing operations could greatly increase the trips to and from such businesses by customers. This increase in activity could complicate security issues. Additionally, MMRSA prohibits cannabis manufacturing businesses from selling cannabis at the retail level.

Recommendation:	A cannabis manufacturing ordinance should prohibit accessory retail or service uses in association with the primary industrial use.

Exterior Restrictions

Policy Question:	**Should a cannabis manufacturing ordinance restrict outdoor displays or signage?**

Fort Bragg's dispensary ordinance currently restricts signage at the business entrance (Section 9.30.120(D)), and the City's cultivation ordinance prohibits any exterior evidence of marijuana cultivation (Section 9.32.020(C)(10)). A cannabis manufacturing ordinance could adopt similar requirements as the City's dispensary and cultivation ordinances. Conversely, the Council could recommend allowing exterior signage that portrays a cannabis-based activity.

The Public Safety Committee agreed that outdoor displays and signage showing evidence of a cannabis business could create an attractive nuisance and possibly jeopardize the security of the business. The Committee recommends prohibiting explicit cannabis signage to help reduce impacts on the surrounding neighborhood.

There is evolving case law regarding constitutional limits on the regulation of signage based on its content. Once direction is received from the Council, our attorneys can advise whether proposed restrictions are likely to withstand judicial scrutiny.

Recommendation:	Prohibit cannabis manufacturers from displaying logos, art or signage that implies a cannabis-based activity.

Odor

Policy Question:	**How should a cannabis manufacturing ordinance regulate odor?**

Many industrial manufacturing processes have the potential to create odors. The City's code includes Section 18.30.080(J) to mitigate odor impacts:

> *No obnoxious odor or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site.*

A key term in this regulation is "obnoxious." Clearly, bakeries, breweries, restaurants and many other businesses create odors perceptible at their property lines. For marijuana cultivation uses, Sections 9.32.020(C)(15) and 90.32.020(E)(1) set specific standards for odors:

The medical marijuana cultivation area shall not adversely affect the health or safety of nearby residents by creating dust, glare, heat, noise, noxious gases, odor, smoke traffic, vibration, or other impacts…

A public nuisance may be deemed to exist if the activity produces odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public.

The ordinance would require City staff to identify sensitive users within 200 feet of the business and the Planning Commission could use this information to apply project- and site-specific odor standards during the Use Permit review process. For example, a cannabis manufacturing operation adjacent to a brewery may require less odor mitigation than one very near a residence. Applying the most stringent standards for odor control may not be necessary in all development scenarios, and codifying highly restrictive measures may disqualify otherwise acceptable applications. The Public Safety Committee recommended that the ordinance reference existing odor requirements from other City ordinances.

Recommendation:	The cannabis manufacturing ordinance should reference odor regulations as they apply to all uses (Section18.30.080(J)), and replicate the odor requirements of the marijuana cultivation ordinance. Applicants for cannabis manufacturing Use Permits should submit an odor control plan, which may include an odor absorbing ventilation and exhaust system as part of their application so that Staff can determine if the business will comply with odor control requirements.

Security

Policy Question:	**What measures should a cannabis manufacturing ordinance include to ensure adequate security is provided for these industrial uses?**

Security is a key policy issue for cannabis manufacturing; however, good security measures will be different for different properties. One blanket set of policies would not fit every scenario. Most cannabis manufacturing ordinances place the burden of proving adequate security on the applicant, subject to review by the local police department.

For example, the City of Fort Bragg has the following security requirements for dispensary uses, as Sections 9.30.040 and 9.30.120, respectively:

[Applications shall include] proposed security arrangements for protection from criminal activity [with permit applications].

Dispensaries shall provide adequate security on the premises, including lighting and alarms.

Part of the City's current review process for dispensaries requires that the Police Department perform the necessary background checks and review the security plans for a proposed dispensary use. Other California, Washington, and Colorado cannabis manufacturing ordinances utilize similar scenarios for the review of cannabis manufacturing applications. The following are some specific security requirements used by other jurisdictions:

An applicant shall submit, as a portion of their permit application:

…a security plan addressing how the applicant intends to comply with MMRSA and other applicable policies.

…a description of how security measures are sufficient to ensure safety of employees and visitors, protect the premises from diversion and theft, and ensure that all buildings where cannabis is stored are secured sufficiently to prevent unauthorized entry.

…a diagram indicating all areas to be covered by 24-hour security cameras, all restricted access areas, all areas of ingress and egress, public areas, storage areas, and all doors and windows.

The Public Safety Committee felt that effective security measures are inherently site-specific, and applicants must develop a plan to satisfy the Police Department, which could attach special conditions as needed.

Recommendation: A cannabis manufacturing ordinance should include application requirements that address the following:

- Project consistency with the requirements of MMRSA
- A security plan ensuring the safety of employees and visitors from criminal activity, including theft and unauthorized entry
- A diagram illustrating the use and coverage of security cameras, security lighting, and necessary access restrictions
- A floor plan clearly illustrating the purpose and security of each room or area of operation

These submissions would be reviewed to the satisfaction of the Police Department. No Use Permit application for cannabis manufacturing would be approved without approval of the security plans by the Police Department.

Manufacturing Operations (hazardous materials, solid waste, delivery, supply chain, etc.)

Policy Question: What should a cannabis manufacturing ordinance include to ensure safe and proper operation?

Like any new industry, there are numerous aspects of cannabis manufacturing that have yet to be fully vetted. For instance, what materials or chemicals are required for the manufacturing process? Where should spent cannabis be disposed of, and is the spent material still neurologically or medicinally active? What happens if raw cannabis is spoiled or of unacceptable quality? Would it be returned to the cultivator, or destroyed by other means? How will it travel from place to place through the supply chain legally?

Many of these questions may have multiple acceptable answers and may greatly depend on the size and techniques utilized by different facilities, but it is important that they are appropriately considered. Many jurisdictions have yet to address these operational details of cannabis manufacturing businesses, and do not currently regulate these issues beyond ordinances and policies already on record.

For example, the City of Fort Bragg has hazardous materials regulations in place. Section 18.30.080(F) states the following:

F. Hazardous materials. As required by the Safety Element of the General Plan, an applicant for a proposed non-residential project that will involve the generation, use, transportation, and/or storage of hazardous substances shall comply with the following requirements.

1. *The applicant shall notify the fire protection authority of all hazardous substances that are to be transported, stored, treated, or that could be accidentally released into the environment on the site.*
2. *The planning permit application for the project shall include detailed information on hazardous waste reduction, recycling, transportation, and storage, and a plan for emergency response to a release or threatened release of a hazardous material.*
3. *The site shall be provided with secondary containment facilities and a buffer zone adequate to protect public health and safety on a site with hazardous materials storage and/or processing activities, as required by the review authority.*

Regardless of whether or not additional hazardous material standards are included in a cannabis manufacturing ordinance, the above policies would continue to apply to all City projects, including cannabis manufacturing facilities. Similar City regulations are in place regarding solid waste. In order for the review authority to ensure that the operational logistics of a cannabis manufacturing facility comply with the various state and local regulations, some jurisdictions have required cannabis manufacturing to include these details in the Use Permit application.

Through the Use Permit review process, these details would be distributed to the various applicable review agencies (planning, public works, environmental health, air quality, building department, police and fire, etc.). Should any agency require more information to ensure the application complies with pertinent standards, they could be requested of the applicant during the review process.

Recommendation:	The application submission requirements for a cannabis manufacturing use should include detailed information on the business's operation, specifically: 1. Security procedures (see security discussion above) 2. Detailed operating procedures, which should include how the business will comply with MMRSA, safety and quality assurances, record keeping procedures, and product recall procedures 3. Proposed hours of operation 4. Solid waste disposal plan, with certification that waste transport entities and disposal facilities have agreed to haul and receive the solid waste produced by the cannabis manufacturing 5. Product supply chain information (cultivation, testing, transportation, packaging and labeling) 6. Odor prevention plan (see odor discussion above) 7. Other information as required by the Director as necessary to ensure the project's compliance with local, state and federal regulations.

Infrastructure (water and sewer)

Policy Question:	**How should a cannabis manufacturing ordinance address water and sewer usage and impacts?**

Through the discretionary approval process (Use Permit), Public Works would have the opportunity to review the water and sewer impacts of a proposed project and require whatever is necessary for the project to comply with the current standards. Should a project be unable to meet these requirements, the project would be denied.

Alternatively, a cannabis manufacturing ordinance could create additional performance standards for a cannabis manufacturing facility's water and sewage usage and impacts. The Public Safety Committee indicated that the Use Permit review process would be more flexible and specific to address water and sewer concerns.

Recommendation:	Public Works staff should continue to review the water and sewer impacts of proposed projects, including cannabis manufacturing businesses, to identify Special Conditions that may be required to minimize impacts to the City's water and sewer systems.

FISCAL IMPACT:
Preparation of an ordinance to regulate medical marijuana manufacturing will require continued efforts by both City staff and the City Attorney. If an ordinance is passed allowing cannabis manufacturing, the City Council would need to establish appropriate fees to offset costs associated with the permitting process and any subsequent inspections or enforcement activities. If permitted, cannabis manufacturing would create new jobs. As a point of reference, RootOne Botanicals' business plan anticipates hiring more than 20 employees once running at full capacity.

IMPLEMENTATION/TIMEFRAMES:
Once the City Council provides final direction regarding the policy directives of the ordinance, staff will draft the ordinance. The draft ordinance will be brought back to City Council in one- to two-months for additional review and direction. The ordinance will then be brought back for a first and second reading prior to adoption. If everything proceeds smoothly, the ordinance would be adopted in late 2016 or early 2017.

ATTACHMENTS:
1. June 29, 2016 Public Safety Committee Staff Report
2. Cannabis Manufacturing Policy Matrix

NOTIFICATION:
Root One Botanicals, Jon McColley

City Clerk's Office Use Only

Agency Action ☐ Approved ☐ Denied ☐ Approved as Amended

Resolution No.: _____ Ordinance No.: _____

Moved by: _____ Seconded by: _____

Vote: _____

☐ Deferred/Continued to meeting of: _____

☐ Referred to: _____

CITY OF FORT BRAGG
416 N. FRANKLIN, FORT BRAGG, CA 95437
PHONE (707)961-2823 FAX (707)961-2802

COUNCIL COMMITTEE ITEM SUMMARY REPORT

MEETING DATE:	June 29, 2016
TO:	Public Safety Committee
FROM:	Scott Perkins, Associate Planner
AGENDA ITEM TITLE:	**Receive Report and Make Recommendation to City Council Regarding Commercial Cannabis Manufacturing Ordinance**

ISSUE:

The State of California is instituting a new regulatory and licensing system known as the Medical Marijuana Regulation and Safety Act (MMRSA). MMRSA is comprised of State legislative bills known as AB 243, AB 266 and SB 643. As a result of MMRSA, both the Public Safety Committee and City Council have discussed the regulation of commercial cannabis businesses in the City of Fort Bragg, as follows:

> **Public Safety Committee (December 9, 2015):** Received detailed report on the State's passing of MMRSA.
>
> **Public Safety Committee (April 13, 2016):** Directed staff to a) keep existing cultivation and dispensary ordinances as they stand; b) take a "wait-and-see" approach to cannabis transport and delivery as the State crafts legislation; and c) develop recommendations for modifying the Municipal Code so that City Council can deliberate whether and how to permit commercial cannabis manufacturing in Fort Bragg.
>
> **City Council (May 9, 2016):** Directed staff to craft a draft ordinance to address commercial cannabis manufacturing within City Limits.

Since the May 9, 2016 City Council meeting, staff has researched commercial cannabis manufacturing (CCM) operations, explored existing ordinances in Colorado, Washington and California, and discussed potential impacts of CCM operations in Fort Bragg with other agencies and departments. Staff has also met with representatives from Root One Botanicals, a local entrepreneur seeking to establish a CCM business in Fort Bragg, to discuss the parameters of their proposed project in light of a new ordinance.

A new CCM ordinance should encourage new business opportunities in the City while offsetting any negative impacts the business could present to the community. This report details the options available for regulating various aspects of CCM operations, and identifies specific policy

questions for the Committee to consider. Staff recommends that the Committee review the various options for regulating CCM operations and make a recommendation to staff. The Committee's recommendation will form the basis for authoring a draft ordinance for City Council review.

SUMMARY:

The City of Fort Bragg presently implements Municipal Code Chapter 9.30 and 9.32 for Medical Marijuana Dispensaries and Medical Marijuana Cultivation, respectively. These two existing ordinances are effective at regulating dispensaries and cultivation, and Council has directed staff not to make changes to either ordinance at this time. If Council approves a new ordinance specific to CCM, it would reside in the Municipal Code alongside the existing dispensary and cultivation ordinances. Additionally, it would also need to be added to the Land Use and Development Code in the Allowable Land Use Table of Chapter 2.

Some policies in the existing dispensary and cultivation ordinances could be replicated in a new CCM ordinance. For example, existing policies relating to application requirements and background checks for dispensaries and cultivation may be sufficient for CCM regulations. Additionally, numerous policies in the Municipal Code, and particularly the Inland Land Use and Development Code, apply to development citywide. These policies relate to noise, odor, solid waste and utilities. The discussion of the policy issues below takes into account these existing regulations, as well as those found in staff's research of Colorado, Washington and other California ordinances. In addition to the following narrative, Attachment 4: Commercial Cannabis Manufacturing Policy Issues Table truncates the discussion and highlights the various policy issues, options for regulation, and staff's recommendation.

Staff seeks direction from the Public Safety Committee on the following policy questions relating to a new CCM ordinance:

Zoning and Permitting

Policy Question:	In which zoning districts should Commercial Cannabis Manufacturing be permitted, and what permits should be required?

Commercial cannabis manufacturing operations utilize processes consistent with other light manufacturing uses. As the ordinance presently stands, manufacturing uses are permitted in the following locations:

Manufacturing Use	Light Industrial (IL) Zoning District	Heavy Industrial (IH) Zoning District
Manufacturing/processing – Light (breweries, food and beverage, etc.)	Permitted	Permitted
Manufacturing/processing – Medium (milling, stone-cutting, etc.)	Not Permitted	Permitted
Manufacturing/processing – Heavy (chemical products, glass making, etc.)	Not Permitted	Permitted with Use Permit

Manufacturing uses are not permitted in other zoning districts. Since CCM is most similar to other manufacturing uses, CCM businesses should be limited to the IL and IH districts where these compatible uses are presently permitted (with differing levels of review). For reference, dispensaries may be permitted in either the IH or IL districts with a Use Permit; although, there are no dispensaries within City Limits at this time. Previous discussions, at both Committee and

Council meetings, touched on the location where CCM could be permitted, and the general consensus was that CCM should be limited to industrial districts.

All manufacturing uses may be permitted in the IH district, while only light manufacturing uses may be permitted in the IL district. Per RootOne Botanicals' presentation to City Council and industry literature, CCM operations utilize supercritical fluid extraction, a manufacturing process otherwise used in food and beverage (decaffeination) and cosmetic (oils, scents) production. The process uses carbon dioxide modified by alcohol. The ILUDC presently classifies food and beverage manufacturing as a light manufacturing use, whereas cosmetic manufacturing is classified as a heavy manufacturing use.

There are ±56 acres zoned IH (±23 acres inland) and ±48 acres zoned IL (±43 acres inland) in the City. Allowing CCM uses in both IH and IL would allow for more flexibility in CCM operations without impacting other industrial uses in either district.

Use Permits provide a process for reviewing uses and activities that may be appropriate in the applicable zoning district, but whose actual effects on a site and neighboring uses cannot be determined before being proposed for a specific site. As CCM uses have the potential to pose security risks, create odors and noise, and utilize controlled materials a Use Permit requirement is appropriate. Requiring CCM uses to obtain a Use Permit would allow the Planning Commission to determine the suitability of the CCM on a particular property, and place special conditions on any approval to ensure the continued compatibility of the CCM use with surrounding uses.

Recommendation:	Staff recommends revising Table 2-10 of ILUDC Section 18.24.030, adding a Commercial Cannabis Manufacturing use, and allowing the new use in both the IL and IH zoning districts with an approved Use Permit.

CCM involves extraction processes and the use of a controlled substance, similar to food and beverage manufacturing and breweries, which are also allowed in the IL district. Since the processes also mimic those used in toiletry and cosmetic manufacturing (uses that are only permitted in the IH district), requiring a Use Permit would allow for public input on CCM projects and allow for conditional approvals. A Use Permit (as opposed to a Minor Use Permit) would trigger review by the Planning Commission and require a public hearing on the application.

Proximity to Sensitive Uses

Policy Question:	Should Commercial Cannabis Manufacturing uses be prohibited within certain distances of sensitive uses (churches, schools, hospitals, etc.)?

A CCM ordinance could restrict the distance of a CCM business from sensitive uses. Ordinances typically protect sensitive uses from potentially harmful businesses or projects, by restricting either through adjacency or by a buffer. An ordinance could address this issue to varying degrees as follows:

1. *No restriction.* Including no restrictions on CCM operations and their proximity to sensitive uses would maximize the number of parcels available for such businesses. Conversely, this could allow CCM businesses to operate very near or adjacent to drug rehab facilities, day cares, schools and other sensitive uses, which may not be desirable.
2. *Adjacency restriction.* Some jurisdictions prohibit CCM operations when adjacent to a sensitive use. This would alleviate concerns of compatibility with neighboring uses while marginally decreasing the number of parcels available for CCM businesses. The impacts to

non-adjacent but nearby sensitive uses could still be mitigated through the Use Permit process.

3. *Buffer restriction*. For more protection to sensitive uses from CCM projects, an ordinance could prohibit these operations within a specified distance of sensitive uses. This approach could limit the potential properties where CCM uses could be approved, but could also reduce the potential for conflict between incompatible land uses.

4. *Buffer review*. A final option that could protect sensitive uses from CCM projects would be to include a review of sensitive uses within an established buffer as part of the Use Permit process. To approve any Use Permit, the Planning Commission must make five required findings and the third finding required by Section 18.71.060(F)(3) is as follows:

   …The Review Authority shall approve a Use Permit or Minor Use Permit only after first finding…

   …the design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.

   The buffer review process would modify this finding for CCM businesses to include compatibility with sensitive uses within a specified buffer distance.

Recommendation:	In a Commercial Cannabis Manufacturing ordinance, include as a Use Permit finding that the design, location, size, and operating characteristics of the proposed activity are compatible with any church, school, park, day care, hospital, non-profit organization or residential use within 200 feet of the proposed use. The information would be used by the review authority (the Planning Commission) to determine the suitability of the project's proximity to these uses, and place conditions of approval on the Use Permit to mitigate impacts.

Regardless of the selected approach, the review authority could deny Use Permits for proposed CCM operations that are inconsistent with the surrounding neighborhood, or modify projects via special conditions of approval to mitigate potential impacts.

Use Restrictions

Policy Question:	Should accessory uses or services be permissible for a Commercial Cannabis Manufacturing business?

ILUDC Table 2-10 of Section 18.24.030 permits specific retail sales and services uses accessory to a primary industrial use with the approval of a Minor Use Permit. However, the City may not want to allow CCM businesses to sell product even with a minor Use Permit. Many municipalities have sought to prohibit uses accessory to CCM industrial uses. Fort Bragg's dispensary ordinance similarly prohibits dispensaries from engaging in the commercial sale of any product, good or service other than medical marijuana.

Allowing uses accessory to CCM operations could greatly increase the trips to and from such businesses by customers. This increase in activity could complicate the operation's ability to maintain the high level of security required for a CCM operation. Additionally, the Medical Marijuana Regulation and Safety Act does not allow Medical Marijuana Manufacturing businesses to provide retail sales.

Recommendation:	Accessory retail or services should be prohibited for Commercial Cannabis Manufacturing businesses.

Exterior Restrictions

Policy Question:	Should Commercial Cannabis Manufacturing outdoor displays or signage be limited?

Fort Bragg's dispensary ordinance currently restricts signage at the business entrance (Section 9.30.120(D)), and the City's cultivation ordinance prohibits any exterior evidence of marijuana cultivation (Section 9.32.020(C)(10)). A CCM ordinance could adopt similar requirements as the existing dispensary and cultivation ordinances. Conversely, the Committee and Council could recommend allowing exterior signage.

Recommendation:	Prohibit Cannabis Manufacturing businesses from displaying any exterior evidence of a marijuana business including signage that implies a marijuana based activity. Signage that does not explicitly include visual or work references to marijuana should be allowed.

Outdoor displays and signage showing evidence of a marijuana business could create an attractive nuisance. Additionally, advertising the location of a controlled substance could jeopardize the security of the business. Prohibiting evidence of a marijuana business could prevent unnecessary impacts on the surrounding neighborhood.

Odor

Policy Question:	How should the Commercial Cannabis Manufacturing ordinance regulate odor?

Many industrial manufacturing processes have the potential to create odors. The City's code includes Section 18.30.080(J) to mitigate odor impacts:

> *No obnoxious odor or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site*.

A key term in this regulation is "obnoxious." Clearly, odors from bakeries, breweries, restaurants and many other businesses create odors perceptible at their property lines. For marijuana cultivation uses, Sections 9.32.020(C)(15) and 90.32.020(E)(1) set specific standards for odors:

> *The medical marijuana cultivation area shall not adversely affect the health or safety of nearby residents by creating dust, glare, heat, noise, noxious gases, odor, smoke traffic, vibration, or other impacts…*
>
> *A public nuisance may be deemed to exist if the activity produces odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public.*

The CCM ordinance could include some combination of these existing odor regulations. If the Committee elects to further mitigate impacts related to odor, more stringent requirements implemented by other jurisdictions may be worth considering. Cathedral City applies perhaps the most restrictive odor policy in place for CCM uses in California, which reads as follows:

> *[The applicant shall] provide a sufficient odor absorbing ventilation and exhaust system so that odor generated is not detected outside the business, anywhere on adjacent property, in any*

exterior or interior common area (walkways, hallways, lobbies, etc.), or within any unit located within the same building as the cannabis business.

Prohibiting odors not only beyond the property, but also outside the business and within interior common areas, could increase the complexity and cost of new CCM facilities in order to meet these standards; however, such a strict policy would greatly diminish the potential for odor impacts to neighboring uses.

Recommendation:	A Commercial Cannabis Manufacturing ordinance should reiterate the odor requirements as they apply to all uses (Section18.30.080(J)), and replicate the requirements as they apply to cultivation uses. Applicants for Commercial Cannabis Manufacturing Use Permits should submit an odor control plan, which may include an odor absorbing ventilation and exhaust system to demonstrate how the business will comply with the requirement.

City staff will identify sensitive users within a 200 foot buffer (if adopted as recommended) and the review authority could use this information to apply to odor standards. For example, a CCM operation adjacent to a brewery may require less odor mitigation than one very near a residence. Applying the most stringent standards for odor control may not be necessary in all development scenarios, and codifying highly restrictive measures may disqualify otherwise acceptable applications.

Security

Policy Question:	What should a Commercial Cannabis Manufacturing ordinance include to ensure adequate security is provided for these industrial uses?

Security is a key issue when crafting policy that regulates businesses reliant on a controlled substance; however, providing adequate security at different properties requires different measures. One blanket set of policies would unlikely fit every scenario. It is for this reason that most existing CCM ordinances place the burden of proving adequate security on the applicant, as reviewed by the local police department.

For example, the City of Fort Bragg has the following security requirements for dispensary uses, as Sections 9.30.040 and 9.30.120, respectively:

> *[Applications shall include] proposed security arrangements for protection from criminal activity [with permit applications].*
>
> *Dispensaries shall provide adequate security on the premises, including lighting and alarms.*

Part of the City's current review process for dispensaries requires that the Police Department perform the necessary background checks and review the security plans for a proposed dispensary use. Other California, Washington and Colorado CCM ordinances utilize similar scenarios for the review of CCM applications. Here is an amalgamation of the specific security requirements used by other jurisdictions:

> *An applicant shall submit, as a portion of their permit application:*
>
> > *…a security plan addressing how the applicant intends to comply with MMRSA and other applicable policies.*

…a description of how security measures are sufficient to ensure safety of employees and visitors, protect the premises from diversion and theft, and ensure that all buildings where cannabis is stored are secured sufficiently to prevent unauthorized entry.

…a diagram indicating all areas to be covered by 24-hour security cameras, all restricted access areas, all areas of ingress and egress, public areas, storage areas, and all doors and windows.

Recommendation:	A Commercial Cannabis Manufacturing ordinance should include application requirements that addresses the following: - How the project is consistent with the requirements of MMRSA - A security plan ensuring the safety of employees and visitors from criminal activity, including theft and unauthorized entry - A diagram illustrating the use and coverage of security cameras, security lighting, and necessary access restrictions - A floor plan clearly illustrating the purpose and security of each room or area of operation These submission items would be reviewed to the satisfaction of the Police Department. No Use Permit application for a CCM would be approved without approval of the security plans by the Police Department.

Since effective security measures are inherently site-specific, applicants must develop a plan to satisfy the Police Department which could attach special conditions as needed.

Manufacturing Operations (hazardous materials, solid waste, delivery, supply chain, etc.)

Policy Question:	What should a Commercial Cannabis Manufacturing ordinance include to ensure safe and proper operation?

Like any new industry, there are numerous aspects of cannabis manufacturing that have yet to be fully vetted. For instance, what materials or chemicals are required for the manufacturing process? Where should spent cannabis be disposed of, and is the spent material still chemically active? What happens if raw cannabis is spoiled or of unacceptable quality? Would it be returned to the cultivator, or destroyed by other means? Will it travel from place to place through the supply chain legally?

Many of these questions may have multiple acceptable answers and may greatly depend on the size and techniques utilized by different facilities, but it is important that they are appropriately considered. Many jurisdictions have yet to address these operational details of CCM businesses, and do not currently regulate these issues beyond ordinances and policies already on record.

For example, the City of Fort Bragg has hazardous materials regulations in place. Section 18.30.080(F) states the following:

> ***F. Hazardous materials.*** *As required by the Safety Element of the General Plan, an applicant for a proposed non-residential project that will involve the generation, use, transportation, and/or storage of hazardous substances shall comply with the following requirements.*

1. *The applicant shall notify the fire protection authority of all hazardous substances that are to be transported, stored, treated, or that could be accidentally released into the environment on the site.*

2. *The planning permit application for the project shall include detailed information on hazardous waste reduction, recycling, transportation, and storage, and a plan for emergency response to a release or threatened release of a hazardous material.*

3. *The site shall be provided with secondary containment facilities and a buffer zone adequate to protect public health and safety on a site with hazardous materials storage and/or processing activities, as required by the review authority.*

Regardless of whether or not additional hazardous material standards are included in a CCM ordinance, the above policies would continue to apply to all City projects, including CCM facilities. Similar regulations are present in City regarding solid waste. In order for the review authority to ensure that the operational logistics of a CCM facility comply with the various state and local regulations, some jurisdictions have required an operations plan with each CCM permit application. An operations plan could be required to include:

1. Security procedures (see security discussion above)
2. Operating procedures manual, which should include how the business will comply with MMRSA, safety and quality assurances, record keeping procedures, and product recall procedures
3. Proposed hours of operation
4. Solid waste disposal plan, with certification that waste transport entities and disposal facilities have agreed to haul and receive the solid waste by the CCM
5. Product supply chain information (cultivation, testing, transportation, packaging and labeling)
6. Odor prevention plan (see odor discussion above)
7. Other information as required by the Director

Through the Use Permit review process, the operations plan would be distributed to the various applicable review agencies (planning, public works, environmental health, air quality, building department, police and fire, etc.). Should any agency require more information to ensure the application complies with pertinent standards, they could be requested of the applicant during the review process.

Recommendation:	The application requirements for a Commercial Cannabis Manufacturing use should include the submission of an operations plan, specifically addressing hazardous materials, solid waste management, delivery and transportation methods (meeting the requirements of MMRSA), identify all other aspects of the marijuana supply chain, and other operational characteristic necessary to ensure a project's compliance with local, state and federal regulations.

Infrastructure (water and sewer)

Policy Question:	How should a Commercial Cannabis Manufacturing ordinance address water and sewer usage and impacts?

Through the discretionary approval process (Use Permit), Public Works would have the opportunity to review the water and sewer impacts of a proposed project and require whatever is necessary for the project to comply with the current standards. Should a project be unable to meet these requirements, the project would be denied.

Alternatively, a CCM ordinance could create additional performance standards for a CCM facility's water and sewage usage and impacts.

Recommendation:	Public Works staff should continue to review the water and sewer impacts of proposed CCM businesses to identify Special Conditions that may be required to minimize impacts to the City's water and sewer systems.

ATTACHMENTS:

1. December 9, 2015 Public Safety Committee staff report on MMRSA
2. April 13, 2016 Public Safety Committee staff report on existing City policies
3. May 9, 2016 City Council staff report on commercial cannabis manufacturing
4. Commercial Cannabis Manufacturing Policy Issue Table

Attachment 2: Cannabis Manufacturing Policy Matrix
City Council - July 25, 2016

Policy Question	Regulation Options *Beginning with most stringent option and concluding with the least stringent option, underlined options reflect those recommended bythe Public Safety Committee.*	Public Safety Committee Recommendation
Zoning and Permitting: In which zoning districts should cannabis manufacturing be permitted?	Require either a Use Permit, Minor Use Permit, or no discretionary permit; Allow only in industrial districts or allow in industrial and commercial districts.	Revise Table 2-10 of ILUDC Section 18.24.030, adding a cannabis manufacturing use, and allowing the new use in both the IL and IH zoning districts with an approved Use Permit.
Proximity to Sensitive Uses: Should cannabis manufacturing uses be prohibited within certain distances of sensitive uses (churches, schools, hospitals, etc.)?	Prohibit within specified distance of sensitive uses, prohibit adjacent to sensitive uses, identify sensitive uses and determine the potential for impacts on a case-by-case basis, or disregard proximity to sensitive uses.	During review of a cannabis manufacturing Use Permit, identify any church, school, park, day care, hospital, non-profit organization or residential use within 200 feet of the proposed use. The information would be used by the review authority (Planning Commission if a Use Permit is required) to determine the suitability of the project's proximity to these uses, and place conditions of approval on the use permit to mitigate any impacts.
Use Restrictions: Should a cannabis manufacturing ordinance limit accessory uses in association with the industrial use?	Prohibit accessory uses (retail on site, etc.), or allow accessory uses.	Any cannabis manufacturing ordinance should prohibit accessory retail or services uses in association with the industrial use.
Exterior Restrictions: Should a cannabis manufacturing ordinance limit outdoor displays or signage?	Prohibit exterior evidence of a cannabis business, or allow signage and display of a cannabis business.	Any cannabis manufacturing ordinance should prohibit such uses from displaying any exterior evidence of a marijuana business. Applicants for cannabis manufacturing uses should be required to submit elevations and sign plans to ensure consistency with this requirement.
Odor: How should a cannabis manufacturing ordinance regulate odor associated with the industrial use?	Create specific standards restricting cannabis odors more stringently than other industrial odors, require submission of an odor control plan for City review, or utilize existing standards for odor emissions as they apply to all land uses.	A cannabis manufacturing ordinance should reiterate the odor requirements as they apply to all uses (Section18.30.080(J)), and replicate the requirements as they apply to cultivation uses. Applicants for cannabis manufacturing Use Permits should submit an odor control plan, which may include an odor absorbing ventilation and exhaust system to demonstrate how the business will comply with the requirement.

Security: What should a cannabis manufacturing ordinance include to ensure adequate security is provided for these industrial uses?	Create specific standards for the security of all cannabis manufacturing uses, or require the submission of a security plan for City review.	A cannabis manufacturing ordinance should include in its application requirements a provision requesting the applicant submit a security plan that addresses the following: 1. How the project is consistent with the requirements of MMRSA 2. How the project is consistent with the City's cannabis manufacturing ordinance 3. A security plan ensuring the safety of employees and visitors from criminal activity, including theft and unauthorized entry 4. A diagram illustrating the use and coverage of security cameras, security lighting, and necessary access restrictions 5. A floor plan clearly illustrating the purpose and security of each room or area of operation These submission items would be reviewed to the satisfaction of City staff, specifically the Police Department. No Use Permit application for a cannabis manufacturing business would be approved without approval of the security plans by the Police Department.
Manufacturing Operations: What should a cannabis manufacturing ordinance include to ensure proper operation of the manufacturing operation?	Create specific standards for the operation of all cannabis manufacturing uses, require an detailed plan for review by referral agencies, or request information as necessary by referral agencies.	The application submission requirements for a cannabis manufacturing use should include detailed information on the business' operation, specifically: 1. Security procedures (see security discussion above) 2. Detailed operating procedures, which should include how the business will comply with MMRSA, safety and quality assurances, record keeping procedures, and product recall procedures 3. Proposed hours of operation 4. Solid waste disposal plan, with certification that waste transport entities and disposal facilities have agreed to haul and receive the solid waste produced by the cannabis manufacturing 5. Product supply chain information (cultivation, testing, transportation, packaging and labeling) 6. Odor prevention plan (see odor discussion above) 7. Other information as required by the Director as necessary to ensure the project's compliance with local, state and federal regulations.

Infrastructure: How should a cannabis manufacturing ordinance address water and sewer usage and impacts?	Create specific standards for water and sewer usage, or utilize existing standards during the project review process.	A cannabis manufacturing ordinance should not specifically address water and sewer usage and impacts, and instead rely on existing standards as they apply to all development.

City of Fort Bragg

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Text File

File Number: 16-302

Agenda Date: 7/25/2016 **Version:** 1 **Status:** Passed

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

Agenda Number: 6C.

Receive Report and Consider Adopting City Council Resolution Approving Professional Services Agreement with Michael Baker International for Preparation of Hare Creek Center Environmental Impact Report and Authorizing City Manager to Execute Same (Amount Not to Exceed $66,105; Funded by Developer Deposit Account DDA-016)

AGENCY:	**City Council**
MEETING DATE:	**July 25, 2016**
DEPARTMENT:	**CDD**
PRESENTED BY:	**Marie Jones**

AGENDA ITEM SUMMARY

TITLE: RECEIVE REPORT AND CONSIDER ADOPTING CITY COUNCIL RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL BAKER INTERNATIONAL FOR PREPARATION OF HARE CREEK CENTER ENVIRONMENTAL IMPACT REPORT AND AUTHORIZING CITY MANAGER TO EXECUTE SAME (AMOUNT NOT TO EXCEED $66,105; FUNDED BY DEVELOPER DEPOSIT ACCOUNT DDA-016)

ISSUE:

On January 28, 2015, the Fort Bragg Planning Commission considered an application by Group II Commercial Real Estate, Inc. (Group II) for a Coastal Development Permit, Use Permit, Design Review and Lot Line Adjustment to develop a new shopping center at 1250 Del Mar Drive, Fort Bragg (APN: 018-450-40, 018-450-41) known as the Hare Creek Center Project. The Planning Commission adopted a Mitigated Negative Declaration (MND) for the project, but on a 2-2 vote, effectively denied the application. On February 4, 2015, Group II filed an appeal of the Planning Commission's denial of the project; and on February 9, 2015, Edward Oberweiser, et al. filed an appeal of the Planning Commission's approval of the MND.

On March 23, 2015, the Fort Bragg City Council considered both appeals and took action to uphold the Oberweiser appeal thereby overturning the Planning Commission's adoption of the MND. The City Council denied the Group II appeal. The Council directed that staff should: 1) work with Coastal Commission staff, a Council ad hoc committee (comprised of Councilmembers Hammerstrom and Cimolino), and the applicant to consider revisions to the project design to address Coastal Commission and City Council concerns; and 2) prepare a Request for Proposals (RFP) for consultant services to prepare an Environmental Impact Report (EIR), review proposals and provide a recommendation to City Council regarding a contract with an EIR consultant.

On November 13, 2015, Group II Commercial Real Estate, Inc. submitted a new, revised application for a Coastal Development Permit, Use Permit, Design Review and Lot Line Adjustment for development of a new shopping center. The application included design changes to address some of the concerns identified at the March 23, 2015 City Council meeting. Changes to the project design included:

1) Reconfiguration of the site layout so that the buildings are located further back from Highway 1 and the access road is located between the buildings and Highway 1;
2) Reconfiguration of the Lot Line Adjustment;
3) Reduction in the quantity of site grading and retention of the knoll;
4) Retention of views to the ocean at the north end of the property;
5) Revisions to the external design treatments of the buildings;
6) Addition of more landscaping to screen the project from the highway; and
7) Various other changes.

Upon receipt, staff determined that the new application was incomplete and sent the applicant a "completeness letter" that identified all of the documents that would need to be submitted in order for the application to be considered complete. On March 8, 2016 the applicant resubmitted the plans with some revisions. A revised set of plans was again submitted on April 25, 2016 which addressed some inconsistencies between the original plan set and the Fort Bragg Municipal Code. The applicant still has some outstanding documents that must be submitted in order for the application to be considered complete for the purposes of the Permit Streamlining Act.

In order to process the application, the City must complete an environmental review of the project in compliance with California Environmental Quality Act (CEQA). As directed by the City Council, an EIR will be prepared for the project.

This item is brought forward for Council consideration and approval of an EIR consultant. This staff report summarizes the EIR consultant selection process and the qualifications of the recommended EIR consultant (Michael Baker International) for the Hare Creek Center EIR. This is not a public hearing on the application itself or on the project. A consultant contract is the first step in kicking off the CEQA process. The City Council will take action on the EIR and the Planning Commission will consider action on the project application only upon completion of the EIR process and once the project application is deemed complete.

The environmental and City review process will include multiple opportunities for public input on project issues. As described below, there will be at least two public hearings for the EIR itself, including on the Draft EIR to obtain public input and at the Council's consideration of the Final EIR. Additionally, the Draft EIR will be available for a 45 day public review period.

The City Council cannot make any decision on the project prior to completion of an EIR.

RECOMMENDED ACTION:

Adopt City Council Resolution Approving Professional Services Agreement with Michael Baker International for Preparation of Hare Creek Center Environmental Impact Report and Authorizing City Manager to Execute Same (Amount Not to Exceed $66,105; Funded by Developer Deposit Account DDA-016)

ALTERNATIVE ACTION(S):

1) Direct staff to re-issue the RFP to solicit proposals from additional qualified consultants; or
2) Direct staff to prepare a contract with DUDEK for the Hare Creek Center EIR; or
3) Provide alternative direction to staff.

ANALYSIS:

Purpose of CEQA

CEQA's purpose is to disclose the potential impacts of a project, suggest methods to minimize those impacts, and discuss project alternatives, so that decision-makers will have full information upon which to base their decisions. The *CEQA Guidelines* explains CEQA's purpose as follows:

> "Identify the ways that environmental damage can be avoided or significantly reduced, prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible, and to disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved." (Section 15002(a))

CEQA Authority
Under CEQA, the City is the Lead Agency for the completion of the environmental review for the proposed project. CEQA requires that the Lead Agency consider an environmental document (an EIR in this case) prior to considering permits (discretionary review) for the project.

Application Process to Date
At the March 23, 2015, City Council meeting, City Council directed staff to initiate a procurement process for a consultant to prepare an EIR for the Hare Creek Center project after the applicant resubmitted an application for a revised project.

On November 13, 2015, Group II submitted a new, revised application for a Coastal Development Permit, Use Permit, Design Review and Lot Line Adjustment to develop a new shopping center. Staff determined that the new application was incomplete and sent the applicant a "completeness letter" that identified all documents that would need to be submitted in order for the application to be considered complete. On March 8, 2016 the applicant resubmitted the plans with some revisions. A revised set of plans was again submitted on April 25, 2016.

The applicant still has a few outstanding documents that must be submitted in order for the permit application to be considered complete. This is fairly typical of projects of this size. Over the coming months the outstanding documents must be submitted by the applicant in a timely manner in order for the project to be analyzed by staff (for permits) and the EIR Consultant (for EIR).

Group II has established a Developer Deposit Account to fund City staff activities associated with the processing and review of the Hare Creek Center application and related activities including the preparation of the EIR. The DDA currently holds a positive balance of approximately $65,000. These funds will be utilized to pay for the EIR and all staff time associated with processing the permits.

EIR Consultant Selection Process
The City of Fort Bragg released a Request for Proposals (RFP) on December 17, 2015 seeking professional services for preparation of an EIR for the project (see Attachment 2, RFP). The RFP was sent to 13 environmental consulting firms located in California that specialize in preparation of EIRs (See Attachment 3, list of EIR consultants). Additionally, the RFP was posted on the City's website and distributed by third-party distributors of government RFPs, thus it is likely that other consulting firms also reviewed the RFP. All interested consultants were provided with a complete record of the project to review prior to submittal of proposals. Staff received email and phone questions from four consultant teams interested in submitting a proposal.

On February 19, 2016, proposals for the Hare Creek Center project EIR were received from Michael Baker International and DUDEK. The two proposals were reviewed, evaluated, scored and discussed by the Director of Community Development, the Director of Public Works and the Associate Planner. Proposals were evaluated on the basis of the following criteria:

- Qualifications and experience of key individuals, including the Project Manager and key analysts (30%)
- Capabilities and resources of the firm (10%)
- Project understating and detailed scope of work (25%)
- Work sample and demonstrated ability to produce an effective quality document that has an excellent summary, a minimum of authors and styles, effective, cogent and well distilled data analysis, focus on relevant issues, excellent graphics, well explained and articulated decisions, and quality control. (10%)
- Cost and schedule for completion of work (20%)

- Preference for consultant teams that include a local (Mendocino Coast) subcontractor or prime contractor on the project team (5%).

Michael Baker International's proposal was rated as the best proposal by all three reviewers on the basis of qualifications, capabilities, experience, project understanding, detailed scope of work and cost as described above. (See Attachment 6, Michael Baker International Proposal). If the contract is approved, Michael Baker International would work directly for the City and all communications regarding the project would take place through City staff.

EIR Content

An EIR is required, by law, to include the following:

1. An EIR must contain a table of contents or an index to assist readers in finding the analysis of different subjects and issues.
2. An EIR must contain a brief summary of the proposed actions and its consequences. The language of the summary should be as clear and simple as reasonably practical. The summary should not exceed 15 pages and must identify:
    a. Each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect;
    b. Areas of controversy known to the Lead Agency including issues raised by agencies and the public; and
    c. Issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects.
4. The description of the project should contain the following information but should not supply extensive detail.
    a. The precise location and boundaries of the proposed project should be shown on a detailed map, preferably topographic. The location of the project should also appear on a regional map.
    b. A statement of the objectives sought by the proposed project.
    c. A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities.
    d. A statement briefly describing the intended uses of the EIR which should include:
        - A list of the agencies that are expected to use the EIR in their decision-making, and
        - A list of the approvals for which the EIR will be used.
5. All the public agency's decision on a project should be listed, preferably in the order in which they will occur.
6. An EIR must include a description of the environment in the vicinity of the project, as it exists before the commencement of the project, from both a local and regional perspective. The description should be no longer than is necessary to understand the significant effects of the proposed project and its alternatives.
7. Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project.
8. The EIR should discuss any inconsistencies between the proposed project and applicable general plans and regional plans.
9. Where a proposed project is compared with an adopted plan, the analysis should examine the existing physical conditions as well as the potential future conditions discussed in the plan.

10. The EIR should identify all federal, state, or local agencies, other organizations, and private individuals consulted in preparing the draft EIR, and the persons, firm, or agency preparing the draft EIR, by contract or other authorization.
11. Cumulative impacts shall be discussed when they are significant.
12. All significant effects on the environment of the proposed project. The significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence.
13. Any significant effect on the environment that cannot be avoided if the project is implemented.
14. Mitigation measures proposed to minimize significant effects on the environment.
15. Alternatives to the proposed project. The Alternatives Section is very important part of an EIR as it identifies alternative project designs that could mitigate impacts. Alternatives can include alternative location and/or configuration of the buildings on the site, reduced number or size of buildings and even the alternative of no development.
16. The growth-inducing impact of the proposed project.
17. A statement briefly indicating the reasons for determining that various effects on the environment of a project are not significant and consequently have not been discussed in detail in the environmental impact report.
18. Any significant effect on the environment limited to substantial, or potentially substantial, adverse changes in physical conditions which exist within the area.
19. Previously approved land use documents, including but not limited to, general plans, specific plans, and local coastal plans.

Project Description and Background Studies for CEQA

The CEQA process is started when the project is adequately defined to begin the review process. This includes submittals of site plans, floor plans, elevations and a project narrative. State planning law requires that the CEQA process and the permit application process occur concurrently. Some of the resource studies for this project have already been prepared and have been found to be adequate by the City. These include the following:

1. Coastal Act Compliance Report for Hare Creek Center, WRA, March 2014
2. Hare Creek Commercial Center Project Traffic Impact Study Report, GHD, March 2014
3. Water Model Study for 1250 Del Mar Drive Proposed Retail Shopping Center, KASL Consulting Engineers, October 2014

The applicant will hire consultants to complete the following additional studies, which will be peer-reviewed for technical quality by technical experts from Michael Baker International.

1. Drainage Study – Lee Welty Associates
2. Ground Water Recharge Study - Unknown
3. Geotechnical Study – SHN or BACE
4. Archaeology Study – Thad Van Bueren

Additional studies may be required by the City if other environmental issues are identified through the EIR scoping process or thereafter. Additionally, the applicant may be required to submit additional documents for the permit review as required by the Community Development Director.

CEQA Process Going Forward and Community Input

The selected consulting firm must prepare an EIR in compliance with CEQA and the State's CEQA Guidelines. These regulations define a process to solicit community input on the potential environmental impacts that will be analyzed in the EIR. Community input will be obtained through the EIR scoping process and through public comment on the Draft EIR. See Attachment 5 for a

flow chart overview of the CEQA process and Attachment 4 for the scope of work of the consultant team for a detailed overview of the CEQA process for this project.

Some key features of the EIR process are described in further detail below:

1. The City will issue a **Notice of Preparation (NOP)**. The purpose of the NOP is to invite input from the public and other relevant agencies on the environmental topics to be addressed in the EIR. This process is called scoping. The NOP is posted on the City website, posted on the City bulletin board, and sent out to interested parties including the State Clearinghouse for distribution to appropriate State agencies. Issuance of the NOP triggers a 30-day period during which comments may be submitted on the scope of the issues to be evaluated in the EIR. Comments received on the NOP are summarized in the EIR and are taken under consideration during the EIR analysis process.
2. The City will also hold a noticed **Scoping Meeting** during the 30-day NOP period. The public will be provided information about the project and will help to identify potential environmental impacts that should be studied in the EIR. At the Scoping Meeting, the public can also suggest project alternatives to be analyzed in the EIR. Possible alternatives that could be analyzed could include different building orientations, size, locations and even number, along with the CEQA-mandated "no project" alternative. The NOP will be accompanied by an Initial Study which provides preliminary findings on the project's potential impacts.
3. **Preparation of Draft EIR.** The consultant will prepare a Draft EIR which will be circulated for public comment for a 45-day public review period. During this period, the community will have an opportunity to provide written comments and oral comments at a public hearing. Responses to these comments will be presented in the Final EIR. The community will be notified about the availability of the Draft EIR through the publication of a Notice of Completion and a Notice of Availability and through the City's website and email lists, a notice in the Fort Bragg Advocate News, and direct mailing to property owners located within 300 feet of the project site. The Draft EIR, along with supporting documentation, will be available for review on the City's website. Hard copies will be available at City Hall and at the Fort Bragg Library.
4. **Preparation of Final EIR.** At the close of the 45-day public review period, the consultant will complete a Final EIR, which will include responses to all comments received within the 45-day period. The consultant will also prepare a Mitigation Monitoring and Reporting Program, which is used to ensure that all mitigation measures are carried out in the project if the project is approved.
5. **City Council Consideration of the Final EIR.** The City Council will then hold a public hearing and consider certification of the Final EIR. If the Final EIR is certified, then the project permits would go to the Planning Commission for action.
6. **Planning Commission Consideration of Project Permits.** The Planning Commission will conduct a public hearing and at the close of the hearing, the Commission will deliberate and provide direction to staff regarding project approval or denial and will direct staff to prepare a resolution for denial or approval for consideration at a later Planning Commission meeting.
7. **Appeals.** If the Planning Commission approves the project, that decision may be appealed to the City Council and/or the California Coastal Commission.

FISCAL IMPACT:

The applicant has deposited $65,000 into a Developer Deposit Account with the City to cover costs associated with processing the project permits and preparation of the EIR.

CONSISTENCY:
The EIR and planning permit review process will determine if the proposed project is consistent with State and local regulations.

TIMEFRAMES:
The EIR process is anticipated to take between six months and a year to complete, depending on the issues identified and the speed with which the applicant provides the required resource studies.

ATTACHMENTS:
1. Resolution
2. Request for Proposals EIR
3. Consultant Mailing List for the RFP
4. Michael Baker International Contract & Scope of Work
5. CEQA Flow Chart
6. Michael Baker International Complete Proposal
7. DUDEK Complete Proposal

NOTIFICATION:
1. Hare Creek Center interest list
2. Project Applicant
3. Coastal Commission
4. Michael Baker International

City Clerk's Office Use Only

Agency Action ☐ Approved ☐ Denied ☐ Approved as Amended

Resolution No.: _____ Ordinance No.: _____

Moved by: _____ Seconded by: _____

Vote: _____

☐ Deferred/Continued to meeting of: _____

☐ Referred to: _____

RESOLUTION NO. ___*-2016*

RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL BAKER INTERNATIONAL FOR PREPARATION OF HARE CREEK CENTER ENVIRONMENTAL IMPACT REPORT AND AUTHORIZING CITY MANAGER TO EXECUTE SAME (AMOUNT NOT TO EXCEED $66,105; FUNDED BY DEVELOPER DEPOSIT ACCOUNT DDA-016)

WHEREAS, on January 28, 2015, the Fort Bragg Planning Commission considered an application by Group II Commercial Real Estate, Inc. for a Coastal Development Permit, Use Permit, Design Review and Lot Line Adjustment to develop a new shopping center at 1250 Del Mar Drive, Fort Bragg (APN: 018-450-40, 018-450-41), approved a Mitigated Negative Declaration (MND), and on a 2-2 vote, effectively denied the application; and

WHEREAS, on February 4, 2015, Group II filed an appeal of the Planning Commission's denial with the Fort Bragg City Council; and

WHEREAS, on February 9, 2015, Edward Oberweiser, et al. filed an appeal of the Planning Commission's approval of the MND; and

WHEREAS, on March 23, 2015, the Fort Bragg City Council upheld the Oberweiser appeal and denied the Group II appeal and directed staff to work with the Coastal Commission staff and the applicant to redesign the project to address Coastal Commission and City Council concerns about the project design; and

WHEREAS, at the March 23, 2015 meeting, City Council further directed that a consultant be retained to prepare an Environmental Impact Report for the project; and

WHEREAS, on April 4, 2016, Group II Commercial Real Estate, Inc. submitted a new application for a Coastal Development Permit, Use Permit, Design Review and Lot Line Adjustment to develop a new shopping center; and

WHEREAS, the application includes design changes to address concerns identified by City Council and Coastal Commission staff at the March 23, 2015 City Council meeting and at subsequent staff level meetings with the Coastal Commission staff, including: 1) reconfiguration of the site so that the buildings are located further back from Highway 1 and the access road is located between the buildings and Highway 1; 2) reduction in the quantity of site grading and retention of the knoll; 3) retention of views to the ocean at the north end of the property; 4) revisions to the external design treatments of the buildings; 5) addition of more landscaping to screen the project from the highway; and 6) various other changes; and

WHEREAS, the new application includes a proposed shopping center which would be anchored by Grocery Outlet and consist of three buildings, including: Building A at 15,000 square feet, Building B at 10,000 square feet and Building C at 4,500 square feet, for a total of 29,500 square feet of retail space with a new access road, parking lots, loading zones, pedestrian improvements, rain water storage tanks, utility connections, drainage improvements, utilities, signage, and landscaping; and

WHEREAS, the City is the lead agency for the completion of the environmental review for the proposed project under the California Environmental Quality Act (CEQA); and

WHEREAS, Group II Commercial Real Estate has established a Developer Deposit Account to fund City staff activities associated with the review of the Hare Creek Center application and related activities including the completion of the Environmental Impact Report (EIR); and

WHEREAS, the City of Fort Bragg released a Request for Proposals on December 17, 2015 to obtain the professional services of a consulting firm to prepare an EIR for the project; and

WHEREAS, on February 19, 2016, proposals for environmental review services for the Hare Creek Center project were received from two firms, namely Michael Baker International and DUDEK; and

WHEREAS, those proposals were reviewed and evaluated on the basis of capabilities, experience, qualifications, and cost; and

WHEREAS, Michael Baker International's proposal was rated as the best proposal; and

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

1. Michael Baker International is qualified to provide necessary professional services to complete the Environmental Impact Report for the Hare Creek Center application.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby approve the attached professional services agreement with Michael Baker International for preparation of Hare Creek Center Environmental Impact Report and authorizing City Manager to execute same (Amount Not to Exceed $66,105; funded by Developer Deposit Account DDA-16).

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 25th day of July, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

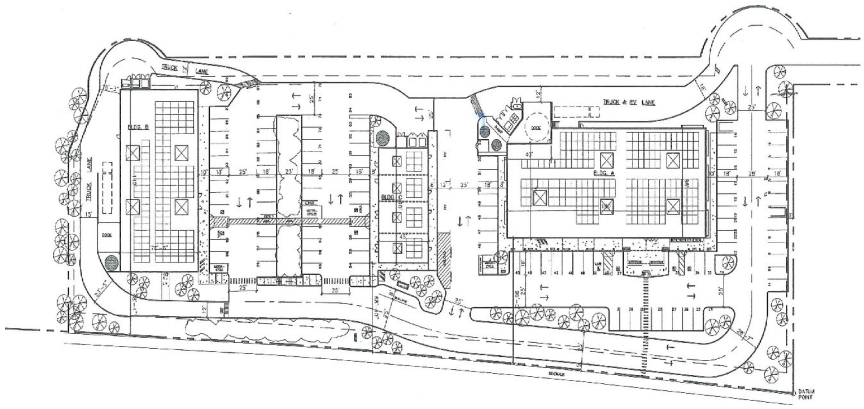
_____
DAVE TURNER,
Mayor

ATTEST:

_____
June Lemos
City Clerk

City of Fort Bragg
Request for Proposals

Environmental Impact Report
for the
Hare Creek Center



Written Questions Deadline: January 29, 2016
Written questions should be directed to Marie Jones,
Community Development Director, at mjones@fortbragg.com

Proposals Due: 5:00 p.m., February 19, 2016

Interviews: Tuesday, March 4, 2016

Introduction

The City of Fort Bragg is seeking proposals from qualified environmental consulting firms interested in contracting with the City of Fort Bragg to prepare a project-level Environmental Impact Report (EIR) for the proposed Hare Creek Center shopping facility. The project will consist of the following:

> A new shopping center anchored by Grocery Outlet consisting of three buildings, including: Building A at 15,000 square feet, Building B at 10,000 square feet and Building C at 4,500 square feet, for a total of 29,500 square feet of retail space. Associated development includes a new access road, a new 99 space parking lot, loading zones, pedestrian improvements, rain water storage tanks, utility connections, drainage improvements, utilities, signage and landscaping.

Project Location

The City of Fort Bragg, population 7,030, is a quaint Northern California coastal community, located 150 miles north of San Francisco, with strong ties to its surrounding environment, and an authentic, vibrant downtown commercial district. Fort Bragg serves as the primary commercial center for Mendocino County's coastal communities. The local economy was historically linked to resource-related industries including lumber, agriculture, and fishing; however, these industries, reflecting a national trend in many rural areas, have been in decline for years. Tourism, recreation-based businesses, and some light manufacturing are now the primary source of economic activity.

Project Area Description

The proposed project site consists of approximately four total acres of land located in the Coastal Zone on the west side of Highway 1. The site itself consists primarily of gently sloping grasslands. The site is bordered to the north by a Mini-golf Course & Hotel– Highway Visitor Commercial (CH), to the east by a Shopping Center(?) with General Commercial (CG) zoning, to the south by undeveloped land which is zoned Very High Density Residential (RVH) and to the west by vacant land and a Community College.

Direction	Use	Zoning
North	Hotel and mini-golf	Highway Visitor Commercial
South	Vacant	Very High Density Residential
East (across Highway 1)	Retail – shopping center	General Commercial
West	Community College	Public Facilities

Project History

Over the years, the applicant has submitted a variety of proposals for the development of portions of the Hare Creek Parcel including the following:

In 2013, the applicant submitted a project which had a very similar development program but a different site plan and grading schedule from the 2015 proposed project. The City completed an MND for this proposed project and received an important and last minute letter from the Coastal Commission that required a redesign of the project to reduce the amount of grading associated with the development. Additionally, due to significant opposition to the project, Fort Bragg City Council directed staff to prepare an EIR for a revised submittal which would address Coastal Commission staff concerns regarding the level of grading of the site.

In 2011, the applicant submitted a Local Coastal Program amendment permit (LCP 1-11) and a Zoning Amendment (1-10) to amend the Coastal General Plan, Coastal Land Use & Development Code, and Local Coastal Program to rezone the Patton/Carlson property located immediately west of Highway 1 at Highway 20. The 18.5-acre property is currently designated Highway Visitor Commercial (CH) and High Density Residential

(RH). The amendments would have reduced permitted residential density on the southern portion of the property adjacent to the Hare Creek from High Density Residential to Low Density residential. The application was withdrawn on June 5, 2012 in order to proceed with development on the site consistent with existing zoning.

In 2007, the applicant submitted an application to develop 70 units of multi-family housing, 33 single-family residential units, two office buildings (totaling 10,000 SF), a 140-seat restaurant, and a gas station with a minimart on this parcel and the adjoining parcels of the entire vacant 18 acre site. This application was withdrawn because the circulation plan for the development relied on direct Highway 1 access across the intersection from Highway 20. However this access is not allowed by Caltrans because Caltrans policy provides for only two access points on the west side of Highway 1 between the Hare Creek and Noyo River bridges and these two accesses already exist.

In 2004, the applicant submitted an application for a major subdivision, general plan amendment and rezone to develop: a Highway 20 extension road onto the site; a gas station/mini-mart, a 4,022 SF restaurant, an 11,192 SF office building, and 91 one- and two-story multi-family units. A letter was sent to the applicant on March 28, 2004 listing a variety of studies that would need to be completed in order to process the application. The project application was not processed. It is not clear from the file whether the application was withdrawn or deemed withdrawn due to the incomplete application.

In 2000, the applicant applied for and received approval for a Scenic Corridor Review (SCR 10-00) permit to remove all scotch broom and six Monterey Pine trees from the property at 1250 Del Mar Drive.

Project Management

The work of the environmental review team will be managed by the City. The EIR team will be under contract with the City of Fort Bragg. The City will act as the lead agency for the environmental review associated with the project entitlements. The EIR contractor will subcontract and manage the work of subcontractors for the preparation of necessary resource and background reports.

Project Timeline

The consultant solicitation process will culminate in the selection of an EIR team in March 2016. Technical work is expected to begin immediately thereafter. The environmental review process and the public hearings required to certify the Environmental Impact Report and consider the planning documents for approval will occur over a six to 12 month timeframe. A conceptual schedule for the environmental review is included below:

1. March 2016 – finalize contract and scope of work
2. April 2016 – complete initial study and scoping with public agencies and public
3. June/July 2016 – complete background and resource studies
4. August/Sept 2016 – Complete Administrative Draft the Draft EIR
5. Nov 2016 – Circulate Draft EIR for Comments
6. January/February 2017 – Submit Final EIR

Environmental Review Framework (Program Level EIR)

Existing Technical Studies

A number of environmental studies have already been conducted for project. Following is a list of technical information that is currently available. The consultant will be required to review all relevant background materials, including the technical documents. Data contained therein shall be used to identify outstanding issues that require further analysis, and the technical information shall be utilized during preparation of the EIR.

1. WRA, *Coastal Act Compliance Report for Hare Creek Center*, March, 2014

2. Urbemis, *Combined Annual Emissions Report*, July 30, 2014

3. Nolan Associates, *Groundwater Recharge and Water Balance Evaluation*, August 23, 1995

4. Krazan & Associates, Geotechnical Engineering Investigation, April 10, 1995

5. GHD, *Hare Creek Commercial Center Project Traffic Impact Study Report*, March 2014

6. KASL Consulting Engineers. *Water Model Study for 1250 Del Mar Drive Proposed Retail Shopping Center*, Oct 2014

7. Archaeological Resource Service, *Cultural Resources Evaluation*, May 4, 1994

8. City of Fort Bragg, *Mitigated Negative Declaration for Hare Creek Center*, 2014

9. City of Fort Bragg, *Agenda Item Summary report for Coastal Development Permit (CDP 8-13), Design Review (DR 7-13), Use Permit (USP 5-13) and Lot Line Adjustment (LLA 3-2014)*, 2014

These documents will be available for review at the project pre-bid meeting or can be emailed to you upon request. Additionally, the City has a number of non-site specific documents which will be important for the complete analysis of this project including:

1. *Municipal Services Review*, City of Fort Bragg, 2008

2. *Storm Drainage Master Plan*, Winzler & Kelly, 2004

3. *Public Facilities Master Plan,* 2007

4. *Water System Study and Master Plan*, City of Fort Bragg, 1986,

5. *Bicycle Master Plan,* City of Fort Bragg, forthcoming 2009

6. *Coastal General Plan,* City of Fort Bragg, 2008

7. *Coastal Land Use and Development Code, City of Fort Bragg, 2008*

8. *City of Fort Bragg Green House Gas Inventory*, City of Fort Bragg, 2008

9. *Climate Action Plan, City of Fort Bragg,* forthcoming 2009

Needed Technical Studies

Some of the technical studies may be too old and outdated to provide adequate information for the EIR. Staff recommends that the EIR team contract to have the following studies updated or completely redone, as needed:

1. New Geotechnical Report which evaluates current conditions at the site, and addresses potential impacts associated with proposed grading and site development.

2. New Cultural Resources Evaluation Report to ensure compliance with current standards.

3. Update of the Groundwater Recharge and Water Balance Evaluation Study to correspond to the proposed project specific development and current standards.

4. A drainage study that evaluates the potential impacts of the proposed project on storm water run-off.

5. A water supply study to ensure that the City has adequate water resources to serve the proposed development in a severe drought.

Other technical studies may also be needed.

Major Issues to be Addressed by the EIR

Through the MND process for this project City staff has identified the following key areas that will need analysis:

- ☑ Aesthetics
- ☑ Biological Resources
- ☐ Hazards & Hazardous Materials
- ☐ Mineral Resources
- ☑ Public Services
- ☑ Utilities/Service Systems
- ☐ Agricultural Resources
- ☑ Cultural Resources
- ☑ Hydrology/Water Quality
- ☐ Noise
- ☐ Recreation
- ☐ Mandatory Findings of Significance
- ☑ Air Quality
- ☑ Geology/Soils
- ☑ Land Use/Planning
- ☐ Population/Housing
- ☑ Transportation/Traffic
- ☑ Greenhouse Gas Emissions

Through the MND process, staff found that the potential environmental impacts were all mitigatable. For the revised project, staff anticipates that the following topics will require additional analysis:

1. Impacts of the project on visual resources and aesthetics, given new design and site configuration;
2. Impacts of the project on the City's water delivery system in a severe drought;
3. Impacts of the project on the hydrology of Todd's Point, given new hydrological analysis;
4. Impacts of the project on cultural resources, given new archaeology analysis; and
5. Conformance of the project with specific policies in the Coastal Land Use and Development Code (CLUDC) and Coastal General Plan given new site configuration.

Scope of Work

This contract will include the following major tasks, some of which are detailed in the following sections:

1. Project Kick off Meeting
2. Review Project Description, Prepare Initial Study, Issue Notice of Preparation (NOP)
3. Evaluation of existing technical information
4. Evaluation of environmental issues and identification of additional required technical information
5. Incorporation of technical information into the required environmental documentation
6. Consultation with State agencies in cooperation with City
7. Scoping sessions with the public
8. Prepare Administrative Draft EIR pursuant to the California Environmental Quality Act
9. Respond to internal review of Administrative Draft EIR
10. Prepare and circulate Draft EIR
11. Notice and hold public hearing on Draft EIR (Joint City Council/Planning Commission meeting)
12. Prepare administrative draft of response to comments and draft responses sent to public agencies ten days before hearing
13. Internal Review of administrative draft of Final EIR
14. Prepare Final EIR and Response to Comments

15. Prepare CEQA resolution and required findings
16. Prepare Statement of Overriding Considerations
17. Participation and presentation of findings in meetings with Fort Bragg City staff, Fort Bragg City Council, Planning Commission, the public, and the California Coastal Commission.

1. Project Management & Kickoff

A. **Project Kick off.**

- The consultant will meet with City staff to review the scope of work and timeline, and tour the site.
- At the project kick-off meeting, the Consultant will be provided with a complete set of all technical information.

B. **Coordination.** Consult, communicate, and meet with the staff as often as necessary to verify, refine, and complete the project requirements and review the progress of the project. Initiate consultation with responsible agencies and other involved local, state, federal agencies. The consultant shall develop and maintain a project schedule and provide verbal status reports via conference calls on a monthly basis.

2. Prepare and Distribute the Notice of Preparation (NOP)

The selected consultant will be asked to review the project description, identify any additional needs, and prepare the draft NOP, including an environmental scoping study that describes the topics to be analyzed in the EIR. (The City of Fort Bragg will be responsible for circulation of the Notice of Preparation to the appropriate local, State, and Federal agencies.)

3. Evaluate Existing Technical Studies and Incorporate them into the Environmental Review

The consultant will review all pertinent documents and existing studies in order to analyze potential project impacts.

Based on an evaluation of the existing technical documents and complete project description and the consultant team's recommendations, the consultant will contract with appropriate experts to complete additional technical studies. At this time, the City recognizes that the following additional technical studies may be required:

1. New/revised Geotechnical Report which evaluates current conditions at the site, and addresses potential impacts associated with proposed grading and site development.

2. New Cultural Resources Evaluation Report to ensure compliance with current standards.

3. New/Update of the Groundwater Recharge and Water Balance Evaluation Study to correspond to the proposed project specific development and current standards.

4. New drainage study that evaluates the potential impacts of the proposed project on storm water run-off.

5. New/Revised water supply study to ensure that the City has adequate water resources to serve the proposed development in a severe drought.

4. Technical Evaluation of Issues Identified & Identification of Additional Technical Information.

The consultant shall evaluate all factual information necessary to complete the analyses of issues of concern. The process may include fieldwork, interviews and meetings, map and exhibit preparation. Identification of additional technical information, if needed, to prepare environmental document, including additional botanical, avian, and marine mammal surveys, as well as cultural and archaeological surveys

5. **Incorporation of Technical Information into Environmental Review**
The consultant team will incorporate the technical information into the environmental review. This incorporation will make every effort to analyze the relevance of the data in the main body of the document and incorporate actual data itself by reference or in an appendix.

6. **Consultation with State Agencies in Cooperation with City**
The consultant team will likely need to undertake initial consultations with the following agencies in order to obtain early input and address initial agency concerns:

    i. State Water Resources Control Board
    ii. Coastal Commission
    iii. North Coast Regional Water Quality Control Board
    iv. State Historic Preservation Office
    v. Caltrans

7. **Public Scoping Session**
Participate in a public scoping meeting. Because of the extensive public interest in the project, the City will hold at least one public meeting to receive comments from the public on the proposed scope of the EIR. The consultant will be responsible for developing and presenting materials and information. The consultant will prepare a written summary of environmental issues raised at the scoping meetings. Additional scoping meetings with staff, public agencies, and the project proponents may be conducted at the discretion of the consultant.

8. **Prepare Administrative Draft EIR**
Prepare and submit an electronic version that can be easily circulated and edited, and three hard copies of an Administrative Draft EIR (ADEIR) to the City of Fort Bragg for review. The ADEIR will include an executive summary and a summary table of impacts and mitigation measures to facilitate comparison of impacts among the alternatives.

Contents of Administrative Draft EIR -The EIR shall be prepared pursuant to the requirements of the California Environmental Quality Act (CEQA), California Public Resources Code Sections 21000 et sequitur, and CEQA Guidelines, Title 14, California Code of Regulations 15000 *et seq.* The document shall include all of the required elements of an EIR, including, but not limited to:

Cover Sheet
Title Sheet
Purpose, scope and contents of the EIR
Compliance with CEQA requirements for distribution, notification, and public comment
Summary of proposed actions and consequences
- Significant effects
- Areas of controversy
- Resolution of issues through alternatives and mitigation

Table of Contents
Chapter 1 – Proposed Project/Program Description
- Introduction
- Project Objectives
- Project Description
- Intended uses of EIR
- Agencies to review EIR
    - Conformance with plans and policies
    - Permits and approvals needed

    - Other environmental review and consultation required
- List of all project decisions subject to CEQA

Chapter 2 – Environmental Impact Analysis Section shall focus on significant impacts, which may include any of the following (**bold** indicates sections with impacts likely to require mitigations):

- Geology, Soils, Seismic, Tsunami, Topography
- **Hydrology**, Floodplain
- Climate change/Greenhouse Gas
- Natural Communities
    - Wetlands and Other Waters, Aquatic Species
    - Terrestrial, avian, and marine mammals
- **Cultural Resources**
- **Land Use, Consistency with State, Regional, and Local Plans and Programs**
- Parks and Recreational Facilities
- **Economic and Social Effects**
    - **Community Character and Cohesion**
    - **Impact of the Project on the Physical Character of the Central Business District**
- Wastewater collection, treatment and disposal
- **Water** rights, **storage,** treatment and **distribution**
- **Water Quality and Stormwater Runoff/Management**
- Fire protection and emergency response
- Traffic and Transportation/Pedestrian and Bicycle Facilities
- **Visual/Aesthetics**
- Hazardous Waste/Materials
- **Air Quality**
- **Noise (and vibration, if applicable)**
- Energy, Climate Change & Sustainability

Growth Inducing Impacts
Discussion of Cumulative Impacts
Significant irreversible environmental changes
Consideration and Discussion of Alternatives to the proposed project

APPENDICES

- CEQA Checklist and NOP
- Glossary of Technical Terms
- Technical Studies
- Bibliography
- Persons contacts
- Report Preparers

9. Respond to Internal Review of Administrative DEIR

An electronic copy (in Microsoft Word) plus a printed version of the screen-check Draft Environmental Impact Report sections shall be submitted to the City for review. City Staff will consolidate comments and prepare one set of City Staff comments for incorporation into the DEIR. The consultant will meet with City staff to discuss each section as necessary. City staff modifications must be incorporated into the DEIR. The first required screen-check section will consist of the draft Table of Contents, Project Description, and Environmental Setting. The precise time schedule for screen-checks shall be determined after the project schedule is finalized. The consultant shall inform the City of any circumstances arising that may delay or change the contracted work program.

Administrative DEIR- An electronic copy (in Microsoft Word) plus a printed version of the Administrative DEIR shall be submitted to the City. A post-administrative DEIR submission meeting/conference call may be held to discuss the draft and any required modifications.

10. **Prepare and Circulate Administrative Draft EIR**
    Following City review, the consultant will revise the Administrative Draft EIR based upon City direction. The consultant will be responsible for production of one compact disc with all word processing and graphic files of the Draft EIR and 15 discs of the Draft EIR which will be distributed as follows: five copies of the Draft EIR to local and State Agencies, one copy to the State Clearinghouse, and three copies to the City. Two hard copies shall be submitted to the City. A Microsoft Word version of the text shall be provided with the Draft EIR. A photo-ready copy (PDF) of the final document, including all technical appendices shall also be provided. The Draft EIR will be distributed by the City. Public Noticing and hearing responsibilities will be undertaken by City staff.

11. **Notice and hold public hearing on Draft EIR (Joint City Council/Planning Commission meeting)**

12. **Prepare administrative draft of response to comments and draft responses sent to public agencies ten days before hearing.** Based on the past level of interest in this project, the City anticipates receiving 100 to 200 comment letters on the Draft EIR. Many of the comment letters are likely to cover similar concerns.

13. **Hold public hearing.** The consultant shall be present at the public hearing.

14. **Provide an administrative draft of Final EIR for City review.** Following the close of the DEIR comment period, the consultant will prepare an administrative draft Final EIR in the form of response to comments/errata document. This document will be circulated to City Staff for internal review.

15. **Prepare Final EIR**
    The final EIR will be prepared including responding to City comments. A Microsoft Word version of the text shall be provided for the Final EIR. A photo-ready copy of final document, including all technical appendices, shall also be provided. The Final EIR will be distributed by the City. Public noticing and hearing responsibilities will be undertaken by City staff. The Final EIR will include as a minimum, the following:
    1. A list of all persons, organizations, and public agencies commenting;
    2. The Draft EIR;
    3. Copies of all written comments received on the Draft EIR;
    4. Responses to all environmental issues raised in the review process; and
    5. Revisions to the Draft EIR based on the responses.

16. **Prepare required findings**
    The consultant will prepare the findings required by CEQA for certification of the Final EIR.

Preferred Consultant Skills and Experience

The primary services offered by the selected firm shall be environmental consulting. A background in environmental planning is preferred. Specifically, the City is looking for a consultant team with:

- A project manager with direct experience completing EIRs for projects within the California Coastal Zone.
- Team members with a successful track record of preparing EIRs that satisfy local, regional, and state environmental laws and regulatory agencies.

Project Deliverables:

a) Facilitate project discussion at scoping meeting
b) Potential Reports and Studies:
   - New/revised Geotechnical Report
   - New Cultural Resources Evaluation Report
   - New/Update of the Groundwater Recharge and Water Balance Evaluation Study
   - Drainage study
   - New/Revised water supply study
c) Screen-check Draft Environmental Impact Report
d) Administrative DEIR
e) Draft EIR
f) Draft Response to Comments and Statement of Overriding Considerations
g) Final EIR
h) Findings
i) Ongoing progress meetings

Electronic copies of all deliverables are required on CD and one photo-ready hard copy as follows:

- All technical reports conducted by the consultant (all created maps should also be delivered in AutoCAD format)
- One (1) original of the screen-check Draft EIR
- Two (2) original of the Administrative Draft EIR, including all technical appendices
- Two (2) original of the Draft EIR, including all technical appendices
- One (1) original of the Final EIR, including all technical appendices

RFP Schedule

Deadline for Written Questions	January 29, 2016
Response to Questions Posted	February 3, 2016
Proposals due	February 19, 2016
Interviews	March 4, 2016

Written questions will be accepted through January 29, 2016 and should be directed to:

Marie Jones
Community Development Director
Community Development Department
City of Fort Bragg
416 North Franklin Street
Fort Bragg, CA 95437
E-mail: mjones@fortbragg.com

All written questions will be answered and posted on the City Clerk's City's website on an ongoing basis, with all final questions to be posted on February 3, 2016.
Please check the following link to review other addenda to the RFP:
http://city.fortbragg.com/151/Requests-for-Proposals-Bids

Oral questions will not be taken or answered.

PROPOSAL SUBMITTAL REQUIREMENTS

1. Proposers should send 4 copies of the completed proposals and cost bid so that they are received by the City no later than 5:00 p.m. on February 19, 2016:

   City of Fort Bragg
   Attention: June Lemos, City Clerk
   416 North Franklin Street
   Fort Bragg, CA 95437

2. Format: Proposal should be 8 ½ x 11 inches, printed two-sided on recycled and recyclable paper and recycled covers with removable bindings, bound in a single document and organized in sections following the order specified under contents.

3. Contents: Proposal shall contain the following information, in the following order

   A. Firm Description
   Provide a description of your firm and list relevant information about capabilities, size, rate of services, and length of time in existence.

   B. Relevant Experience
   The consultant team should have experience in environmental consulting, CEQA and completing EIRs. Experience with the coastal act is useful. The detail of relevant project experience should highlight projects on which the proposed team members have worked. Please only list projects that were completed by the proposed team members in your proposal, and include a list of the team members that worked on the project, and their role in the project.

   C. Key Personnel Qualifications
   Identify key personnel who would work on the project, their respective roles, and a synopsis of relevant experience. The project manager should have proven experience in preparing EIRs.

   D. References
   List of at least three public agencies or clients for whom similar work has been performed by project team members, with the name, title and phone number of a contact person. References must be for projects worked on by team members on the proposed team.

   E. Project Understanding, Approach, and Scope of Work
   Please provide an overview of your project understanding and approach. Include a detailed scope of work including all tasks associated with the project, including how you propose to complete each task. Please use the information provided in the RFP and the proposed scope of work identified by the City herein. Feel free to elaborate and provide additional tasks you think might be necessary, however list them as optional tasks and include them in the overall budget as separate line items. Please list all additional studies as separate cost items.

   F. Budget and Schedule of Charges
   Provide a “Not to Exceed” project budget that details hours and personnel by task. Include also all travel reimbursement and other costs by task. For components for which it is difficult to define the scope of work (such as consultation with resource agencies and response to comments), please provide an hourly rate only. Please provide a separate budget for optional tasks.

   G. Work Schedule
   Provide time schedule for completion of work.

   H. Sample Work Product

Please provide one digital copy of an EIR and associated technical documents prepared by the proposed project manager and key staff and preferably prepared for a public agency for a similar type of project. The sample work product should be provided electronically on a disk (CD) or a thumb drive.

I. Insurance

The individual or firm receiving the contract shall procure and maintain for the duration of the contract, insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, employees or subcontracts as set forth in Section 11 of Attachment 3 which is attached hereto and incorporated by reference herein. The cost of such insurance shall be included in the consultant's proposal.

J. Consultant Agreement

The City's standard consultant services agreement is attached as Attachment 3. Please identify if your firm would have any issues with the provisions of the City's standard consulting services agreement.

EVALUATION CRITERIA

Proposals will be evaluated on the basis of the following criteria:

- Qualifications and experience of key individuals, including the Project Manager and key analysts (30%)
- Capabilities and resources of the firm (10%)
- Project understating and detailed scope of work (25%)
- Work sample and demonstrated ability to produce an effective quality document that has an excellent summary, a minimum of authors and styles, effective, cogent and well distilled data analysis, focus on relevant issues, excellent graphics, well explained and articulated decisions, and quality control. (10%)
- Cost and schedule for completion of work (20%)
- Preference for consultant teams that include a local (Mendocino Coast) subcontractor or prime contractor on the project team (5%).

The above selection criteria are provided to assist proposers and are not meant to limit other considerations that may become apparent during the course of the selection process. Proposals will be reviewed and evaluated by staff of the City of Fort Bragg and a recommendation for award of contract will be presented to the Fort Bragg City Council.

OTHER CONSIDERATIONS

The City of Fort Bragg reserves the right to reject any and all proposals. This Request for Proposals does not commit the City to award a contract, pay any costs incurred in the preparation of proposals, or to procure or contract for supplies or services.

The City of Fort Bragg reserves the right to negotiate with any qualified source or to cancel, in part of or in its entirety, this Request for Proposals, if it is in the best interest of the City to do so. The City may require the selected consultant to participate in negotiations, and submit such price, technical or other revisions of the proposal that may result from negotiations.

ATTACHMENTS

Attachment 1 – Project Map & Plans

Attachment 2 -City's Standard Professional Services Agreement and insurance requirements. If the consultant team has any issues with the City's requirements, these issues must be explicitly identified in the proposal.

Please see the City's website for relevant documents related to this project, including: relevant studies such as traffic and coastal resources. The staff report and MND prepared for an earlier version of this project, comments received during the appeal process for the previous study and other relevant materials.

Please follow the following links: http://city.fortbragg.com/486/Active-Permit-Applications

Consultant List

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330 Townsend St, Ste 216
San Francisco, CA 94107
415.536-2883

PROFESSIONAL SERVICES AGREEMENT

AGREEMENT

This Agreement is made and entered into this 25th day of July, 2016 by and between the CITY OF FORT BRAGG, a California Municipal Corporation, 416 North Franklin Street, Fort Bragg, California, 95437 ("City"), and MICHAEL BAKER INTERNATIONAL, INC., a Pennsylvania Corporation, 2729 Prospect Park Drive, Suite 220, Rancho Cordova, California, 95670 ("Consultant").

RECITALS

WHEREAS, City has determined that it requires the following professional services from a consultant: to provide an Environmental Impact Report for the Hare Creek Center project; and

WHEREAS, Consultant represents and warrants that it is fully qualified to perform such professional services by virtue of specialized experience and training, education and expertise of its principals and employees. Consultant further represents that it is willing to accept responsibility for performing such services in accordance with the terms and conditions set forth in this Agreement; and

WHEREAS, the legislative body of the City on July 25, 2016, by Resolution No. _____-2016 authorized execution of this Agreement on behalf of the City in accordance with Chapter 3.20 of the City Municipal Code and/or other applicable law;

NOW, THEREFORE, City and Consultant, for the consideration hereinafter described, mutually agree as follows:

1. DESCRIPTION OF SERVICES OR SCOPE OF WORK

The services to be performed under this Agreement ("Services") are as follows: Provide an Environmental Impact Report for the Hare Creek Center project. The Services are further described in Consultant's proposal (the "Proposal"), which is attached to and made a part of this Agreement as Exhibit A.

2. TERM

The Agreement term will commence on July 26, 2016 and expire on September 30, 2017 unless the Agreement term is amended or the Agreement is terminated in accordance with its terms.

3. PAYMENT TERMS AND NOT TO EXCEED AMOUNT

City agrees to pay Consultant for Services that are actually performed in accordance with this Agreement. To be eligible for payment, Consultant invoices must be submitted

not more often than monthly to the City and list the Services performed and the amounts to be paid according to the cost categories and prices in the Proposal. In no event will the City's obligation to pay the Consultant under this Agreement exceed SIXTY-SIX THOUSAND ONE HUNDRED FIVE DOLLARS ($66,105.00) (the "Not to Exceed Amount"), unless this Agreement is first modified in accordance with its terms. Where the Proposal provides for compensation on a time and materials basis, Consultant must maintain adequate records to permit inspection and audit of Consultant's time and material charges under this Agreement. Consultant will make such records available to the City during normal business hours upon reasonable notice. In accordance with California Government Code § 8546.7, if the Not to Exceed Amount exceeds TEN THOUSAND DOLLARS ($10,000.00), this Agreement and the Consultant's books and records related to this Agreement shall be subject to the examination and audit of the State Auditor, at the request of City or as part of any audit of the City, for a period of three (3) years after final payment under the Agreement.

4. TIME OF COMPLETION

Consultant must commence performance of the Services upon receipt of written direction to proceed from City. Consultant shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided in Section 7 below and to satisfy Consultant's obligations hereunder. Consultant will complete the Services in accordance with this Agreement by June 30, 2017 (the "Time of Completion"). The Time of Completion may only be modified by an amendment of the Agreement in accordance with its terms.

5. INDEPENDENT CONTRACTOR

Consultant and City agree that the Consultant will perform the Services as an independent contractor and not as an employee or agent of the City. Persons employed or utilized by Consultant in the performance of the Services will not be employees or agents of the City. Consultant is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes.

6. SUBCONTRACTING

Consultant may subcontract portions of the Services upon the prior written approval of the City. Consultant will be solely responsible for payment of such subcontract Services. No contractual relationship will exist between any such subcontractors of the Consultant and the City.

Subcontractor agrees to be bound to Consultant and City in the same manner and to the same extent as Consultant is bound to City under the Agreement. Subcontractor further agrees to include the same requirements and provisions of this Agreement, including the indemnity and insurance requirements, with any sub-subcontractor to the extent they apply to the scope of the sub-subcontractor's work. A copy of the City indemnity and insurance provisions will be furnished to the subcontractor upon request.

7. STANDARD OF PERFORMANCE

a. Consultant will perform the Services in the manner and according to the standards observed by a competent practitioner of the profession in which Consultant is engaged in the geographical area in which Consultant practices its profession and will prepare all work products required by this Agreement in accordance with such standards. Consultant will comply with federal, state and local laws and regulations applicable to performance of the Services, including but not limited to, the California Building Standards Code as in effect in the City, the Americans with Disabilities Act, any air pollution control laws and regulations applicable to Consultant, and any laws and regulations related to any copyright, patent, trademark or other intellectual property right involved in performance of the services. Consultant's Failure to comply with any law(s) or regulation(s) applicable to the performance of the services hereunder shall constitute a material breach of this agreement.

b. Consultant shall assign only competent personnel to perform services pursuant to this Agreement. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the reassignment of any such persons, Consultant shall, immediately upon receiving notice from City of such desire of City, reassign such person or persons.

8. OTHER GOVERNMENTAL REGULATIONS

To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, Consultant and any subcontractors shall comply with all applicable rules and regulations to which City is bound by the terms of such fiscal assistance program.

9. USE OF RECYCLED PRODUCTS

Consultant shall endeavor to prepare and submit all reports, written studies, and other printed material on recycled paper to the extent it is available at equal or less cost than virgin paper.

10. INDEMNITY

a. Consultant shall indemnify, and subject to paragraph "b" of this Section 10, defend with counsel acceptable to the City, (which acceptance will not be unreasonably withheld), and hold harmless City and its officers, officials, employees, agents and volunteers ("Indemnitees") from and against any and all liability, loss, damage, claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, civil penalties and fines, expenses and costs (including, without limitation, claims expenses, reasonable attorney's fees and costs and fees of litigation) (collectively, "Liability") of every nature, to the extent caused by any negligent act,

error or omission of Consultant in performance of the Services or Consultant's negligent or willful failure to comply with any of the terms of this Agreement.

b. Notwithstanding the foregoing or any other provision to the contrary, Consultant shall not be required to provide a defense to City for Liability arising out of Consultant's professional services as defined in Consultant's professional liability policy EXCEPT THAT this shall not affect the Consultant's obligation to pay reasonable attorney's fees and reasonable defense costs as part of Consultant's indemnity obligation to City, nor shall it affect Consultant's duty to defend City if such a defense is available under any of Consultant's other insurance policies.

c. Notwithstanding the foregoing, to the extent this Agreement is a "construction contract" as defined by California Civil Code § 2783, as may be amended from time to time, Consultant's duty to indemnify under this provision shall not apply when to do so would be prohibited by California Civil Code § 2782, as may be amended from time to time.

d. Notwithstanding the foregoing, to the extent that the Services include design professional services subject to Cal. Civil Code § 2782.8, as amended from time to time, Consultant's duty to indemnify shall only be to the maximum extent permitted by Civil Code § 2782.8.

e. In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

f. The defense and indemnification obligations of this agreement are undertaken in addition to, and shall not in any way be limited by, the insurance obligations contained in this agreement.

g. Consultant/Subcontractor's responsibility for such defense and indemnity obligations shall survive the termination or completion of this Agreement for the full period of time allowed by law.

11. INSURANCE

a. Before commencing performance of the Services, Consultant, at its own cost and expense, must: a) procure "occurrence coverage" insurance of the kinds and in the amounts specified below against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the Services hereunder by the Consultant or its agents, representatives, employees, or subcontractors; and b) submit to the City certificates of insurance and endorsements

evidencing insurance coverage that meets the requirements of this section. Consultant must maintain the insurance policies required by this section throughout the Agreement term. The cost of such insurance must be included in the Consultant's proposal.

Consultant agrees to include with all subcontractors in their subcontract the same requirements and provisions of this Agreement including the indemnity and Insurance requirements to the extent they apply to the scope of the subcontractor's work. The Consultant shall require all subcontractors to provide a valid certificate of insurance and the required endorsements included in this Agreement prior to commencement of any work and Consultant will provide proof of compliance to the City.

Consultant may not allow any subcontractor to commence work on the Services until Consultant and/or the subcontractor have obtained all insurance required by this Agreement for the subcontractor(s) and submitted certificates of insurance and endorsements evidencing such coverage to City.

b. Workers Compensation Insurance. Consultant must, at its sole cost and expense, maintain Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by Consultant. Workers' Compensation Insurance as required by the State of California, with coverage providing Statutory Limits, and Employer's Liability Insurance with limits of not less than ONE MILLION DOLLARS ($1,000,000.00) per occurrence must be provided. The insurance must be endorsed to waive all rights of subrogation against City and its officials, officers, employees, and volunteers for loss arising from or related to the Services.

c. Consultant, at its own cost and expense, must maintain commercial general and automobile liability insurance for the term of this Agreement in an amount not less than ONE MILLION DOLLARS ($1,000,000.00) per occurrence, TWO MILLION DOLLARS ($2,000,000.00) aggregate, combined single limit coverage for risks associated with Services. If a Commercial General Liability Insurance or an Automobile Liability form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the Services or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned automobiles.

d. Except for Workers' Compensation insurance and Professional Liability insurance, all other insurance coverages required pursuant to this Agreement must include or be endorsed to include the following:

(1) City and its officials, officers, employees, agents, and volunteers ("Additional Insured") shall be covered as insureds with respect to each of the following: liability arising out of activities performed by or on behalf of Consultant, products and

completed operations of Consultant; premises owned, occupied, or used by Consultant; and automobiles owned, leased, or used by Consultant. The coverage may contain no special limitations on the scope of protection afforded to City or its officials, officers, employees, agents, or volunteers.

(2) The Additional Insured coverage under the Consultant's policy shall be "primary and non-contributory" and Consultant's coverage will not seek contribution from the City's insurance or self-insurance and shall be at least as broad as CG 20 01 04 13.

e. It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirements and/or limits shall be available to the Additional Insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this Agreement; or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named Insured; whichever is greater.

f. The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of City (if agreed to in a written contract or agreement) before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.

g. Insurance coverage required pursuant to this Agreement must include or be endorsed to include the following:

(1) Any failure of Consultant to comply with reporting provisions of the policy shall not affect coverage provided to City and its officers, employees, agents, and volunteers.

(2) Required insurance coverage may not be suspended, voided, canceled, reduced in coverage or in limits, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to City.

h. Consultant, at its own cost and expense, must maintain for the period covered by this Agreement professional liability insurance in an amount not less than TWO MILLION DOLLARS ($2,000,000) covering errors and omissions. Any deductible or self-insured retention under the required professional liability insurance may not exceed $150,000 per claim.

i. All insurance required under this Agreement must be placed with insurers with a Best's rating of no less than A:VII unless otherwise approved by the City.

j. The City may approve a variation in the foregoing insurance requirements, upon a determination that the coverages, scope, limits, and forms of such insurance are either not commercially available, or that the City's interests are otherwise fully protected.

k. All self-insured retentions (SIR) must be disclosed to City for approval and shall not reduce the limits of liability. Policies containing any self-insured retention (SIR) provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named Insured or the City. City reserves the right to obtain a full certified copy of any Insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of right to exercise later.

l. To the extent this Agreement is a "construction contract" as defined by California Civil Code § 2783, as may be amended from time to time, Consultant shall maintain insurance as required by this contract to the fullest amount allowed by law and shall maintain insurance for a minimum of five years following completion of the Services. In the event Consultant fails to obtain or maintain completed operations coverage as required by this Agreement, the City at its sole discretion may purchase the coverage required and the cost will be paid by Consultant.

12. NON DISCRIMINATION

During the performance of this Agreement, Consultant will not discriminate against any employee of the Consultant or applicant for employment because of race, religion, creed, color, national origin, sex, or age. Consultant will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex or age.

13 LICENSES & PERMITS

a. BUSINESS LICENSE

Before the City will issue a notice to proceed with the Services, Consultant and any subcontractors must acquire, at their expense, a business license from City in accordance with Chapter 5.04 of the Fort Bragg Municipal Code. Such licenses must be kept valid throughout the Agreement term.

b. OTHER LICENSES AND PERMITS

Consultant represents and warrants to City that Consultant and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions.

14. OWNERSHIP OF WORK PRODUCTS AND TREATMENT OF DOCUMENTS

All plans, specifications, reports, designs and other documents prepared by Consultant pursuant to this Agreement shall be and remain the property of the City. Any modification or reuse of such documents by the City without Consultant's prior written consent will be at the City's sole risk. Except as may be otherwise required by law, Consultant will disclose no data, plans, specifications, reports or other documents pertaining to the Services without the prior written consent of City.

15. TERMINATION AND REMEDIES

a. City may terminate this Agreement for convenience by giving at least 10 days written notice to Consultant specifying the termination effective date. Upon receipt of such notice, Consultant may continue performance of the Services through the date of termination. City shall pay Consultant for all Services actually performed in accordance with this Agreement through the termination effective date.

b. If Consultant materially breaches any term of this Agreement, in addition to any other remedies the City may have at law or equity, the City may:

(1) Terminate the Agreement by notice to the Consultant specifying the termination effective date;

(2) Retain, and/or recover from the Consultant at no additional cost to the City, the plans, specification, drawings, reports and other design documents and work products prepared by Consultant, whether or not completed;

(3) Complete the unfinished Services itself or have the unfinished Services completed, and/or;

(4) Charge Consultant, or deduct from monies that may be due or become due the Consultant under this Agreement, the difference between the cost of completing the unfinished Services pursuant to this Agreement and the amount that would otherwise be due Consultant had Consultant completed the Services in accordance with this Agreement.

16. BINDING EFFECT AND ASSIGNMENT PROHIBITION

This Agreement is binding upon City, Consultant, and their successors. Except as otherwise provided herein, neither City nor Consultant may assign, sublet or transfer its interest in this Agreement or any part thereof without the prior written consent of the other, and any purported assignment without such consent will be void.

17. REPRESENTATIVES

a. City representative for purposes of this Agreement will be Marie Jones, Community Development Director. Consultant representative for purposes of this Agreement will be Kevin Gustorf, Vice President. The parties' designated representatives will be the primary contact persons regarding the performance of the Services. The parties intend that their designated representatives will cooperate in all matters regarding this Agreement and in such manner so as to achieve performance of the Services in a timely and expeditious fashion.

b. Notices:

Any written notice to Consultant shall be sent to:

Kevin Gustorf, Vice President
Michael Baker International, Inc.
2729 Prospect Park Drive, Suite 220
Rancho Cordova, CA 95670

Any written notice to City shall be sent to:

Marie Jones, Community Development Director
City of Fort Bragg
416 N. Franklin Street
Fort Bragg, CA 95437

18. INTEGRATION AND AMENDMENT

This Agreement represents the entire and integrated agreement between City and Consultant and supersedes all prior negotiations, representations or agreements, whether written or oral. If a discrepancy, disagreement, ambiguity, inconsistency or difference in interpretation of terms arises as to terms or provisions of this Agreement and any Exhibit(s) attached to this Agreement, this Agreement shall control and shall be deemed to reflect the intent of the Parties with respect to the subject matter hereof. This Agreement may only be amended by a writing signed by a representative authorized to bind the Consultant and a representative authorized to bind the City.

19. CONFLICT OF INTEREST PROHIBITION

City and Consultant will comply with the requirements of the City's Conflict of Interest Code adopted pursuant to California Government Code §87300 et seq., the Political Reform Act (California Government Code §81000 et seq.), the regulations promulgated by the Fair Political Practices Commission (Title 2, §18110 et seq. of the California Code of Regulations), California Government Code §1090 et seq., and any other ethics laws applicable to the performance of the Services and/or this Agreement. Consultant may be required to file with the City Clerk a completed Form 700 before commencing performance of the Services unless the City Clerk determines that completion of a Form

700 is not required, pursuant to City's Conflict of Interest Code. Form 700 forms are available from the City Clerk.

Consultant may not perform Services for any other person or entity that, pursuant to any applicable law or regulation, would result in a conflict of interest or would otherwise be prohibited with respect to Consultant's obligations pursuant to this Agreement. Consultant agrees to cooperate fully with City and to provide any necessary and appropriate information requested by City or any authorized representative concerning potential conflicts of interest or prohibitions concerning Consultant's obligations pursuant to this Agreement.

Consultant may not employ any City official, officer or employee in the performance of the Services, nor may any official, officer or employee of City have any financial interest in this Agreement that would violate California Government Code §1090 et seq. Consultant hereby warrants that it is not now, nor has it been in the previous twelve (12) months, an employee, agent, appointee, or official of City. If Consultant was an employee, agent, appointee, or official of City in the previous twelve months, Consultant warrants that it did not participate in any manner in the forming of this Agreement. Consultant understands that, if this Agreement is made in violation of Government Code §1090 et seq., the entire Agreement is void and Consultant will not be entitled to any compensation for Consultant's performance of the Services, including reimbursement of expenses, and Consultant will be required to reimburse City for any sums paid to Consultant under this Agreement. Consultant understands that, in addition to the foregoing, penalties for violating Government Code §1090 may include criminal prosecution and disqualification from holding public office in the State of California.

Any violation by Consultant of the requirements of this provision will constitute a material breach of this Agreement, and the City reserves all its rights and remedies at law and equity concerning any such violations.

20. APPLICABLE LAW AND VENUE

The laws of the State of California shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and the interpretation of this Agreement. Any action or proceeding that is initiated or undertaken to enforce or interpret any provision, performance, obligation or covenant set forth in this Agreement shall be brought in a state court in Mendocino County.

21. RECOVERY OF ATTORNEYS' FEES

If a party to this Agreement brings any action, including an action for declaratory relief, to enforce or interpret any term of this Agreement, the prevailing party will be entitled to reasonable attorneys' fees in addition to any other relief to which that party may be entitled. The court may set such fees in the same action or in a separate action brought for that purpose.

22. SEVERABILITY

If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged will remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

23. COUNTERPARTS

This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

IN WITNESS HEREOF, the parties have caused their authorized representative to execute this Agreement on the date first written above.

CITY

By: _____
Linda Ruffing
Its: City Manager

CONSULTANT

By: _____
Kevin Gustorf
Its: Vice President

ATTEST:

By: _____
June Lemos
City Clerk

[Attach Notary Acknowledgment Page]

APPROVED AS TO FORM:

By: _____
Samantha W. Zutler, City Attorney

Exhibits: Exhibit A – Consultant's Proposal

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By: _____
Kevin Gustorf
Its: Vice President

ATTEST:

[Attach Notary Acknowledgment Page]

By: _____
June Lemos
City Clerk

APPROVED AS TO FORM:

By: _____
Samantha W. Zutler, City Attorney

Exhibits: Exhibit A – Consultant's Proposal

Jones, Marie

From: Craciun, Florentina <fcraciun@mbakerintl.com>
Sent: Monday, April 18, 2016 1:41 PM
To: Jones, Marie
Subject: Fort Brag Hare Creek Center- Revised Budget
Attachments: F. Budget and Schedule of Charges_4_18_2016.pdf

Marie,

Per our conversation on Friday please find attached the revised budget for the Fort Brag Hare Creek EIR. Please note that I also deleted the cultural subtask. Is the applicant going to contract directly for the archeological work?

I made the following changes to the Fort Bragg Budget:

Deleted:

- Optional Task: Technical Drainage Study: $6,400
- Optional Task: Groundwater Recharge Study: $34,800
- Optional Task: Geotechnical Services: $14,600
- Optional Task: Archaeological Report: $3,850

Added:

- 16 hours in the Tech Review Section under Tech Staff to review applicant prepared studies for Admin Draft EIR section. This task increased from $12,430 to $14,430.
- 12 hours to the meetings Task to coordinate with the applicant on its study. This task increased from $4,810 to $6,250.
- The total now is $66,105 from $62,665 for the EIR for a total increase of $3,440

Please let me know if you need any additional changes made. Thank you and I hope we get to kick this off soon,

Florentina Craciun, AICP | Environmental Planner | Michael Baker International
One Kaiser Plaza, Suite 1150 | Oakland, CA 94612 | [O] 510-213-7915 | [M] 510-876-6327
fcraciun@mbakerintl.com | www.mbakerintl.com

Michael Baker INTERNATIONAL *We Make a Difference*

Connect with us:

EXHIBIT A

F. Budget and Schedule of Charges

Budget Notes

Final EIR Task assumes 25 letters up to 5 pages each. For any additional letters the hourly rate would be $195 for both Project Manager Florentina Craciun ($120) and Assistant Planner ($75). We understand that the City received over 100 comment letters on the IS/MND for the project. Upon reviewing some of the comment letters available on the City's website we are confident that master responses could be tailored to address many community concerns. Master responses would allow us to expedite the Final EIR process and keep within budget and schedule.

Meetings Task assumes up to five in person staff level meetings, one meeting with Coastal Commission staff, one joint Planning Commission/City Council meeting, one public hearing and one scoping meeting. For additional meetings please assume a $255 hourly rate for Scott Friend, Project Director and $120 for Florentina Craciun, Project Manager.

EXHIBIT A

Michael Baker
INTERNATIONAL

Tasks*	Senior Technical Specialist	Project Director	Senior Geologist	Senior Cultural Resources Mgr	Project Manager	Senior Planner	GIS/ Graphics	Technical Staff	Asst Planner	Tech Editor	Admin Support	Total Michael Baker Hours	Total Michael Baker Labor	Direct Costs	Total Budget
	$210	$135	$165	$130	$120	$120	$100	$125	$75	$85	$65				
1 Project Initiation, NOP, and EIR Scoping Meeting		2			25		8		8	2	2	47	$4,970	$300	$4,970
2 Review Existing Technical Studies	8	2	10	8	10	25	5	32	10	4		114	$14,430		$14,430
3 Administrative Draft EIR		4	5	5	40	4	8	50	90	10		216	$21,945	$2,500	$21,945
4 Publish DEIR		2			10				30	4	12	58	$4,840	$900	$4,840
5 Final EIR and MMRP*		4	2		20	2	2	4	40	8	12	94	$8,670	$1,000	$8,670
6 Meetings*		8			42						2	40	$6,250	$300	$6,250
Direct Costs													$-		$5,000
Total															$66,105

The above per-task costs are based on our best estimate of time needed. Actual time spent on individual tasks may not meet or may exceed such estimates. Michael Baker International reserves the right to transfer unused budget from one task to another if necessary. The total estimated budget will not be exceeded without proper authorization from the client.

EXHIBIT A

Scope of Work

The following is our proposed work program to prepare an EIR and help the City of Fort Bragg comply with CEQA for the Hare Creek Center. We welcome the opportunity to discuss this work program and refine it both initially and as the project proceeds. This scope of work is adapted from the scope included in the RFP to outline the tasks that will drive the project. We have identified which tasks corresponds to the City's identified scope of work. Some tasks are condensed and combined to emphasize that some tasks happen concurrently and under bigger umbrellas. For example, we believe that consulting with state agencies and public scoping meetings should happen early on in the process; as such, this is presented under Task 1.

Task 1: Project Initiation, NOP, and EIR Scoping Meeting (RFP tasks 1, 2, 6 and 7)

This task consists of all actions necessary to begin environmental documentation, including an initial meeting and consultation with the City of Fort Bragg to confirm the scope assumptions and key issues, collecting and reviewing all background information and relevant policy documents, authorizing any technical studies, and conducting a thorough site visit. We will also confer with the project proponents as needed to obtain additional project background. We will set up meetings with responsible agencies to discuss the project and their concerns. The agencies would include the Coastal Commission, the State Water Resources Board, Caltrans, State Historic Preservation Officer, and the North Coast Regional Water Quality Control Board. These meetings would be in person or conference calls and would include City representatives.

Following the initial meeting with the City, we will draft the Notice of Preparation (NOP) for City review. Any final edits will be made to the NOP and the final version will be prepared for City distribution. The City of Fort Bragg will submit the NOP to the State Clearinghouse and any other appropriate party.

Given the level of public scrutiny, we recommend conducting a public scoping meeting. Michael Baker's project director and project manager will assist City staff in conducting a scoping meeting for the project. We will prepare presentation materials, take notes, assist in meeting facilitation, and develop a comment summary for the EIR. Michael Baker has a public outreach and facilitation group, and we can provide additional information regarding our available staff resources and expertise, at the City's request. Many different styles of scoping meetings allow for input while avoiding grandstanding or intimidation of meeting participants. We can work with the City to ensure the scoping meeting is both useful and cordial. Based on that input, the scope of work may or may not warrant minor modification to respond to environmental concerns that may have been raised.

EXHIBIT A

Task 2: Review Technical Documents and Prepare Technical Studies* (RFP tasks 3, 4 and 5)

As part of this task, we will formally review the existing material to confirm what remains valid and useful for the current effort. We will critically evaluate the existing documentation, considering the need for the EIR to withstand heightened scrutiny from the public, and possibly legal challenge, and the time that has elapsed since the original documents were prepared. We will provide a written explanation of our determination whether to use, augment, or replace the reports and studies for this EIR. All technical information will be incorporated in the environmental document and will serve as the basis for the environmental analysis.

**We will prepare new technical reports as needed; these reports are included as optional tasks.*

Task 3: Administrative Draft EIR (ADEIR) (RFP tasks 8 and 9)

Introduction, Executive Summary, and Project Description

The Introduction will briefly describe the extent of CEQA analysis, environmental resource areas that were scoped out during the Initial Study process, the purpose of the EIR, its intended uses, and a request that the comments be restricted to the subjects addressed in the analysis.

The Executive Summary will provide a succinct synopsis of the environmental analysis. This summary will include a brief project overview, a list of project-specific objectives, a summary of significant environmental effects, and mitigation measures that would reduce or avoid those effects. Project impacts will be organized in a table format that clearly identifies any mitigation measures, level of significance after mitigation, and any significant and unavoidable impacts.

The Project Description will describe the site's location, property ownership, historic and current uses and condition, project history, roadway and infrastructure needs, project objectives, a list of agencies that are expected to use the EIR, permits and other approvals needed for the project, and other federal, state or local regulatory requirements, if any. This section will include graphics to illustrate the site and the proposed project.

Environmental Analysis

The following resource areas are expected to be included in the EIR as separate analysis chapters.

Aesthetics/Visual Resources. We will analyze potential impacts relative to future project visibility from surrounding locations and public viewsheds. We will develop a narrative describing the

EXHIBIT A

surrounding community's character and the potential project impacts on sensitive viewers and viewsheds. We will use existing and updated architectural renderings to evaluate the project's impacts on State Highway 1 and the surrounding community. We will also discuss temporary visual and aesthetic impacts from project construction; however, any such temporary effects are not anticipated to be significant. The EIR will discuss any applicable design guidelines or other requirements that are in place to ensure high quality and visually appealing development. Although the Initial Study dismissed nighttime lighting, we will look at the new project plans and determine if this topic will be analyzed further in the EIR.

Air Quality. The City of Fort Bragg is located in the North Coast Air Basin and is within the jurisdiction of the Mendocino County Air Quality Management District (MCAQMD). The analysis will describe federal, state, and MCAQMD ambient air quality standards applicable to the proposed project, as well as the current status of air quality planning programs. Mendocino County is designated attainment or unclassified for all air quality standards except the state standards for particulate matter less than 10 microns in size (PM_{10}). For the CEQA documentation, we will conduct an air quality analysis of the proposed project. We will base our air quality impact analysis on the project area's recommended methodologies and thresholds of significance, including those documented in the CEQA Air Quality Handbook as well as any measures required by the Coastal Land Use and Development Code. We will quantify short- and long-term operational emissions associated with the project using the California Emissions Estimator Model (CalEEMod). CalEEMod is a statewide land use emissions computer model designed to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects.

Biological Resources. The project area is currently vacant and is used for short-term parking, community events, and recreation and dog walking activities. WRA Environmental Consultants prepared a Coastal Act Compliance Report in 2014, which assessed the project's potential impacts on biological resources. Michael Baker biologists will conduct a site reconnaissance and initiate a protected species database query to establish existing conditions and the potential for the presence of any special-status species at the site. The site visit and data base searches will help verify WRA's work. We will prepare a biological resources memo to verify and supplement, as needed, the 2014 report. Mitigation will likely require preconstruction surveys to confirm the absence or presence of any protected species prior to physical impacts to the environment.

Cultural and Historic Resources. Michael Baker cultural resources staff will conduct a database search through the Northwest Information Center and perform an archaeological site reconnaissance to assess potential impacts under CEQA. The project area has been previously surveyed and consultation with Native American tribes was conducted under AB 52. Michael Baker cultural staff will prepare a report to detail the findings of the archeological survey and will also help the City with its Native American tribal consultation requirements. Thad Van Bueren will assist with the

EXHIBIT A

preparation of this section to ensure we capture all local nuances. Mitigation measures shall be tailored to protect sensitive resources in the project area.

Geology and Soils. We will address the site's suitability for development on readily available data from published sources and other nearby projects, as well as an updated Geotechnical Report. Development of the project site will involve grading activities, which may result in increased rates of soil erosion and subsequent sedimentation. For this analysis, we will describe the project site's soil conditions and identify any information regarding seismic or liquefaction hazards as documented in the readily available documents. We will evaluate potential impacts due to grading and soil erosion. We will propose mitigation measures for any significant impacts associated with geologic or seismic hazards.

Climate Change and Greenhouse Gas (GHG) Emissions. We will quantify the GHG emissions of the proposed project and compare them with the potential GHG emissions resulting from the existing County zoning designations. Since the MCAQMD currently has no adopted threshold of significance for GHG emissions and has previously approved the use of Bay Area Air Quality Management District's (BAAQMD) threshold, we will compare estimated project-related GHG emissions to the BAAQMD thresholds. We will identify appropriate actions the proposed project must include to mitigate its impacts with regard to GHG emissions. Mitigations proposed as a part of the environmental analysis will also be quantified to show the reduction potential of individual measures.

Hydrology and Water Quality. This section typically discusses water quality standards, possible alteration of drainage patterns, flooding, and the potential for surface water pollution from construction and operation of the project. The project would require the preparation of a Stormwater Pollution Prevention Plan and compliance with Program OS-2.2.2, which is specific to development that may impact Todd Point. We will prepare an updated Groundwater Recharge and Water Balance Evaluation study, a new drainage study, and an updated water supply assessment. These studies will help us tailor mitigation measures for the project.

Land Use and Planning. We will analyze the project for consistency with local, regional, and state land use programs and plans. Due to the project's location within the Coastal Zone attention will be paid to policies specifically enacted to protect the coastal zone. We will analyze the project's consistency with the Coastal General Plan, the Coastal Act, and other regulations regarding development.

Noise. In the noise impact analysis, we will include a description of the existing noise environment, including nearby noise sources and noise-sensitive receptors, based on existing environmental documentation and a review of site reconnaissance data. We will describe relevant background information, including noise fundamentals, descriptors, and the applicable federal, state, and local regulatory framework. We assume that existing data is available and that no new noise measurement surveys will be required. To assess potential construction noise impacts, we will identify sensitive

EXHIBIT A

receptors and their relative exposure to the proposed project area, considering topographic barriers and distance. We will determine the noise levels of specific construction equipment and will calculate resultant noise levels at nearby receptors.

We will assess long-term transportation and stationary-source noise impacts attributable to the project. As part of this analysis, we will calculate predicted traffic noise levels using the FHWA roadway noise prediction model, based on data obtained from the traffic analysis prepared for the applicant. We will summarize and present the predicted distances to traffic noise contours, as well as increases in traffic noise levels attributable to the proposed project, in tabular format.

We will quantitatively assess noise sources commonly associated with the proposed project that could adversely affect nearby noise-sensitive land uses. We will recommend noise-reduction measures, to the extent applicable and necessary.

Public Services. For this section we will concentrate on provision of fire and emergency services in the project area. We will consult with the Fort Bragg Fire Department and Fire Marshal regarding emergency access, fire code requirements, and service response times.

Utility Systems. For this section, we will evaluate impacts on utility systems in the City of Fort Bragg. Impacts will look at wastewater treatment capacity and special attention will be paid to water supplies, water treatment facilities, and water resources. The new water supply assessment will aid in the preparation of this section and we will work with the City in tailoring appropriate and feasible mitigation measures, as needed.

Recreation. This section will evaluate the potential impacts on existing park and recreation facilities. Because the area is currently used informally for recreational purposes, we will provide a discussion of such use and Michael Baker staff will conduct an informal survey of users. We will make sure to note that impacts will focus on any significant physical effects that could occur to existing facilities, or impacts caused by the development of new facilities to meet local standards.

Transportation/Traffic. Michael Baker staff will review the traffic study prepared by GHD and prepare a memo to augment the traffic study as needed. We will check the methodology as well as the findings and will prepare mitigation measures as needed. Special attention will be given to pedestrian and bicycle traffic in the project area and we will work with the City to find ways to enhance such access.

EXHIBIT A

Cumulative Analysis

The cumulative analysis will be structured to determine the geographic scope of other similar projects that may be applicable. For each resource area the cumulative section will clearly define the impact area and its regional reach. Each technical section will contain an assessment of cumulative effects.

Alternatives

Once the impacts have been assessed, we assume preparation of up to two CEQA alternatives to the project, in addition to the No Project alternative. These alternatives will be designed to reduce any impacts found to be significant and must meet most of the project objectives. Alternatives could include project variations from the development of a smaller shopping center to a mixed-use office and retail center.

Other CEQA Required Sections

We will also address growth inducement, significant irreversible effects, and significant and unavoidable impacts of the project as required by CEQA, as well as identify report preparers.

Task 4: Publish Draft EIR (DEIR) (RFP Tasks 10 and 11)

Upon receiving comments on the ADEIR, we will meet with City staff and go over comments and resolve any outstanding issues. A screencheck DEIR in highlighted text for changes will be provided to confirm edits with the City, along with a clean version (no track changes) for final review.

We will prepare both hard copies and electronic copies and deliver them to the City, as requested in the RFP. At the City's request, we can also deliver 15 of those copies to the State Clearinghouse with the Notice of Completion to begin the 45-day public review period. Michael Baker typically provides all technical appendices, as well as a PDF of the document, on a CD included with each printed copy. All documents are suitable for posting on the City's website. We will prepare the Notice of Completion and assist in the preparation of the Notice of Availability that will explain the review process of the DEIR pursuant to CEQA.

We will participate in the joint City Council and Planning Commission meetings.

EXHIBIT A

Task 5: Final EIR and MMRP (RFP Tasks 12, 13, 14, 15 and 16)

At the conclusion of the 45-day public review period, we will scan each comment letter, number each comment, and group common questions or comments and recommend master responses for those groups of comments. We will prepare a summary table identifying persons and agencies that commented, a copy of each comment letter with a code assigned to each comment, a response to each comment, and an errata section containing any text revisions. Our staff will coordinate with City staff and technical staff to address public and agency comments.

We will provide an Administrative Draft FEIR for City review. We will then provide a screencheck draft of the FEIR electronically to the City for final review.

As a related task, the FEIR will include the Mitigation Monitoring and Reporting Program (MMRP) pursuant to Public Resources Code Section 21971.6, as a separate chapter. The MMRP will be completed as mitigation measures are finalized, and will identify all reporting and monitoring responsibilities.

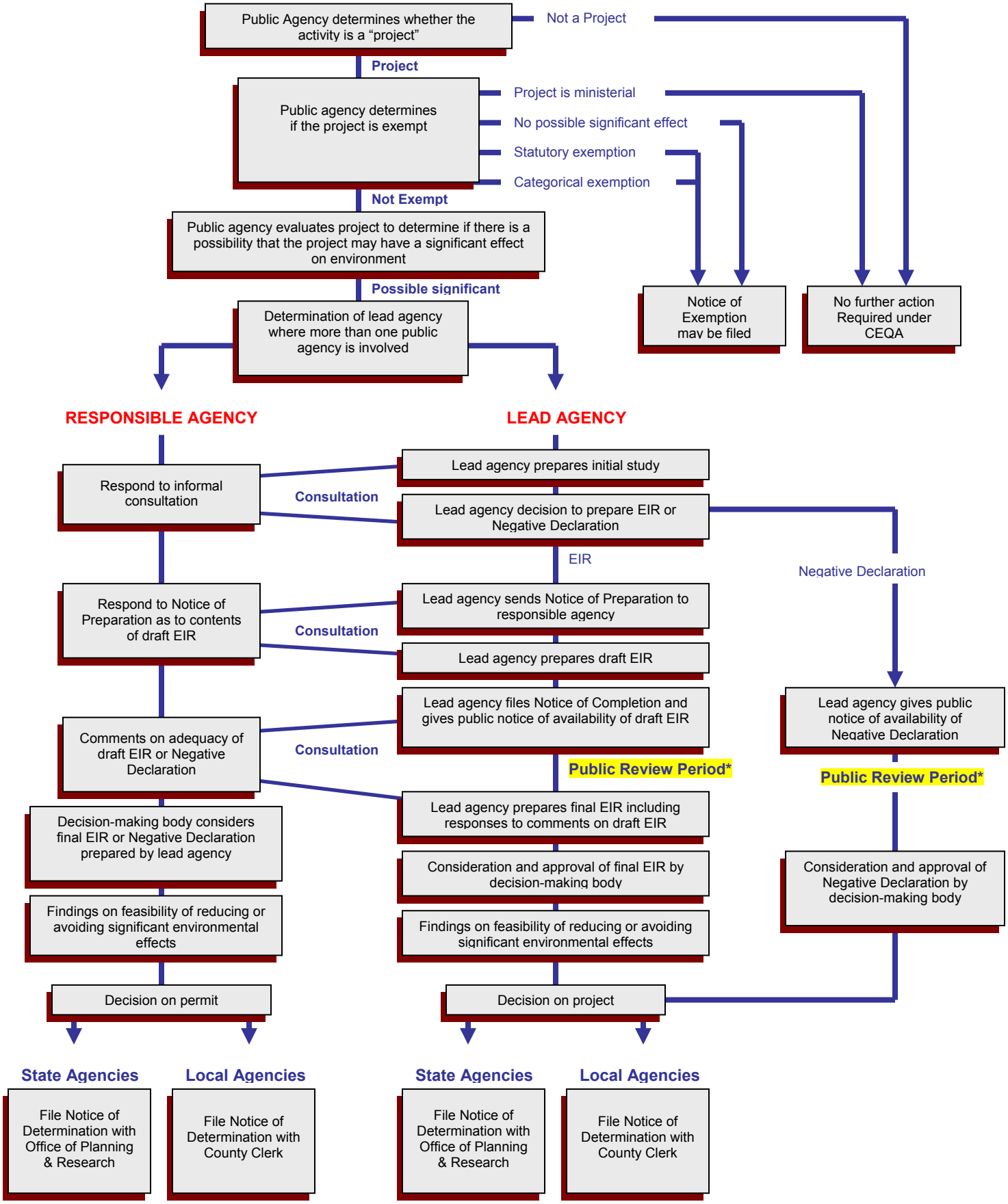
We will also include required findings as requested by CEQA. We will provide an Administrative Draft of the Findings for City review and a screencheck draft will be provided electronically.

Task 6: Meetings (RFP Tasks 1, 6, 7, and 13)

Our CEQA project manager and/or project director will participate in up to five in-person staff-level meetings. We also anticipate at least one meeting with Coastal Commission staff. We assume participate at one joint Planning Commission/City Council meeting, one public hearing and one scoping meeting. More meetings can be scoped as needed. We also have experience with project appeals and responding to such appeals on an as-needed basis.

EXHIBIT A

CEQA Process Flow Chart



Source: California Environmental Resources Evaluation System, http://ceres.ca.gov/topic/env_law/ceqa/flowchart/index.html
*** The public review and comment period shall not be less than 30 days and nor should it be longer than 60 days, per the CEQA Guidelines at http://ceres.ca.gov/topic/env_law/ceqa/guidelines/**

PROPOSAL
FOR SERVICES

CITY OF FORT BRAGG

ENVIRONMENTAL IMPACT REPORT FOR THE HARE CREEK CENTER SHOPPING FACILITY

SUBMITTED TO:

JUNE LEMOS
CITY CLERK

CITY OF FORT BRAGG
416 NORTH FRANKLIN STREET
FORT BRAGG, CA 95437

RECEIVED
FEB 19 2016
CITY OF FORT BRAGG
CITY CLERK

SUBMITTED BY:

Michael Baker
INTERNATIONAL

1 KAISER PLAZA
SUITE 1150
OAKLAND, CA 94612
PHONE: (510) 879-0950
TF: (800) 553-1153
WWW.MBAKERINTL.COM

Michael Baker
INTERNATIONAL

We Make a Difference

February 19, 2016

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

RE: ENVIRONMENTAL IMPACT REPORT FOR THE HARE CREEK CENTER

Dear Ms. Lemos:

The Hare Creek Center represents a particular challenge to the City of Fort Bragg due to its location in the Coastal Zone and its potential to help define the City's economic growth and identity. The project underwent a good amount of public scrutiny and we understand that the proposed environmental impact report (EIR) has to withstand such attention. It is with this understanding that we are committed to meeting the needs and expectations of the City and guide the environmental process to successful completion.

Michael Baker International believes in a no-nonsense, systematic, and practical approach to CEQA compliance, which means that our clients get high quality, readable documents with no fluff. Technical reports are packaged as appendices for inquisitive readers, and their analyses and conclusions are rewritten into clear, concise language for the public and decision-makers to understand. Just because we have vast amounts of background information does not mean that it is all relevant to the project and should be included in the EIR.

Our approach is to provide you with CEQA expertise and process services, as outlined in our proposal. In our role as CEQA experts, Michael Baker will provide timely, thoughtful, innovative, and cost effective solutions to achieve CEQA compliance on behalf of the City. As a full service firm, we will call on our in-house experts to provide independent analysis, advice and opinions as needed. For the CEQA process itself, the Michael Baker team will produce the best results based on local knowledge and resource-specific expertise. Our role in the preparation of CEQA documents is to manage the environmental process from beginning to end. We include strategic subconsultants as our partners to enhance the technical disciplines of our in-house resources and our local knowledge. To that end, we have teamed with Thad Van Bueren for his archeological resources expertise and SHN for their geotechnical services. This team was selected for both their technical capabilities and to ensure we understand all of the intricate nuances of the local community. We understand that there are other local resources available and we would tap into those resources as needed.

1 Kaiser Plaza, Suite 1150, Oakland, CA 94612
P: (510) 879-0950 F: (800) 553-1153

Our strong team brings a wealth of experience on similar projects and directly with Fort Bragg. The goal of these and all staff members who will work on this project will be to represent the City's interests and provide the best possible information and analysis to your staff to assist them in the decision-making process.

We appreciate the opportunity to submit our proposal and look forward to participating further in the selection process. Please contact Florentina Craciun at (510) 213-7915 or fcraciun@mbakerintl.com with any questions.

Sincerely,

Kevin Gustoff, PE
Vice President

Florentina Craciun, AICP
Senior Planner

Michael Baker
INTERNATIONAL

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A

Firm Description

A. Firm Description

Michael Baker International has been in business for 75 years with a mission to conduct our services in an efficient and timely manner and to provide complete and accurate products that are responsive to our clients' needs. We have more than 20 years of experience providing planning and environmental review services in Northern California and along the coast. In addition, we have teamed up with SHN and Thad Van Bueren to enhance our local presence and experience.

Michael Baker International

Michael Baker International offers a comprehensive range of innovative services and solutions in support of federal, state, and municipal governments, and a wide range of private development and commercial clients. With more than $1 billion in annual revenue, Michael Baker has more than 6,000 employees in over 90 offices located across the United States and internationally.

Michael Baker maintains a diverse public and private sector client base ranging from international and federal government organizations to state and local agencies, private development, and worldwide and community organizations and institutions. The firm possesses the highest level of expertise and provides project teams to undertake a diverse range of projects, with solutions focused on sustaining the future. Services span the complete life cycle of infrastructure, environmental, development, and managed asset projects.

Michael Baker generally provides services to public agencies such as cities, counties, and other governmental agencies and provides such services in an extension of staff manner—something that differentiates Michael Baker from other environmental firms. Michael Baker prides itself on the ability to provide a wide (and growing) range of municipal support and management services to agencies, including general plan updates, zoning codes, contract staffing, and project management services. As contract planners, the firm regularly works with other departments to process applications and works with other consultants in the review of environmental documents, site plans, and tentative maps. Staff is familiar with the studies, permits, and reports necessary to obtain environmental clearance for a variety of documents. Michael Baker routinely assists planning departments to ensure they are fully compliant with the law and protected from costly lawsuits and unnecessary delays associated with challenges to environmental documents.

Environmental Services Overview

Michael Baker is recognized as an innovative and strategic partner in the preparation and processing of environmental documents and supporting technical studies. We have successfully completed thousands of environmental documents in compliance with the California Environmental Quality Act (CEQA). Our staff has served as environmental coordinators for several prominent cities and in this role has overseen those cities' compliance with all aspects of CEQA, from document preparation and review to CEQA training programs. As a result, staff has extensive experience conducting third-party review of CEQA documents, designing and conducting training programs, and developing standard environmental templates and guidelines.

We also have the in-house capability to prepare a variety of technical studies to support CEQA documents, including air quality analyses, greenhouse gas emission assessments, noise analyses, biological resources assessments/natural environment studies, water impact assessment and hydrology, transportation and traffic and visual impact analyses. We offer a full range of services related to sustainability, energy efficiency, and climate change mitigation and adaptation. We can develop programs to reduce and track greenhouse gas emissions while planning for climate change adaptation and resiliency to the inevitable effects of climate change.

Our environmental staff is complemented by in-house community facilitation and engagement specialists, as we recognize that the credibility of the environmental process is critical to the credibility of the reports themselves. Our planners are also skilled at presenting complex environmental documents to public audiences and decision-making bodies.

Additional Services

In addition to our main service lines, we can provide the following services:

- Permitting and regulatory process
- Natural resource assessment
- Visual assessment
- Archaeological and cultural resources assessment
- Geological and water resource assessment
- Air quality assessment and modeling
- Public participation and community outreach
- Environmental due diligence
- Community planning
- Noise analysis
- LEED facilities

SHN Consulting Engineers & Geologists, Inc.

SHN Consulting Engineers & Geologists, Inc. is a privately held California Corporation. Founded in 1979, SHN continues to meet the engineering and geologic needs of both public and private clients throughout the Pacific Northwest. More than 90 professional engineers, geologists, surveyors and environmental scientists enables the firm to offer a broad range of services to clients that seek to have integrated professional services provided by one firm.

At the heart of the firm's success is its commitment to excellence, the desire to provide meaningful work for its employees, and a passion for involvement in significant projects that contribute to a socially responsible, dynamic, and rewarding environment for clients, employees, and communities. SHN's specialized technical personnel include registered civil, chemical, geotechnical, and environmental engineers; registered geologists and engineering geologists; water resource engineers; environmental assessors; surveyors; planners; botanists; and biologists.

Thad M. Van Bueren, Professional Archaeologist

Mr. Van Bueren, M.A. RPA will conduct the archaeological study and prepare an Archaeological Survey Report. He is an archaeologist and historian with 35 years of professional experience in California. He began working in this field in 1978 and received a master of arts in anthropology in 1983. Mr. Van Bueren is registered as a professional archaeologist and qualified under the Secretary of the Interior's Professional Qualification Standards as an archaeologist and historian listed by the California Historical Resources Information System. His experience as a private consultant, state employee, and college instructor has contributed to his expertise in historic preservation law, regulations, and agency processes including CEQA and Section 106 of the National Historic Preservation Act.

Mr. Van Bueren offers a full range of professional services to those who need archaeological and other historical resource studies to address permit requirements for planned projects. Clients include private land owners, government agencies, nonprofit groups, environmental planning companies, architects and engineers, real estate agents, and tribes.

- Archaeological and Historical Resource Surveys (resource identification)
- Resource evaluation (determining if resources are significant and thus warrant protection or mitigation)
- Mitigation/data recovery (addressing impacts to significant resources)
- Management plans
- Interpretive products (exhibits, pamphlets, training seminars, etc.)
- Specialized analyses (radiocarbon dating, DNA analysis, obsidian sourcing and hydration, geophysical surveys, floral and faunal analyses, etc.)
- Mapping services (GIS, GPS, etc.)

B

Relevant Experience

B. Relevant Experience

Our environmental staff and technical team have experience in preparing project-level environmental analyses of coastal development and other visitor-serving projects.

We have performed numerous environmental analyses on projects ranging from coastal mixed-use proposals and major master plans of several thousand acres to individual coastal development permits. Our experience includes local coastal programs, hotels, and complicated mixed-use redevelopment projects. We understand the passion that many in the community bring to the planning process and will work with the City to provide an objective and understandable environmental analysis.

Large Commercial Development Experience

Michael Baker was recently awarded a multipart EIR to review three Dollar General stores in Nevada County. Our Project Director, Scott Friend, served as project manager and author on the projects outlined below. The projects required local and CEQA knowledge for successful completion of the environmental process.

- City of Orland – Extension of staff assistance in processing the application, design review, and preparation of a mitigated negative declaration (Grocery Outlet Store).
- City of Etna – Extension of staff assistance in processing the application, tentative map, and design review.
- City of Gridley – Extension of staff assistance in processing the application, use permit, and design review.
- City of Live Oak – Extension of staff assistance in processing the application and design review.
- City of Red Bluff – Extension of staff assistance in processing the application and preparation of a mitigated negative declaration (Grocery Outlet store included).

City of Pacific Grove, Sea Breeze Inn and Cottages Motel Additions IS/MND

Michael Baker prepared the IS/MND for the Sea Breeze Inn and Cottages Motel additions project, which would allow the addition of motel units, storage units, and offices at the Sea Breeze Inn and Cottages Motel in the City of Pacific Grove. The two motel sites are separated by thoroughfares and located within the scenic area of the city. The main project issues were visual resources, water supply, and transportation.

Key Staff: Florentina Craciun, Deputy Project Manager; Seth Meyers AQ/GHG/Noise Specialist, Joyce Hunting, Biological Resources

City of Pacific Grove, C-1-T Zone Condominium Ordinance Project IS/ND

Michael Baker prepared the IS/ND for the C-1-T Zone Condominium Ordinance Project, which involved the adoption and codification of the ordinance that would be codified as Title 23.32 of the City of Pacific Grove Municipal Code. The project would allow condominium development in Pacific Grove with an emphasis on the C-1-T (Light Commercial/Hotel/Condominium) district along with a variety of other light commercial and hotel uses. Allowing condominium development would help the City accomplish General Plan goals of adequately planning for growth while maintaining the city's character and aesthetics.

Key Staff: Florentina Craciun, Project Manager

City of Pacific Grove, Historic Pump House Demolition EIR

Michael Baker recently completed a Focused EIR for proposed demolition of a water pump house owned by California American Water. The structure, built in 1926, is a locally listed historic resource. In structural disrepair, the small building represented a blighted hazard to some and an important historic resource to others. The EIR contains an independent assessment by an architectural historian to place the resource in context and assess potential impacts if the building is removed. The project was completed on budget and on schedule, with compliments received from City staff. Key issues included aesthetic impacts on community character, cultural resources and biological resources.

Key Staff: Florentina Craciun, Deputy Project Manager; Seth Meyers AQ/GHG/Noise Specialist; Joyce Hunting, Biological Resources

City of Pleasant Hill, DeNova Homes IS/MND

Michael Baker is currently completing the DeNova Homes IS/MND. The project would construct 18 single-family homes and all associated improvements, such as roads and stormwater drainages, on approximately 9.8 acres. Residential lots would range in size from 6,030 to 11,556 square feet. The project site would be developed with one- and two-story homes, with four floor plan options. The project would increase the impermeable area on the project site. The existing site is 100 percent vegetated and permeable. The project would introduce 2.25 acres of impervious area (23 percent of the site) and 4.33 acres of graded slopes and landscape areas (44.2 percent of the site), and would preserve 3.22 acres of existing vegetated area (32.8 percent of the site). Key issues include grading on a slope, slope analysis, drainage pattern, aesthetics, recreation and transportation.

Key Staff: Florentina Craciun, Deputy Project Manager; Seth Meyers, AQ/GHG Specialist; Kit Custis, Geology/Slope Calculations; Tom Huang, Traffic/Transportation

City of Sunnyvale, Stratford School at Partridge Avenue EIR

Michael Baker recently prepared an EIR for a private school that would convert existing city facilities to a private school. The City deemed the site surplus and went through a bidding process to find the best bidder to meet the community's needs. The proposed project would include modernization of all existing buildings and improvements to meet any required ADA standards and fire codes. The school site is surplus property originally owned by the Santa Clara Unified School District and conveyed to the City of Sunnyvale in the 1960s. Major issues include traffic, recreation, and noise. The school was found not to be eligible for the California or National Registers, though the applicant will be refurbishing the facility.

Key Staff: Florentina Craciun, Deputy Project Manager; Seth Meyers, AQ/GHG/Noise Specialist; Joyce Hunting, Biological Resources

C

Key Personnel Qualifications

C. Key Personnel Qualifications

The staff members identified below form a team of dedicated environmental professionals available to the City of Fort Bragg. This team includes in-house CEQA and technical specialists.

Brief biographical sketches highlighting the qualifications and experience of key personnel are provided below.

Michael Baker International

Scott Friend, AICP, Project Director. Mr. Friend manages the planning services activities of Michael Baker's Chico office. With 20 years of professional experience, he is responsible for primary project management activities and provides technical review and oversight of office staff and projects. He specializes in current and long-range contract planning activities and the preparation and review of general plans and CEQA environmental compliance documents. Mr. Friend has provided principal direction and management on projects ranging from policy documents such as general and specific plans to implementation documents and programs such as zoning ordinance updates, design review programs, and planning program guidelines. He also manages and prepares the full range of CEQA and National Environmental Policy Act (NEPA) environmental compliance and review documents. His experience includes long-range and current planning activities for both public and private sector clients. He regularly provides direct staff support to various boards, councils, and commissions and has extensive experience in the preparation and presentation of visual and oral presentations to citizens, citizen bodies, and appointed and elected officials.

Florentina Craciun, AICP, Project Manager. Ms. Craciun is a certified planner with over six years of experience preparing CEQA/NEPA documents and permitting applications. She has managed environmental compliance for linear projects and urban development, including permitting and CEQA implementation. As part of her management role, she directed resource specialists in completing technical studies, including biological resources, hydrology analyses, and transportation and traffic. Ms. Craciun is experienced in compiling CEQA and permitting strategies and in guiding projects through the CEQA processes. She has conducted environmental review and compliance for a variety of projects, including urban development, rail, infrastructure, and park remediation projects. She has expertise in permitting strategies for projects to comply with federal, state, and local requirements. She has experience completing sensitive projects like areas under San Francisco Bay Conservation and Development Commission, as well as coastal towns like the City of Pacific Grove and San Luis Obispo County. She will serve as project manager, responsible for writing and document preparation as well as coordination and main point of contact.

Seth A. Myers, Air Quality/Greenhouse Gas Specialist. Mr. Myers has 10 years of experience and is an environmental planner and air quality/greenhouse gas analyst. He is involved in the preparation of initial studies/negative declarations, EIRs, and other CEQA documents. Mr. Myers has extensive expertise conducting both air quality and greenhouse gas analyses and possesses a comprehensive working knowledge of the associated regulatory environment. He is proficient in the use of CalEEMod, EMFAC2011, CALINE4, and other industry standard air quality and greenhouse gas analysis tools. As a certified arborist (ISA #WE-7501A), he also provides landscape and irrigation plan review for development and public works projects and performs hazardous tree assessments. He will conduct all air quality and greenhouse gas modeling.

Eddie Torres, Technical Specialist. Mr. Torres oversees and prepares environmental and planning studies for public and private sector clients under CEQA and NEPA. His responsibilities include staff training, public hearing presentations, and coordination of Michael Baker's extensive in-house team of experts, as well as various subcontractors. Mr. Torres draws on his broad background and understanding of environmental constraints to provide technical and CEQA compliance review and environmental documentation, in addition to research, analysis, and writing. He has managed a wide range of environmental planning projects, including environmental documents for land development projects, air quality studies, highly controversial hillside development projects, state-of-the-art visual analyses, facility siting, due diligence studies, and coastal development projects. Mr. Torres will work with the team to assist on visual and air quality analyses.

Joyce Hunting, Biological Resources and Habitat Planning. Ms. Hunting has 32 years of technical and practical experience working in California's diverse natural environments. Her experience includes preparing and managing the preparation of environmental documents that comply with the requirements of NEPA, CEQA, federal Endangered Species Act, California Endangered Species Act, California Public Utilities Commission, California Department of Transportation (Caltrans), Central Valley Flood Protection Board, and local jurisdictions. She also has expertise in the preparation of California Fish and Game Code 1602 Streambed Alteration Agreements, habitat conservation plans, natural community conservation plans, wetland delineation and restoration plans, biological resource assessments and mitigation programs, and implementation of habitat conservation and restoration plans. Her experience includes conducting public participation programs. Ms. Hunting will manage all biological services provided in support of the document.

Zico Saryeddean, P.E., PMP, LEED AP BD+C, Technical Specialist. Mr. Saryeddean has many years of experience applying engineering/construction management principles and practices to the development of infrastructure and utilities. He has managed over 500 projects which encompass site selection, site investigation, conceptual design, entitlement process, civil design, approval/permitting, construction management, QA/QC control, RFI, claims, change

orders, shop drawings, audits/civil inspections, and final certification. He has a verifiable track record for the successful management and completion of multimillion dollar projects within budget, on time, and per client requirements and expectations.

Kit Custis, Hydrogeologist. Mr. Custis has 33 years of experience in engineering geology and hydrology, including evaluation of slope stability, landslide hazards, seismic hazards, soil erosion, mine reclamation, groundwater and surface water contamination, water resources, water rights, stormwater pollution, fluvial studies of watersheds, and geophysical surveys. He has work experience in both private consulting and government.

Additional Staff Resources

The above list represents the staff which Michael Baker anticipates will be required; however, it is possible that the need for additional staff may arise. Therefore, Michael Baker may assign additional staff types as necessary to complete the services required for the project.

SHN

John H. Dailey, PE, GE, Senior Geotechnical Engineer. Mr. Dailey has more than 39 years of experience in geotechnical, civil, and environmental engineering while working with federal, state, and local regulatory agencies, as well as the private sector. His experience includes project management, subsurface geotechnical and environmental investigations, site remediation, plan and procedure development, specification and bid preparation, permitting, and subcontractor selection. Mr. Dailey's field experience includes excavation and drilling for geotechnical and environmental investigations, including soil and groundwater sampling; monitoring well design and installation; field and laboratory soil testing; and design and installation of remediation systems, including soil vapor extraction, pump and treat, and ozone sparging. Mr. Dailey has also performed investigations of landslides and structural damage due to landslides, settlement, undermined foundations, expansive soils and pavement evaluation and rehabilitation, with recommendations for repair to damage and correction of causes.

Giovanni A. Vadurro, CEG, Certified Engineering Geologist. Mr. Vadurro is a Certified Engineering Geologist with more than 16 years of professional experience in all aspects of geotechnical engineering work. He has worked on a wide variety of commercial, residential, and public sector projects. His geotechnical experience includes deep foundation systems, including piling, drilled piers, underpinning, and augers; development over settlement sensitive deposits; slope stability studies; landslide stabilization and mitigation; liquefaction potential and mitigation evaluations; and the identification and mitigation of surface fault rupture and earthquake-related hazards. Mr. Vadurro specializes in the application of Quaternary geology and geomorphology to geotechnical and geohazard evaluations and has conducted research-level studies of active faults throughout California, Nevada, and far east Russia pertaining to the siting of

critical facilities including nuclear waste repositories, and oil and gas pipelines. Mr. Vadurro is also experienced in surficial and bedrock field mapping with an emphasis on slope stability evaluations for hard rock and aggregate extraction.

Than Van Bueren

Mr. Van Bueren, M.A., RPA, has directed and reported on thousands of archaeological and historic resources investigations for diverse private, State, and Federal clients and employers throughout the western US over the past 38 years, conducting more than 250 archaeological and historic resources surveys in Mendocino County. His work has included surveys, evaluations of resource eligibility pursuant to state and federal criteria, and impact mitigation. His proximate local experience includes surveys of coastal access for the Hare Creek and Pomo Bluffs coastal access parks and surveys, evaluation and mitigation for the Fort Bragg coastal access park. His unique qualifications with regard to the physical, cultural, and regulatory environments of the current project make him the ideal candidate to carry out the cultural resources study.

D

References

D. References

The following is a list of four satisfied clients.

City of Pacific Grove: Projects include a Focused EIR for the demolition of a historic structure, and two initial studies for a hotel addition and a new zoning ordinance.

Anastazia Aziz, AICP, Senior Planner
City of Pacific Grove
300 Forest Ave., 2nd Floor
Pacific Grove, CA 93950
aaziz@cityofpacificgrove.org
(831) 648-3192

City of Sunnyvale: Projects include an EIR for the development of a private school that would reuse existing buildings, and the development of a Program EIR for a new Specific Plan.

Momoko Ishijima, Associate Planner
City of Sunnyvale
456 West Olive Avenue
P.O. Box 3707
Sunnyvale, CA 94088-3707
mishijima@sunnyvale.ca.gov
(408) 730-7532

City of Orland: Projects include large-scale developments in sensitive areas.

Peter Carr, City Manager
City of Orland
815 Fourth Street
Orland, CA, 95963
(530) 865-1603
citymanager@cityoforland.com

City of Pleasant Hill: Current project includes an IS/MND and analysis of previously prepared geotechnical studies, including slope analysis, biological resources studies, transportation and traffic and hydrological studies.

Jeff Olsen, Associate Planner
City of Pleasant Hill
100 Gregory Lane
Pleasant Hill, CA 94523
Jolsen@pleasanthillca.org
(925) 671-5206

E

Project Understanding, Approach, and Scope of Work

E. Project Understanding, Approach, and Scope of Work

The purpose of this section is to demonstrate our project understanding and expertise to conduct the environmental review for the Hare Creek Center. We deeply believe that documents should be judged by their quality and not quantity. As such, we will not regurgitate project knowledge that is available on the City of Fort Bragg's website. We will use this section to outline our goals for the CEQA process, and describe both our understanding of the project's uniqueness and our approach to successful completion of the CEQA process in light of such uniqueness. We understand the wealth of information available and we used that information to formulate our approach and goals.

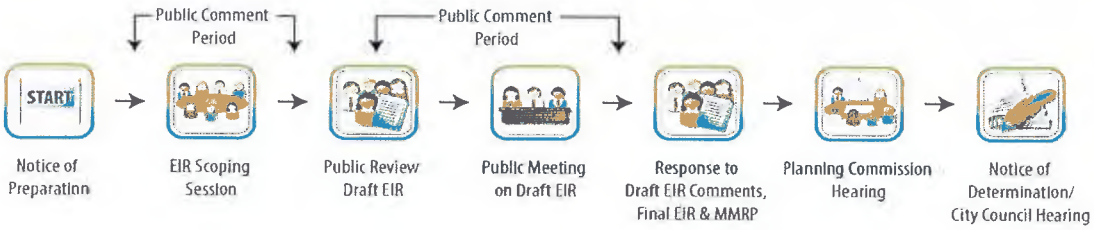
CEQA Process Goals

Before we dive into the heart of our expertise and our project understanding, we would like to outline our goals for the CEQA process and how our approach will help the City of Fort Bragg's outreach to its community. We see CEQA as part of the process for successful project completion and not as a hurdle that must be overcome. We bring this belief to the table through our interactions with the City, stakeholders, and the surrounding community. We believe that CEQA can be an extension of community involvement during the later stages of the project to enhance the community's understanding of the project. Through community outreach during the scoping process, we strive to clearly explain the "who," "what," "when," and "where" of CEQA to make it accessible, and not frustrating, to the general public.

CEQA Process Goals:

- Accessible
- Concise
- Not a hurdle but an opportunity
- Fortify role in the community
- Extension of community outreach

CEQA Process Explained



Project Understanding

While we like to showcase our project understanding, we believe that the best way to do so is not by repeating information readily available but by identifying project challenges and outlining our approach. Below is a brief description of the proposed project and the project area based on available data. A full project description will be developed as part of the EIR process. We understand that a revised project application is being developed by the applicant to address community concerns.

Group II Real Estate is proposing to develop a new shopping center, anchored by Grocery Outlet, at 1250 Del Mar Drive in the City of Fort Bragg. The new shopping center would include three buildings with a total of 29,500 square feet as follows: Building A with 15,000 square feet, Building B with 10,000 square feet, and Building C at 4,500 square feet. Associated improvements would include a new access road on the western edge of the property that would connect to Bay View Avenue and Ocean View Drive, a 99-space parking lot, loading zones, rainwater storage tanks, utility connections, drainage improvement, signage, landscaping, and pedestrian improvements. The total project area is approximately 2.42 acres and would be 3.16 acres upon approval of the lot line adjustment application. The project would front Highway 1 in the City of Fort Bragg and is located within the City's coastal zone.

The project site is located within the City's Coastal General Plan area and is currently vacant. The area is used for casual recreational activities like dog walking and community events, and is surrounded by a Frisbee golf park, College of the Redwoods, and Hare Creek. The topography of the project site is relatively flat with a small hillock in the center. Elevations range from 55 to 125 above mean sea level. The project area is mostly covered in nonnative grasslands and ruderal scrub. The area is visible from Highway 1, which, although not a designated State Scenic Highway, serves as the primary north-to-south roadway and a gateway to the city.

We understand the project's rich history, composed of multiple development proposals as well as previous CEQA and public outreach activities. We have reviewed all pertinent information and are ready to incorporate it as needed in the Draft EIR.

Project Challenges

The project has a long history in the community of Fort Bragg. From its original application to the City Council appeal, there are a few recurrent issues that we perceive to be the biggest challenges to successful project completion. These issues are briefly discussed to show our understanding of the project and the community.

Coastal Zone Location: The project area is located within the Coastal Zone, which poses specific challenges for the development. The project must comply with the City's Coastal Zone General Plan as well as other California Coastal Commission regulations. Before any development can be approved the City must find that the development conforms to the certified Local Coastal Program and other findings required by Section 18.71.040 of the Coastal Development Permit ordinance of the Coastal Land Use and Development Code. As such, we understand that the project should protect and enhance the goals associated with development within the Coastal Zone. In our environmental documents we will pay special attention to issues like grading and water quality, aesthetics, land use planning and conformity with regulations enacted to protect the environment, as well as biological resources. We will also clearly discuss our findings with the City and other responsible agencies, to ensure that there are no surprises when the document gets published for public review.

Community character and viewsheds: From our experience working with big and small communities alike, community character is something that can bring people together and divide them at the same time. Fort Bragg identifies itself as a small rural community with natural beauty and as a place that people want to live and visit. As such, access to scenic and recreational resources is important to maintaining such character. The project area is located within a Scenic Review area and would require a Visual Analysis and a Coastal Development Permit. Our technical specialists will look at the project and its potential to impact viewsheds within the project area, and clearly define its impact on community character. During the public scoping process we will ask the community to define itself, to identify important views in the project area, and identify key issues as they pertain to visual resources. Our analysis will take into consideration the feedback received during the public scoping process as well as during the previous public meetings.

Water Supply: California is in the midst of a multiyear drought. It has yet to be seen if the recent rains brought by El Nino have replenished reservoirs and aquifers alike. As such, we have to pay special attention to water resources, their availability, and how they are used. Water availability came through loud and clear as an issue of concern to the citizens of Fort Bragg regarding this project. The health and wealth of the City's water supply will be part of our analysis. Michael Baker has experience completing EIRs where water supply became a focal point for decision-makers. Despite the findings in the Initial Study regarding water supply, we anticipate that long-term water issues will continue to be a central point of discussion as the project nears implementation. For this reason, we will prepare an updated water supply assessment and update the groundwater recharge and water balance evaluation study. Michael Baker has experience not only in preparing such studies but we also keep track of published court cases, and current litigation and pending decisions as they relate to water supply issues and CEQA.

Project Challenges:

- Community character
- Viewshed impacts
- Water supply
- Archeological resources
- Economic impacts

Archaeological/Geoarchaeological Resources: Because of the area's established rich history, there is a potential at the site for prehistoric and historic-period archeological resources. During the initial tribal consultation, the Sherwood Band of Pomo Indians requested consultation during construction. As such, we believe that special attention needs to be paid to these resources. Our specialists are fully equipped to provide documentation to support the compilation of the focused EIR. We are partnering with Thad Van Bueren, a local archeologist, to complete this task, to ensure we capture all local nuances.

Economic Impacts on the Surrounding Business Community: Although this is not a CEQA issue per se, we wanted to make sure we outline it due to its importance to the community. We appreciate the City's studies underlined in the staff report regarding this issue. At the City's request, we can provide services to augment the City's studies regarding the economic impact of the proposed project.

Project Approach

"Least-First" Project Approach to CEQA Compliance

Expediting a schedule within the CEQA process really comes down to three basic elements: proper scoping, staffing, and scheduling.

Every local, state, and federal agency has a nuance or two that must be addressed for them to accept the analysis. We ask questions first, learn as much as we can about the project description, then scope the assignment appropriately.

This eliminates last-minute surprises, opens communication early in the project, and minimizes the need to change scopes, budgets, or timelines.

The least-first approach also applies to the preparation of an initial study or EIR. During our initial review, we will focus on the issues applicable to the project (i.e., how the existing documents addressed environmental issues and what are the main concerns of the community), rather than simply following the CEQA Appendix G checklist. We can configure the project team to bring only the necessary resources to the project. This ensures that the City pays only for those personnel essential to the project, and we will only assign qualified staff members who have time to commit to the assignment.

Finally, project management and experience with CEQA processing schedules is essential. With our detailed scope of work, we will work out a timeline for each task in the process, including mandated public review periods and assumptions for internal City review and comment on documents. Our project manager will review the schedule in detail with City staff, so that all parties are clear on the process and expectations.

At every stage, we will work with the City to ensure that the lessons of previous projects are addressed. The least-first approach does not imply a shortcut, simply a professional ideal of doing only what is necessary. CEQA supports this approach and has a section called "reducing delay and paperwork." While not always possible, we will always look to prepare a negative declaration or mitigated negative declaration first, before recommending an EIR.

Communication

We also have video conferencing ability so we can all be in the same room while sitting at our desks.

We provide regular updates to City staff so that there is seldom a question of where the project is in "the process." Regular meetings, conference calls, and update memoranda ensure that the project team is moving forward and that issues get resolved quickly. Although we are located in Oakland, impromptu meetings are not a problem as we are mobile and love driving up the coast. We usually schedule regular conference calls, e-mail agendas, and assign follow-up tasks based on information exchanged during the calls. The status of the project schedule and budget is reviewed on every call, and summaries of the calls are e-mailed to all participants. For example, on a recent project in Gilroy, this method of coordination and communication helped the City to certify an EIR and gain approval for a major distribution center in a nine-month time frame.

Project Management

We approach every project with two key thoughts. First, we don't get paid by the word. Adding words and technical reports that kind of, but don't precisely, address the issue will not help if the project is challenged. Excessive text increases the likelihood of inconsistencies, and producing too many reports adds to confusion for the reviewer and becomes a nightmare when preparing the administrative record. Certainly the environmental document needs to be technically accurate and of sufficient length to address relevant issues, but above all it must be clear and concise. There is always value in reviewing existing documents, but if they do not pertain to the project, the issue, or the impact, they should be left out of the final product. A lengthy list of references is not a surrogate for a properly prepared technical study that actually addresses the issue.

Second, we remind ourselves that the environmental document and associated technical studies are not the project. The environmental documentation is only one piece of information presented before taking action on the project. The environmental documentation must accurately reflect the project and provide a clear recommendation for the decision-making body. Conditions of approval, design aspects of the project, and other information will affect discussion of the project, but unless the information addresses an environmental issue, it must be left out of the environmental document.

This sounds simple, but many people will want the environmental document to make the decision for them, include information that isn't relevant, or have the environmental document support the project. They may be indignant if the document doesn't support their decision or include their mitigation ideas. The environmental document should remain an objective informational document that analyzes and solves environmental impacts anticipated for the project.

We maintain our own accounting department, with an accounting staff person assigned to each project. Weekly budget reports are provided to the project management team to provide up-to-date status of staff hours and budget status. Our software allows the manager to determine the budget and work effort on a weekly or even daily basis if necessary. As part of our coordination efforts, we will review the budget and discuss any scope changes or new information that emerges as the project develops.

Quality Control

To ensure document quality, we conduct the following steps:

1. Senior technical staff review all technical reports and analyses by topic (e.g., biological resources director and principal land use planner) for technical accuracy and completeness.

2. After technical sections are approved by senior staff, they are reviewed by the project management team for accuracy in addressing the project specifics, meeting client expectations, and compliance with the scope of work.

3. Following project management review, technical sections are reviewed by our senior environmental quality control staff, who review for adequacy associated with current case law and as a set of "clean eyes" since this staff is not directly working on the project.

4. Final review is completed by our technical editor, who checks for consistency in use of terms, facts, references, grammar, spelling, and document format.

We will provide electronic copies of all technical reports relied upon for the analysis. All web-ready documents will be compliant with the Americans with Disabilities Act.

Because we are known for being an extension of staff and for facilitating group meetings, we will ensure a collaborative but independent analysis. It is imperative that the technical studies evaluate the whole of the project (on- and off-site impacts) as well as all of the project features. It is also essential that the resulting report describe the impacts of the project included in the environmental document. We ensure references are actually needed and accessible should the document be challenged. We also ensure any mitigation measures are both reasonable and within the capabilities of the agency to implement.

Once the environmental document is prepared, we first review it to make sure it meets our standards for thoroughness and content. After our review, we will forward it to the City for review and comment. We also like to meet with staff once the environmental document has been reviewed to resolve any issues or concerns. For efficiency, we will reuse relevant text from similar environmental documents, particularly for information that does not change often (e.g., regulatory setting). However, all text that is reused is carefully reviewed for all project-specific, local issues, or relevant information.

Technical Approach

We believe in building on existing knowledge to create better environmental documents. As such, the environmental document would build on some of the lessons learned during the previous CEQA and outreach process. We will employ the following techniques to make sure that we provide the best CEQA services while serving the community.

Assessment and Utilization of Existing Documentation: We understand that a wealth of information is available for the project, as outlined on the City's website. The existing information in some cases may be outdated. Our experts will review all information including the Initial Study/Mitigated Negative Declaration, Traffic Study, Water Modeling Study, Geotechnical Study, Coastal Act Compliance report, and other studies. These studies will be updated as necessary by our technical experts. We believe that the geotechnical report and the groundwater recharge reports will need to be updated and we included such updates as optional tasks in our proposal. Further, because so much data is available for the project area, the team feels confident that we can streamline the schedule to comply with CEQA. We will incorporate by reference existing documents (CEQA Guidelines Section 15150) and draft an EIR that covers the project area. This would eliminate repetition of effort and keep the project on an expedited schedule.

Type of EIR and CEQA Review: As a wealth of information is readily available and an Initial Study has been prepared, we propose a Focused EIR. Unlike typical EIRs that provide in-depth analysis on a broad range of subjects, this EIR can focus primarily on impacts that we believe could be potentially significant such as aesthetics, cultural resources, air quality and GHG emissions, water quality and resources. We will use the existing Initial Study to scope out areas that would not be impacted, such as agricultural or mineral resources. Such a limited-scope or Focused EIR would allow us to use previous information to the maximum extent, while focusing our analysis on project-specific impacts. It would also allow us to home in on the community's concerns and pay attention to the project's unique circumstances outlined above.

We will use existing documentation and produce a Focused EIR. This will allow us to concentrate on the most important issues outlined by the community.

Scope of Work

The following is our proposed work program to prepare an EIR and help the City of Fort Bragg comply with CEQA for the Hare Creek Center. We welcome the opportunity to discuss this work program and refine it both initially and as the project proceeds. This scope of work is adapted from the scope included in the RFP to outline the tasks that will drive the project. We have identified which tasks corresponds to the City's identified scope of work. Some tasks are condensed and combined to emphasize that some tasks happen concurrently and under bigger umbrellas. For example, we believe that consulting with state agencies and public scoping meetings should happen early on in the process; as such, this is presented under Task 1.

Task 1: Project Initiation, NOP, and EIR Scoping Meeting (RFP tasks 1, 2, 6 and 7)

This task consists of all actions necessary to begin environmental documentation, including an initial meeting and consultation with the City of Fort Bragg to confirm the scope assumptions and key issues, collecting and reviewing all background information and relevant policy documents, authorizing any technical studies, and conducting a thorough site visit. We will also confer with the project proponents as needed to obtain additional project background. We will set up meetings with responsible agencies to discuss the project and their concerns. The agencies would include the Coastal Commission, the State Water Resources Board, Caltrans, State Historic Preservation Officer, and the North Coast Regional Water Quality Control Board. These meetings would be in person or conference calls and would include City representatives.

Following the initial meeting with the City, we will draft the Notice of Preparation (NOP) for City review. Any final edits will be made to the NOP and the final version will be prepared for City distribution. The City of Fort Bragg will submit the NOP to the State Clearinghouse and any other appropriate party.

Given the level of public scrutiny, we recommend conducting a public scoping meeting. Michael Baker's project director and project manager will assist City staff in conducting a scoping meeting for the project. We will prepare presentation materials, take notes, assist in meeting facilitation, and develop a comment summary for the EIR. Michael Baker has a public outreach and facilitation group, and we can provide additional information regarding our available staff resources and expertise, at the City's request. Many different styles of scoping meetings allow for input while avoiding grandstanding or intimidation of meeting participants. We can work with the City to ensure the scoping meeting is both useful and cordial. Based on that input, the scope of work may or may not warrant minor modification to respond to environmental concerns that may have been raised.

Task 2: Review Technical Documents and Prepare Technical Studies* (RFP tasks 3, 4 and 5)

As part of this task, we will formally review the existing material to confirm what remains valid and useful for the current effort. We will critically evaluate the existing documentation, considering the need for the EIR to withstand heightened scrutiny from the public, and possibly legal challenge, and the time that has elapsed since the original documents were prepared. We will provide a written explanation of our determination whether to use, augment, or replace the reports and studies for this EIR. All technical information will be incorporated in the environmental document and will serve as the basis for the environmental analysis.

**We will prepare new technical reports as needed; these reports are included as optional tasks.*

Task 3: Administrative Draft EIR (ADEIR) (RFP tasks 8 and 9)

Introduction, Executive Summary, and Project Description

The Introduction will briefly describe the extent of CEQA analysis, environmental resource areas that were scoped out during the Initial Study process, the purpose of the EIR, its intended uses, and a request that the comments be restricted to the subjects addressed in the analysis.

The Executive Summary will provide a succinct synopsis of the environmental analysis. This summary will include a brief project overview, a list of project-specific objectives, a summary of significant environmental effects, and mitigation measures that would reduce or avoid those effects. Project impacts will be organized in a table format that clearly identifies any mitigation measures, level of significance after mitigation, and any significant and unavoidable impacts.

The Project Description will describe the site's location, property ownership, historic and current uses and condition, project history, roadway and infrastructure needs, project objectives, a list of agencies that are expected to use the EIR, permits and other approvals needed for the project, and other federal, state or local regulatory requirements, if any. This section will include graphics to illustrate the site and the proposed project.

Environmental Analysis

The following resource areas are expected to be included in the EIR as separate analysis chapters.

Aesthetics/Visual Resources. We will analyze potential impacts relative to future project visibility from surrounding locations and public viewsheds. We will develop a narrative describing the

surrounding community's character and the potential project impacts on sensitive viewers and viewsheds. We will use existing and updated architectural renderings to evaluate the project's impacts on State Highway 1 and the surrounding community. We will also discuss temporary visual and aesthetic impacts from project construction; however, any such temporary effects are not anticipated to be significant. The EIR will discuss any applicable design guidelines or other requirements that are in place to ensure high quality and visually appealing development. Although the Initial Study dismissed nighttime lighting, we will look at the new project plans and determine if this topic will be analyzed further in the EIR.

Air Quality. The City of Fort Bragg is located in the North Coast Air Basin and is within the jurisdiction of the Mendocino County Air Quality Management District (MCAQMD). The analysis will describe federal, state, and MCAQMD ambient air quality standards applicable to the proposed project, as well as the current status of air quality planning programs. Mendocino County is designated attainment or unclassified for all air quality standards except the state standards for particulate matter less than 10 microns in size (PM_{10}). For the CEQA documentation, we will conduct an air quality analysis of the proposed project. We will base our air quality impact analysis on the project area's recommended methodologies and thresholds of significance, including those documented in the CEQA Air Quality Handbook as well as any measures required by the Coastal Land Use and Development Code. We will quantify short- and long-term operational emissions associated with the project using the California Emissions Estimator Model (CalEEMod). CalEEMod is a statewide land use emissions computer model designed to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects.

Biological Resources. The project area is currently vacant and is used for short-term parking, community events, and recreation and dog walking activities. WRA Environmental Consultants prepared a Coastal Act Compliance Report in 2014, which assessed the project's potential impacts on biological resources. Michael Baker biologists will conduct a site reconnaissance and initiate a protected species database query to establish existing conditions and the potential for the presence of any special-status species at the site. The site visit and data base searches will help verify WRA's work. We will prepare a biological resources memo to verify and supplement, as needed, the 2014 report. Mitigation will likely require preconstruction surveys to confirm the absence or presence of any protected species prior to physical impacts to the environment.

Cultural and Historic Resources. Michael Baker cultural resources staff will conduct a database search through the Northwest Information Center and perform an archaeological site reconnaissance to assess potential impacts under CEQA. The project area has been previously surveyed and consultation with Native American tribes was conducted under AB 52. Michael Baker cultural staff will prepare a report to detail the findings of the archeological survey and will also help the City with its Native American tribal consultation requirements. Thad Van Bueren will assist with the

preparation of this section to ensure we capture all local nuances. Mitigation measures shall be tailored to protect sensitive resources in the project area.

Geology and Soils. We will address the site's suitability for development on readily available data from published sources and other nearby projects, as well as an updated Geotechnical Report. Development of the project site will involve grading activities, which may result in increased rates of soil erosion and subsequent sedimentation. For this analysis, we will describe the project site's soil conditions and identify any information regarding seismic or liquefaction hazards as documented in the readily available documents. We will evaluate potential impacts due to grading and soil erosion. We will propose mitigation measures for any significant impacts associated with geologic or seismic hazards.

Climate Change and Greenhouse Gas (GHG) Emissions. We will quantify the GHG emissions of the proposed project and compare them with the potential GHG emissions resulting from the existing County zoning designations. Since the MCAQMD currently has no adopted threshold of significance for GHG emissions and has previously approved the use of Bay Area Air Quality Management District's (BAAQMD) threshold, we will compare estimated project-related GHG emissions to the BAAQMD thresholds. We will identify appropriate actions the proposed project must include to mitigate its impacts with regard to GHG emissions. Mitigations proposed as a part of the environmental analysis will also be quantified to show the reduction potential of individual measures.

Hydrology and Water Quality. This section typically discusses water quality standards, possible alteration of drainage patterns, flooding, and the potential tor surface water pollution from construction and operation of the project. The project would require the preparation of a Stormwater Pollution Prevention Plan and compliance with Program OS-2.2.2, which is specific to development that may impact Todd Point. We will prepare an updated Groundwater Recharge and Water Balance Evaluation study, a new drainage study, and an updated water supply assessment. These studies will help us tailor mitigation measures for the project.

Land Use and Planning. We will analyze the project for consistency with local, regional, and state land use programs and plans. Due to the project's location within the Coastal Zone attention will be paid to policies specifically enacted to protect the coastal zone. We will analyze the project's consistency with the Coastal General Plan, the Coastal Act, and other regulations regarding development.

Noise. In the noise impact analysis, we will include a description of the existing noise environment, including nearby noise sources and noise-sensitive receptors, based on existing environmental documentation and a review of site reconnaissance data. We will describe relevant background information, including noise fundamentals, descriptors, and the applicable federal, state, and local regulatory framework. We assume that existing data is available and that no new noise measurement surveys will be required. To assess potential construction noise impacts, we will identify sensitive

receptors and their relative exposure to the proposed project area, considering topographic barriers and distance. We will determine the noise levels of specific construction equipment and will calculate resultant noise levels at nearby receptors.

We will assess long-term transportation and stationary-source noise impacts attributable to the project. As part of this analysis, we will calculate predicted traffic noise levels using the FHWA roadway noise prediction model, based on data obtained from the traffic analysis prepared for the applicant. We will summarize and present the predicted distances to traffic noise contours, as well as increases in traffic noise levels attributable to the proposed project, in tabular format.

We will quantitatively assess noise sources commonly associated with the proposed project that could adversely affect nearby noise-sensitive land uses. We will recommend noise-reduction measures, to the extent applicable and necessary.

Public Services. For this section we will concentrate on provision of fire and emergency services in the project area. We will consult with the Fort Bragg Fire Department and Fire Marshal regarding emergency access, fire code requirements, and service response times.

Utility Systems. For this section, we will evaluate impacts on utility systems in the City of Fort Bragg. Impacts will look at wastewater treatment capacity and special attention will be paid to water supplies, water treatment facilities, and water resources. The new water supply assessment will aid in the preparation of this section and we will work with the City in tailoring appropriate and feasible mitigation measures, as needed.

Recreation. This section will evaluate the potential impacts on existing park and recreation facilities. Because the area is currently used informally for recreational purposes, we will provide a discussion of such use and Michael Baker staff will conduct an informal survey of users. We will make sure to note that impacts will focus on any significant physical effects that could occur to existing facilities, or impacts caused by the development of new facilities to meet local standards.

Transportation/Traffic. Michael Baker staff will review the traffic study prepared by GHD and prepare a memo to augment the traffic study as needed. We will check the methodology as well as the findings and will prepare mitigation measures as needed. Special attention will be given to pedestrian and bicycle traffic in the project area and we will work with the City to find ways to enhance such access.

Cumulative Analysis

The cumulative analysis will be structured to determine the geographic scope of other similar projects that may be applicable. For each resource area the cumulative section will clearly define the impact area and its regional reach. Each technical section will contain an assessment of cumulative effects.

Alternatives

Once the impacts have been assessed, we assume preparation of up to two CEQA alternatives to the project, in addition to the No Project alternative. These alternatives will be designed to reduce any impacts found to be significant and must meet most of the project objectives. Alternatives could include project variations from the development of a smaller shopping center to a mixed-use office and retail center.

Other CEQA Required Sections

We will also address growth inducement, significant irreversible effects, and significant and unavoidable impacts of the project as required by CEQA, as well as identify report preparers.

Task 4: Publish Draft EIR (DEIR) (RFP Tasks 10 and 11)

Upon receiving comments on the ADEIR, we will meet with City staff and go over comments and resolve any outstanding issues. A screencheck DEIR in highlighted text for changes will be provided to confirm edits with the City, along with a clean version (no track changes) for final review.

We will prepare both hard copies and electronic copies and deliver them to the City, as requested in the RFP. At the City's request, we can also deliver 15 of those copies to the State Clearinghouse with the Notice of Completion to begin the 45-day public review period. Michael Baker typically provides all technical appendices, as well as a PDF of the document, on a CD included with each printed copy. All documents are suitable for posting on the City's website. We will prepare the Notice of Completion and assist in the preparation of the Notice of Availability that will explain the review process of the DEIR pursuant to CEQA.

We will participate in the joint City Council and Planning Commission meetings.

Task 5: Final EIR and MMRP (RFP Tasks 12, 13, 14, 15 and 16)

At the conclusion of the 45-day public review period, we will scan each comment letter, number each comment, and group common questions or comments and recommend master responses for those groups of comments. We will prepare a summary table identifying persons and agencies that commented, a copy of each comment letter with a code assigned to each comment, a response to each comment, and an errata section containing any text revisions. Our staff will coordinate with City staff and technical staff to address public and agency comments.

We will provide an Administrative Draft FEIR for City review. We will then provide a screencheck draft of the FEIR electronically to the City for final review.

As a related task, the FEIR will include the Mitigation Monitoring and Reporting Program (MMRP) pursuant to Public Resources Code Section 21971.6, as a separate chapter. The MMRP will be completed as mitigation measures are finalized, and will identify all reporting and monitoring responsibilities.

We will also include required findings as requested by CEQA. We will provide an Administrative Draft of the Findings for City review and a screencheck draft will be provided electronically.

Task 6: Meetings (RFP Tasks 1, 6, 7, and 13)

Our CEQA project manager and/or project director will participate in up to five in-person staff-level meetings. We also anticipate at least one meeting with Coastal Commission staff. We assume participate at one joint Planning Commission/City Council meeting, one public hearing and one scoping meeting. More meetings can be scoped as needed. We also have experience with project appeals and responding to such appeals on an as-needed basis.

F

Budget and Schedule of Charges

F. Budget and Schedule of Charges

Budget Notes

Final EIR Task assumes 25 letters up to 5 pages each. For any additional letters the hourly rate would be $195 for both Project Manager Florentina Craciun ($120) and Assistant Planner ($75). We understand that the City received over 100 comment letters on the IS/MND for the project. Upon reviewing some of the comment letters available on the City's website we are confident that master responses could be tailored to address many community concerns. Master responses would allow us to expedite the Final EIR process and keep within budget and schedule.

Meetings Task assumes up to five in person staff level meetings, one meeting with Coastal Commission staff, one joint Planning Commission/City Council meeting, one public hearing and one scoping meeting. For additional meetings please assume a $255 hourly rate for Scott Friend, Project Director and $120 for Florentina Craciun, Project Manager.

Michael Baker
INTERNATIONAL

Tasks*	Senior Technical Specialist	Project Director	Senior Geologist	Senior Cultural Resources Mgr	Project Manager	Senior Planner	GIS/ Graphics	Technical Staff	Asst Planner	Tech Editor	Admin Support	Total Michael Baker Hours	Total Michael Baker Labor	Direct Costs	Total Budget
	$210	$135	$165	$130	$120	$120	$100	$125	$75	$85	$65				
1. Project Initiation, NOP, and EIR Scoping Meeting		2			25		8		8	2	2	47	$4,970	$300	$4,970
2. Review Existing Technical Studies*	8	2	10	8	10	25	5	16	10	4		98	$12,430		$12,430
3. Administrative Draft EIR		4	5	5	40	4	8	50	90	10		216	$21,945	$2,500	$21,945
4. Publish DEIR		2			10				30	4	12	58	$4,840	$900	$4,840
5. Final EIR and MMRP*		4	2		20	2	2	4	40	8	12	94	$8,670	$1,000	$8,670
6. Meetings*		8			30						2	40	$4,810	$300	$4,810
Direct Costs*													$-		$5,000
Subtotal	**8**	**22**	**17**	**13**	**135**	**31**	**23**	**70**	**178**	**28**	**28**	**553**	**$57,665**	**$5,000**	**$62,665**
Optional Task: Technical Drainage Study															$20,400
Optional Task: Groundwater Recharge Study															$34,800
Optional Task: Water Supply Study Update															$13,500
Optional Task: Geotechnical Services															$14,600
Optional Task: Archaeological Report															$3,850
Total															**$149,815**

The above per-task costs are based on our best estimate of time needed. Actual time spent on individual tasks may not meet or may exceed such estimates. Michael Baker International reserves the right to transfer unused budget from one task to another if necessary. The total estimated budget will not be exceeded without proper authorization from the client.

G

Work Schedule

G. Work Schedule

Project Schedule

Michael Baker International is prepared to kick off the project immediately after contract award and will mobilize the resources needed to meet the City's needs. The schedule assumes that Michael Baker receives notice to proceed by March 15, 2016. We will work diligently to meet our schedule and to expedite it whenever possible. The schedule may be refined based on scope negotiations with the City and a more detailed review of work tasks and assumptions. The schedule can include extra scoping meetings and outreach for the project.

Upon project initiation we will prepare a detailed schedule for your review, and we are fully prepared to implement flexible work scheduling to meet the needs of the project.

Phase	Task	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan, 2017
Initial Scoping and Analysis*	Review Existing Documents and Prepare Project Description	✓	✓									
Technical Studies	Review Existing Studies	✓	✓									
	Prepare Technical Studies		✓	✓								
Environmental Documentation	Notice of Preparation and Scoping Meeting		✓	✓								
	Administrative Draft EIR			✓	✓	✓	✓					
	Print-Check Draft EIR						✓	✓				
	Draft EIR (includes 45 days public review period)								✓	✓		
	Administrative Final EIR										✓	✓
	Print-Check FEIR											✓
	FEIR, CEQA Findings										✓	✓

*We assume coordination meetings with City and responsible agencies will be ongoing.

H

Sample Work Product

H. Sample Work Product

Please find on enclosed CD two sample work products:

1. City of Pacific Grove Focused EIR – Florentina Craciun served as the Deputy Project Manager and produced the Focused EIR. She authored the Initial Study to focus out resource areas, authored all of the sections by using technical reports prepared by technical specialists, including cultural resources. Ms. Craciun managed the public scoping meeting, budget and schedule. The EIR was delivered on time and on budget. The pump house was demolished and the City of Pacific Grove is currently preparing the memorial plaque.

2. Nevada County, Higgins Center Commercial Development EIR – Scott Friend served as the Project Manager for this project, which included the annexation of 19.63 acres and the construction of a Pilot Flying J Travel Center. Mr. Friend managed the project, the technical experts as well as junior planners. He communicated with responsible agencies as needed and guided the City through the annexation process.

Insurance

I. Insurance

Michael Baker is a large firm and carries large amounts of insurance which will more than adequately provide protection to all of our clientele. Except for minor clarifications explained under the Consultant Agreement Section of this proposal, we will easily be able to comply with the insurance needs of the City of Fort Bragg.

J

Consultant Agreement

J. Consultant Agreement

Michael Baker appreciates the opportunity to preview the consultant services agreement that will be utilized by the City for this project and provide any comments. We have contracted on thousands of projects over our 75-year history and are confident in our ability to come to mutually acceptable terms with the City of Fort Bragg. Upon selection of this proposal, we would respectfully request review and consideration of the comments and requested changes shown in "tracked changes" in the following pages of the City's contract.

ATTACHMENT 2

PROFESSIONAL SERVICES AGREEMENT

AGREEMENT

This Agreement is made and entered into this _____ day of _____, 2015 by and between the City of Fort Bragg, a California Municipal Corporation, 416 N. Franklin Street, Fort Bragg, California, 95437 ("City"), and ____name/address_____, a _____, ("Consultant").

RECITALS

WHEREAS, City has determined that it requires the following professional services from a consultant: to _____; and

WHEREAS, Consultant represents and warrants that it is fully qualified to perform such professional services by virtue of specialized experience and training, education and expertise of its principals and employees. Consultant further represents that it is willing to accept responsibility for performing such services in accordance with the terms and conditions set forth in this Agreement; and

WHEREAS, the legislative body of the City on _____, 2015, by Resolution No. _____-2015 authorized execution of this Agreement on behalf of the City in accordance with Chapter 3.20 of the City Municipal Code and/or other applicable law;

NOW, THEREFORE, City and Consultant, for the consideration hereinafter described, mutually agree as follows:

1. DESCRIPTION OF SERVICES OR SCOPE OF WORK

The services to be performed under this Agreement ("Services") are as follows: _____. The Services are further described in Consultant's proposal (the "Proposal"), which is attached to and made a part of this Agreement as Exhibit A.

2. TERM

The Agreement term will commence on _____ and expire on _____ unless the Agreement term is amended or the Agreement is terminated in accordance with its terms.

3. PAYMENT TERMS AND NOT TO EXCEED AMOUNT

Commented [WP1]: We respectfully request a measurable timeline for processing of invoicing.

City agrees to pay Consultant for Services within thirty (30) days receipt of a properly submitted invoice that are actually performed in accordance with this Agreement. To be eligible for payment, Consultant invoices must be submitted not more often than monthly to the City and list the Services performed and the

amounts to be paid according to the cost categories and prices in the Proposal. In no event will the City's obligation to pay the Consultant under this Agreement exceed $_____ (the "Not to Exceed Amount"), unless this Agreement is first modified in accordance with its terms. Where the Proposal provides for compensation on a time and materials basis, Consultant must maintain adequate records to permit inspection and audit of Consultant's time and material charges under this Agreement. Consultant will make such records available to the City during normal business hours upon reasonable notice. In accordance with California Government Code § 8546.7, if the Not to Exceed Amount exceeds TEN THOUSAND DOLLARS ($10,000.00), this Agreement and the Consultant's books and records related to this Agreement shall be subject to the examination and audit of the State Auditor, at the request of City or as part of any audit of the City, for a period of three (3) years after final payment under the Agreement.

4. TIME OF COMPLETION

Consultant must commence performance of the Services upon receipt of written direction to proceed from City. Consultant shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided in Section 7 below and to satisfy Consultant's obligations hereunder. Consultant will complete the Services in accordance with this Agreement by _____ (the "Time of Completion"). The Time of Completion may only be modified by an amendment of the Agreement in accordance with its terms.

5. INDEPENDENT CONTRACTOR

Consultant and City agree that the Consultant will perform the Services as an independent contractor and not as an employee or agent of the City. Persons employed or utilized by Consultant in the performance of the Services will not be employees or agents of the City. Consultant is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes.

6. SUBCONTRACTING

Commented [WP2]: Here and in other sections of the contract, whenever approval of a party is needed, we ask for this addition.

Consultant may subcontract portions of the Services upon the prior written approval of the City, which shall not be unreasonably withheld, delayed or conditioned. Consultant will be solely responsible for payment of such subcontract Services. No contractual relationship will exist between any such subcontractors of the Consultant and the City.

Subcontractor agrees to be bound to Consultant and City in the same manner and to the same extent as Consultant is bound to City under the Agreement. Subcontractor further agrees to include the same requirements and provisions of this Agreement, including the indemnity and insurance requirements, with any sub-subcontractor to the extent they apply to the scope of the sub-subcontractor's work. A copy of the City indemnity and insurance provisions will be furnished to the subcontractor upon request.

ATTACHMENT 2

7. STANDARD OF PERFORMANCE

Commented [WP3]: We request clarifying terms as shown.

a. Consultant will perform the Services in the manner and according to the standards observed by a competent practitioner of the profession in which Consultant is engaged in the geographical area in which Consultant practices its profession and will prepare all work products required by this Agreement in accordance with such standards. Consultant will comply with federal, state and local laws and regulations applicable to performance of the Services, including but not limited to, the California Building Standards Code as in effect in the City, the Americans with Disabilities Act, any air pollution control laws and regulations applicable to Consultant, and any laws and regulations related to any copyright, patent, trademark or other intellectual property right involved in performance of the services. Consultant's Failure to comply with any law(s) or regulation(s) applicable to the performance of the services hereunder shall constitute a material breach of this agreement.

b. Consultant shall assign only competent personnel to perform services pursuant to this Agreement. In the event that City, in its ~~sole~~ reasonable discretion, at any time during the term of this Agreement, desires the reassignment of any such persons, Consultant shall, ~~immediately~~ promptly upon receiving notice from City of such desire of City, reassign such person or persons.

8. OTHER GOVERNMENTAL REGULATIONS

To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, Consultant and any subcontractors shall comply with all applicable rules and regulations to which City is bound by the terms of such fiscal assistance program.

9. USE OF RECYCLED PRODUCTS

Consultant shall endeavor to prepare and submit all reports, written studies, and other printed material on recycled paper to the extent it is available at equal or less cost than virgin paper.

10. INDEMNITY

Commented [WP4]: Michael Baker will be responsible for its errors, but cannot take responsibility for the actions of parties outside our control. Additionally the most important insurance policy to our clientele and our firm is our professional liability policy which provides coverage the to the extent of the policy-holders negligence and does not provide defense for parties outside of the policy-holder. The requested changes are to make this section insurable and more reasonable as regards excess liability.

~~To the maximum extent permitted by law,~~ Consultant shall, ~~at its own expense,~~ indemnify~~, defend with counsel acceptable to the City, (which acceptance will not be unreasonably withheld),~~ and hold harmless City and its officers, officials, employees, agents and volunteers ("Indemnitees") from and against any and all liability, loss, damage, claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, civil penalties and fines, expenses and costs (including, without limitation, claims expenses, reasonable attorney's fees and costs and fees of litigation) (collectively, "Liability") of every nature, ~~whether actual, alleged or threatened, arising out of or in connection with~~to the extent caused by any negligent act, error or omission of Consultant in performance of the Services or Consultant's negligent or willful failure to comply with any of the terms of this Agreement~~, regardless of any fault or alleged fault of the Indemnitees~~.

ATTACHMENT 2

~~The Consultant's obligation to indemnify, defend and hold harmless under this provision shall not be excused because of the Consultant's inability to evaluate Liability, or because the Consultant evaluates Liability and determines that the Consultant is not or may not be liable. The Consultant must respond within 30 calendar days to any tender for defense and indemnity by the City, unless the time for responding is extended by an authorized representative of the City in writing. If the Consultant fails to accept tender of defense and indemnity within 30 calendar days, in addition to any other remedies authorized by law, so much of the money due or that may become due the Consultant under this Agreement as shall reasonably be considered necessary by the City, may be retained by the City until disposition has been made of the matter subject to tender, or until the Consultant accepts the tender, whichever occurs first.~~

~~The Consultant waives any and all rights to express or implied indemnity against the Indemnitees concerning any Liability of the Consultant arising out of or in connection with the Services or Consultant's failure to comply with any of the terms of this Agreement.~~

Notwithstanding the foregoing, to the extent this Agreement is a "construction contract" as defined by California Civil Code § 2783, as may be amended from time to time, Consultant's duty to indemnify under this provision shall not apply when to do so would be prohibited by California Civil Code § 2782, as may be amended from time to time.

Notwithstanding the foregoing, to the extent that the Services include design professional services subject to Cal. Civil Code § 2782.8, as amended from time to time, Consultant's duty to indemnify shall only be to the maximum extent permitted by Civil Code § 2782.8.

In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of City, then to the extent City has treated Consultant as an independent contractor, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

The defense and indemnification obligations of this agreement are undertaken in addition to, and shall not in any way be limited by, the insurance obligations contained in this agreement.

Consultant/Subcontractor's responsibility for such defense and indemnity obligations shall survive the termination or completion of this Agreement for the full period of time allowed by law.

ATTACHMENT 2

11. INSURANCE

a. Before commencing performance of the Services, Consultant, at its own cost and expense, must: a) procure "occurrence coverage" or "claims-made coverage" (as applicable) insurance of the kinds and in the amounts specified below against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the Services hereunder by the Consultant or its agents, representatives, employees, or subcontractors; and b) submit to the City certificates of insurance and endorsements evidencing insurance coverage that meets the requirements of this section. Consultant must maintain the insurance policies required by this section throughout the Agreement term. The cost of such insurance must be included in the Consultant's proposal.

Consultant agrees to include with all subcontractors in their subcontract the same requirements and provisions of this Agreement including the indemnity and Insurance requirements to the extent they apply to the scope of the subcontractor's work. The Consultant shall require all subcontractors to provide a valid certificate of insurance and the required endorsements included in this Agreement prior to commencement of any work and Consultant will provide proof of compliance to the City.

Consultant may not allow any subcontractor to commence work on the Services until Consultant and/or the subcontractor have obtained all insurance required by this Agreement for the subcontractor(s) and submitted certificates of insurance and endorsements evidencing such coverage to City.

b. Workers Compensation Insurance. Consultant must, at its sole cost and expense, maintain Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by Consultant. Workers' Compensation Insurance as required by the State of California, with coverage providing Statutory Limits, and Employer's Liability Insurance with limits of not less than ONE MILLION DOLLARS ($1,000,000.00) per occurrence must be provided. The insurance must be endorsed to waive all rights of subrogation against City and its officials, officers, employees, and volunteers for loss arising from or related to the Services.

c. Consultant, at its own cost and expense, must maintain commercial general and automobile liability insurance for the term of this Agreement in an amount not less than ONE MILLION DOLLARS ($1,000,000.00) per occurrence, TWO MILLION DOLLARS ($2,000,000.00) aggregate, combined single limit coverage for risks associated with Services. If a Commercial General Liability Insurance or an Automobile Liability form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the Services or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned automobiles.

Commented [WP5]: We can comply with the types and limits of insurance required, but some clarification is needed due to coverage commercially available and company policy.

Commented [WP6]: Professional liability insurance as required below is only available on the claims-made basis to our profession.

ATTACHMENT 2

d. Except for Workers' Compensation insurance and Professional Liability insurance, all other insurance coverages required pursuant to this Agreement must include or be endorsed to include the following:

(1) City and its officials, officers, employees, agents, and volunteers ("Additional Insured") shall be covered as insureds with respect to each of the following: liability arising out of activities performed by or on behalf of Consultant, products and completed operations of Consultant; premises owned, occupied, or used by Consultant; and automobiles owned, leased, or used by Consultant. The coverage may contain no special limitations on the scope of protection afforded to City or its officials, officers, employees, agents, or volunteers.

(2) The Additional Insured coverage under the Consultant's policy shall be "primary and non-contributory" and Consultant's coverage will not seek contribution from the City's insurance or self-insurance and shall be at least as broad as CG 20 01 04 13.

~~e. It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirements and/or limits shall be available to the Additional Insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this Agreement; or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named Insured; whichever is greater.~~

Commented [WP7]: We ask that insurance terms be measurable and set to specifics in a contract.

~~f.~~e. The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of City (if agreed to in a written contract or agreement) before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.

~~g.~~f. Insurance coverage required pursuant to this Agreement must include or be endorsed to include the following:

(1) ~~Any failure of Consultant to comply with reporting provisions of the policy shall not affect coverage provided to City and its officers, employees, agents, and volunteers.~~

Commented [pw8]: Our concern with such clauses is that we have no control over the coverage terms of the carrier. Should a policy-holder fail in a reporting duty under their policy, we cannot say that such failure would not affect the coverage.

(2) Required insurance coverage may not be ~~suspended, voided,~~ canceled~~, reduced in coverage or in limits,~~ except after thirty (30) days' prior written notice by ~~certified~~ mail~~, return receipt requested~~, has been given to City.

Commented [WP9]: Most carriers will provide advance notice for cancellation of a policy only, and such notice is delivered by regular mail.

~~h.~~g. Consultant, at its own cost and expense, must maintain for the period covered by this Agreement professional liability insurance in an amount not less than

ATTACHMENT 2

TWO MILLION DOLLARS ($2,000,000) per claim covering errors and omissions. ~~Any deductible or self-insured retention under the required professional liability insurance may not exceed $150,000 per claim.~~

~~i.~~h. All insurance required under this Agreement must be placed with insurers with a Best's rating of no less than A:VII unless otherwise approved by the City.

~~j.~~i. The City may approve a variation in the foregoing insurance requirements, upon a determination that the coverages, scope, limits, and forms of such insurance are either not commercially available, or that the City's interests are otherwise fully protected.

~~k.~~j. All self-insured retentions (SIR) must be disclosed to City ~~for approval~~ and shall not reduce the limits of liability. Policies containing any self-insured retention (SIR) provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named Insured or the City. ~~City reserves the right to obtain a full certified copy of any Insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of right to exercise later.~~

~~l. To the extent this Agreement is a "construction contract" as defined by California Civil Code § 2783, as may be amended from time to time, Consultant shall maintain insurance as required by this contract to the fullest amount allowed by law and shall maintain insurance for a minimum of five years following completion of the Services. In the event Consultant fails to obtain or maintain completed operations coverage as required by this Agreement, the City at its sole discretion may purchase the coverage required and the cost will be paid by Consultant.~~

12. NON DISCRIMINATION

During the performance of this Agreement, Consultant will not discriminate against any employee of the Consultant or applicant for employment because of race, religion, creed, color, national origin, sex, or age. Consultant will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex or age.

13 LICENSES & PERMITS

a. BUSINESS LICENSE

Before the City will issue a notice to proceed with the Services, Consultant and any subcontractors must acquire, at their expense, a business license from City in accordance with Chapter 5.04 of the Fort Bragg Municipal Code. Such licenses must be kept valid throughout the Agreement term.

Commented [WP10]: For at least 10 years, Michael Baker has carried the following deductibles on our policies: $250,000 CGL; $100,000 Auto; $500,000 Workers Comp; and we can evidence first dollar coverage through our captive carrier on our PL policy.

Commented [WP11]: Due to security and confidentiality concerns, Michael Baker has a policy of not providing full policies of insurance outside of the company.

Commented [WP12]: A request for removal of non-applicable terms.

ATTACHMENT 2

b. OTHER LICENSES AND PERMITS

Consultant represents and warrants to City that Consultant and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions.

14. OWNERSHIP OF WORK PRODUCTS AND TREATMENT OF DOCUMENTS

a. Subject to Sections "b", "c" and "d" below, Aall plans, specifications, reports, designs and other documents prepared by Consultant pursuant to this Agreement shall be and remain the property of the City. Any modification or reuse of such documents by the City without Consultant's prior written consent will be at the City's sole risk, and City agrees to indemnify and hold harmless Consultant from all costs, losses, and expenses, including legal fees, incurred as a result of any such modification or reuse by City.. Except as may be otherwise required by law, Consultant will disclose no data, plans, specifications, reports or other documents pertaining to the Services without the prior written consent of City.

b. City acknowledges that as part of performing the Services, Consultant personnel may utilize, develop and/or modify proprietary software, methodologies compositions, publications, plans, designs, specifications , blueprints, maps, formulas , processes, photographs, slides, video tapes, computer programs, computer disks, computer tapes, memory chips, soundtracks, audio recordings, films, audio-visual presentations, exhibits, reports, studies, works of art, inventions, patents, trademarks, copyrights, or intellectual properties which has been originated or developed by the personnel of Consultant or its affiliates or by third parties under contract to Consultant to develop same, or which has been purchased by, or licensed to, Consultant (collectively, "Consultant Proprietary Intellectual Property"). City agrees that Consultant Proprietary Intellectual Property is the sole property of Consultant (or its licensor) and that Consultant (or its licensor) will at all times retain sole and exclusive title to and ownership thereof.

c. City agrees that any additions, enhancements, improvements or other modifications to Consultant Proprietary Intellectual Property developed, acquired or first conceived or reduced to practice by Consultant personnel or any third party on behalf of Consultant, whether in conjunction with performing the services or work under this Agreement or otherwise ("Consultant Enhancements") shall be the sole property of, and ownership shall vest in Consultant (or its licensor). City agrees to take all reasonably necessary actions which are necessary to assure the conveyance of all rights, title and interest in, to and under any Consultant Enhancements, including copyright, to Consultant (or its licensor). The cost of conveying such rights shall be at Consultant's expense.

d. Consultant grants to City a non-exclusive, royalty-free, perpetual license to use the Consultant Proprietary Intellectual Property and the Consultant Enhancements to the extent necessary to allow the City to use any the records and information produced, or generated as part of the services performed under this Agreement.

Commented [WP13]: We agree that any work product will become the property of our client. The requested changes are to ensure no liability against the preparer of the work product if our client re-uses or modifies deliverables improperly, and to protect ownership of pre-existing ideas, processes or materials that may be used in completion of the services under this Agreement.

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ATTACHMENT 2

15. TERMINATION AND REMEDIES

Commented [WP14]: We respectfully request a stated right to terminate the agreement if necessary (for example for failure of our client to pay for services performed).

a. ~~City~~ Either party may terminate this Agreement for convenience by giving at least 10 days written notice to ~~Consultant~~ the other party specifying the termination effective date. Upon receipt of such notice, Consultant may continue performance of the Services through the date of termination. City shall pay Consultant for all Services actually performed in accordance with this Agreement through the termination effective date.

b. If Consultant materially breaches any term of this Agreement, in addition to any other remedies the City may have at law or equity, the City may:

(1) Terminate the Agreement by notice to the Consultant specifying the termination effective date;

(2) Retain, and/or recover from the Consultant at no additional cost to the City, the plans, specification, drawings, reports and other design documents and work products prepared by Consultant, whether or not completed;

(3) Complete the unfinished Services itself or have the unfinished Services completed, and/or;

(4) Charge Consultant, or deduct from monies that may be due or become due the Consultant under this Agreement, the difference between the cost of completing the unfinished Services pursuant to this Agreement and the amount that would otherwise be due Consultant had Consultant completed the Services in accordance with this Agreement.

16. BINDING EFFECT AND ASSIGNMENT PROHIBITION

This Agreement is binding upon City, Consultant, and their successors. Except as otherwise provided herein, neither City nor Consultant may assign, sublet or transfer its interest in this Agreement or any part thereof without the prior written consent of the other, and any purported assignment without such consent will be void. Neither party shall unreasonably withhold, delay or condition such consent.

17. REPRESENTATIVES

a. City representative for purposes of this Agreement will be _____. Consultant representative for purposes of this Agreement will be _____. The parties' designated representatives will be the primary contact persons regarding the performance of the Services. The parties intend that their designated representatives will cooperate in all matters regarding this Agreement and in such manner so as to achieve performance of the Services in a timely and expeditious fashion.

b. Notices:

Any written notice to Consultant shall be sent to:

ATTACHMENT2

[CONSULTANT'S NAME, ADDRESS]

Any written notice to City shall be sent to:

[NAME]
City of Fort Bragg
416 N. Franklin
Street
Fort Bragg, California 95437

18. INTEGRATION AND AMENDMENT

This Agreement represents the entire and integrated agreement between City and Consultant and supersedes all prior negotiations, representations or agreements, whether written or oral. If a discrepancy, disagreement, ambiguity, inconsistency or difference in interpretation of terms arises as to terms or provisions of this Agreement and any Exhibit(s) attached to this Agreement, this Agreement shall control and shall be deemed to reflect the intent of the Parties with respect to the subject matter hereof.
This Agreement may only be amended by a writing signed by a representative authorized to bind the Consultant and a representative authorized to bind the City.

19. CONFLICT OF INTEREST PROHIBITION

City and Consultant will comply with the requirements of the City's Conflict of Interest Code adopted pursuant to California Government Code §87300 et seq., the Political Reform Act (California Government Code §81000 et seq.), the regulations promulgated by the Fair Political Practices Commission (Title 2, §18110 et seq. of the California Code of Regulations), California Government Code §1090 et seq., and any other ethics laws applicable to the performance of the Services and/or this Agreement. Consultant may be required to file with the City Clerk a completed Form 700 before commencing
performance of the Services unless the City Clerk determines that completion of a Form 700 is not required, pursuant to City's Conflict of Interest Code. Form 700 forms are available from the City Clerk.

Consultant may not perform Services for any other person or entity that, pursuant to any applicable law or regulation, would result in a conflict of interest or would otherwise be prohibited with respect to Consultant's obligations pursuant to this Agreement. Consultant agrees to cooperate fully with City and to provide any necessary and appropriate information requested by City or any authorized representative concerning potential conflicts of interest or prohibitions concerning Consultant's obligations pursuant to this Agreement.

Consultant may not employ any City official, officer or employee in the performance of the Services, nor may any official, officer or employee of City have any financial interest in this Agreement that would violate California Government Code §1090 et seq.
Consultant hereby warrants that it is not now, nor has it been in the previous twelve (12) months, an employee, agent, appointee, or official of City. If Consultant was an

employee, agent, appointee, or official of City in the previous twelve months, Consultant warrants that it did not participate in any manner in the forming of this Agreement.

Consultant understands that, if this Agreement is made in violation of Government Code §1090 et seq., the entire Agreement is void and Consultant will not be entitled to any compensation for Consultant's performance of the Services, including reimbursement of expenses, and Consultant will be required to reimburse City for any sums paid to Consultant under this Agreement. Consultant understands that, in addition to the foregoing, penalties for violating Government Code §1090 may include criminal prosecution and disqualification from holding public office in the State of California.

Any violation by Consultant of the requirements of this provision will constitute a material breach of this Agreement, and the City reserves all its rights and remedies at law and equity concerning any such violations.

20. APPLICABLE LAW AND VENUE

The laws of the State of California shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and the interpretation of this Agreement. Any action or proceeding that is initiated or undertaken to enforce or interpret any provision, performance, obligation or covenant set forth in this Agreement shall be brought in a state court in Mendocino County.

21. RECOVERY OF ATTORNEYS' FEES

Commented [WP15]: We request that such clauses be similar to arbitration or mediation clauses where each party under any legal action would bear its own costs.

If a party to this Agreement brings any action, including an action for declaratory relief, to enforce or interpret any term of this Agreement, ~~the prevailing~~each party will bear ~~entitled to reasonable attorneys'~~its own costs. ~~fees in addition to any other relief to which that party may be entitled. The court may set such fees in the same action or in a separate action brought for that purpose.~~

22. SEVERABILITY

If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged will remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

23. COUNTERPARTS

This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

24. WAIVER OF CONSEQUENTIAL DAMAGES

Commented [WP16]: The addition of the following two clauses are requested as they are common clauses to the professional services agreements we enter into with clients.

In no event shall either City or Consultant have any claim or right against the other, whether in contract, warranty, tort (including negligence), strict liability or otherwise, for any special, indirect, incidental, or consequential damages or any kind or nature whatsoever, such as but not limited to loss of revenue, loss of profits on revenue, loss of customers or contracts, loss of use of equipment or

loss of data, work interruption, increased cost of work or cost of any financing, howsoever caused, even if same were reasonably foreseeable.

25. FORCE MAJEURE

In no event shall either City or Consultant have any claim or right against the other for any failure of performance where such failure of performance is caused by or is the result of causes beyond the reasonable control of the other party due to any occurrence commonly known as a "force majeure," including, but not limited to: acts of God; fire, flood, or other natural catastrophe; acts of any governmental body; labor dispute or shortage; national emergency; insurrection; riot; or war.

IN WITNESS HEREOF, the parties have caused their authorized representative to execute this Agreement on the date first written above.

CITY	CONSULTANT
By: _____	By: _____
Linda Ruffing	
Its: City Manager	Its: _____

ATTEST:

[Attach Notary Page]

By: _____
June Lemos
City Clerk

APPROVED AS TO FORM:

By: _____
Samantha W. Zutler, City Attorney

Exhibits: Exhibit A – Consultant's Proposal

Rev. 2014-03-10

Hydrology Studies

Michael Baker will perform the studies proposed below as requested by the City. We will assign a small team of technical staff and resumes can be made available upon request. Zikar S. Saryeddean, P.E., PMP, LEED AP BD+C, Technical Manager's resume is made availbalbe in Appendix A, as he will be revieweing the existing studies. A brief bio of key personnel is included below.

A. Optional Task: Technical Drainage Study

Fee = $20,400 *fee breakdown available upon request*

Michael Baker International will prepare a Technical Drainage Study to evaluate the impacts of the proposed development on existing drainage facilities and to verify the proposed project is in compliance with the City's Storm Drainage Master Plan. Michael Baker will evaluate the 10-year and 100-year storm events for the proposed site during existing conditions and post-project conditions using the rational method. We will determine pre-project and post-project peak flow rates and evaluate the hydraulic capacity of proposed drainage facilities.

B. Optional Task: Groundwater Recharge Study Update

Fee = $34,800 *fee breakdown available upon request*

As an optional Task, Michael Baker International has teamed with Kleinfelder to provide a Groundwater Recharge Study Update to the Groundwater Recharge Study prepared by Nolan Associates in 2004. Since the original Study was completed in 2004, significant drought has afflicted California which may lead to varying effects on the aquifer below the Project site. In addition, significant State legislation regarding groundwater has been passed since the original report. Therefore, Kleinfelder will provide a new standalone "paper study". We will review the subsurface hydrogeological evaluation referenced in the Nolan Report and verify the assumptions and conclusions from the investigation. We assume no new field work will be required, but will recommend additional field work, if necessary. The Groundwater Recharge Study Update will evaluate the project's overall compliance with recent groundwater legislation. We will update the rainfall and runoff calculations and water use parameters as necessary to revise the total groundwater recharge potential lost because of the proposed development. We will determine the impact of the proposed Project on groundwater availability for existing domestic use in the Project area.

C. Optional Task: Water Supply Study Update

Fee = $13,500 *fee breakdown available upon request*

Michael Baker International will provide an Update to the Water Model Study to evaluate the proposed Project's impact on the City's Water Supply system during a severe drought. We will review available technical studies provided by the City such as the *City of Fort Bragg, Phase 1 Water Facilities Study: Existing Water Collection, Distribution and Capacity* (2013 KASL), *Technical Memorandum No. 1, Georgia-Pacific Fort Bragg Mill Site Redevelopment Project - GP and City of Fort Bragg Potable Water Demand and Supply Projections* (2011 West Yost). For the purposes of this study, it is assumed the technical studies made available to review by Michael Baker International will have evaluated the City's water supply during multi-year drought conditions. (It this information is not available, Michael Baker will prepare a scope and fee to perform this work). Michael Baker International will prepare a technical memo providing a summary of our findings and make a determination on the effects of the proposed project on the City's water supply system during a multi-year drought conditions.

Exclusions:

- FEMA CLOMR/LOMR Studies
- Water quality analysis
- Analysis of BMPs, Hydromodification, detention basins
- Field work in support of Groundwater Recharge Study Update (drilling, site investigation)
- Hydraulic modeling of water supply system
- Water balance calculations
- No responses to agency comments are anticipated. Any comments to be addressed may require additional fees.

Key Staff

David Mueller, P.E. , Project Manager

Mr. Mueller has over 19 years of experience in water resources and civil engineering to include watershed studies, master planning, bridge hydraulic studies, FEMA LOMR/CLOMR/FIS studies, drainage design, and hydrologic and hydraulic analysis in support of roadways, railways, and land development projects. He has vast experience in HEC software, GIS-based software including ArcHydro tools, and two-dimensional floodplain and in-channel modeling.

Chelsea G. Gillis, E.I.T., Civil Associate

Ms. Gillis a civil designer with recent experience on land development, water resources, and alternative energy projects. She has provided engineering and construction support for new residential developments, commercial sites, a new resort and casino, criminal justice facilities, and several solar energy sites. Her responsibilities encompass all aspects of civil design, including grading, drainage, utilities, and preparation of plans and specifications.

Alicia J. Brundage, PE, Project Manager - Water Supply /Wastewater

Ms. Brundage has 24 years of varied and broad-based experience covering many civil engineering disciplines and all aspects of project implementation and management. She has significant experience in planning, design, contracting, quality assurance and project and construction management of both traditional design/bid/build and design/build projects in New Mexico and California. Ms. Brundage has provided design and construction engineering services for water, wastewater, structural, transportation, drainage, erosion control, flood plain management and administration, and historic preservation projects.

Cultural Resources Studies

Archaeological Services to be provided by Thad M. Van Bueren for the Hare Creek Center EIR

In accordance with the Request for Proposals issued by the City of Fort Bragg with a submittal deadline of February 19, 2016, I agree to provide the following services:

1) Attendance at meetings: Up to 8 hours including travel time (one hour round trip per meeting) and mileage reimbursed at current federal rate.

2) Conduct a cultural resource survey that encompasses the following tasks:

   a) Conduct a comprehensive record search at the Northwest Information Center of the California Historical Resources Information System to review past studies and resource records and examine historical and ethnographic data and publications. This review will include inspection of a prior report by Archaeological Resource Service, *Cultural Resources Evaluation*, May 4, 1994.

   b) Contact the California Native American Heritage Commission and California Office of Historic Preservation to request information about known sacred sites and a list of tribes that may have an interest in this project. Write letters to all Native American tribes identified by the NAHC/OHP to seek information about known resources and issues of concern.

   c) Carry out an intensive pedestrian surface inspection of the project area to identify any archaeological resource that may qualify as a historical resource for purposes of CEQA and the Coastal Act. The identification effort will be pursued with transects spaced at 5 meter intervals and shallow (10 cm) shovel probes placed at 5 meter intervals along each transect to identify any qualifying resources.

   d) Prepare DPR 523 inventory form(s) for qualifying resources if any are discovered.

3) Prepare a confidential Archaeological Survey Report documenting the results of the identification effort listed in Task 2 above. The report will assess the potential for significant impacts to any discovered resource and define options for addressing evaluation and/or mitigation tasks including archaeological monitoring during construction. A budget for that additional work will be included for those additional tasks.

4) Consultation/advice on how to respond to comments not to exceed 4 hours.

The total cost for performing all of the services specified in this scope shall not exceed $3,850 for labor and direct expenses including mileage. This scope of work excludes writing portions of the EIR, evaluation to determine whether or not discovered resource(s) qualify as historical resource(s) or unique archaeological sites for purposes of CEQA or the Coastal act, and mitigation of impacts to a discovered resource. Those additional tasks must be separately negotiated.

My insurance coverage limits are below those set in the RFP ($1m commercial auto and professional liability; no workers compensation because I have no employees). I can supply certificates for your review. My coverage has been accepted by the City of Fort Bragg in the recent past (2015). If I need to buy higher limits, that additional expense will need to be added to the not to exceed quotation provided above.

Thad M. Van Bueren

Professional Archaeologist & Historian

(707) 964-7272
email: thad@mcn.org

P.O. Box 326
Westport CA 95488
FAX by arrangement

RESUME

Education

1983	M.A. in Anthropology, San Francisco State University.
1978	B.A. in Anthropology, San Francisco State University.

Certifications

- Listed on the Register of Professional Archaeologists (http://www.rpanet.org/)
- Caltrans certified, Principal Investigator (Prehistoric & Historical Archaeology).
- Listed as an Archaeologist and Historian on the California Historical Resources Information System consultant list (http://www.chrisinfo.org/).

Academic Positions

1999	Instructor, College of the Redwoods, Mendocino Coast Campus, Fort Bragg, CA.

Professional Positions

2010-present	Senior Archaeologist, Pacific Legacy, Inc.
2010-present	Consulting Archaeologist, Anthropological Studies Center, Sonoma State University.
2009-2012	Technical Briefs Editor for Society for Historical Archaeology.
2009	Retired Annuitant (Archaeologist), Caltrans District 1 (Eureka).
2001-2008	Senior Environmental Planner (Archaeology), Caltrans District 4 (Oakland) serving as Branch Chief for historical archaeology and mitigation programs.
1991-2001	Associate Environmental Planner (Archaeology) for Caltrans Headquarters with responsibility for all types of archaeological investigations, coordinating statewide Section 106 compliance, preparing guidance, and staff training.
1989-1991	State Archaeologist II for the California Office of Historic Preservation, with responsibility for Section 106 review, preparing guidance, and grant management.
1981-1989	Associate Program Manager for INFOTEC Research, Inc. (now Applied Earthworks) with responsibility for archaeological investigations in California.
1978-present	Self-employed as an archaeologist and historian conducting all types of cultural resource investigations throughout California.

Summary of Experience

I have directed and written professional reports on thousands of archaeological and historic resources investigations for diverse private, State, and Federal clients and employers in the western US since 1978. That work has ranged from simple surveys to very large and complex excavations that evaluate and/or mitigate impacts to cultural resources. I am an expert on State and federal regulations and agency processes including Section 106 of the National Historic Preservation Act and the California Environmental Quality Act. I frequently lecture and have published significant findings in peer reviewed professional journals and books.

Publications and Major Reports

Books and Edited Volumes

2012 Belonging to Places: The Evolution of Coastal Communities and Landscapes between the Ten Mile River and Cottoneva Creek. *Mendocino Historical Review* 26.

2008 (Mary Praetzellis and Adrian Praetzellis, coauthors) Remaking Connections: Archaeology and Community after the Loma Prieta Earthquake. In *Archaeology as a Tool of Civic Engagement* edited by Barbara Little and Paul Shackel. Altamira Press, Berkeley, CA.

2006 (Volume editor) Daring Experiments: Issues and Insights about Utopian Communities. *Historical Archaeology* 40(1).

2002 (Volume editor) Communities Defined by Work: Life in Western Work Camps. *Historical Archaeology* 36(3).

1983 Archaeological Perspectives on Central Sierra Miwok Culture Change during the Historic Period. Master's thesis, San Francisco State University, San Francisco.

Published Articles (peer reviewed titles only)

2016 (in press) Tsunamis, Sea Level Rise, and Cultural Adaptation at Seaside. *California Archaeology* 8(1).

2011 (coauthored by Randy S. Wiberg) Putting Central California Charmstones in Context: A View from CCO-548. *California Archaeology* 3(2):199–248.

2009 (Not) Just Another Isolated Historic Refuse Scatter. *California Archaeology* 1(2):163-182.

2009 (coauthored by Kimberly Wooten) Making the Most of Uncertainty at the Sanderson Farm. *Historical Archaeology* 43(1).

2008 Late Nineteenth Century Chinese Farm Workers in the Mother Lode. *Historical Archaeology* 42(3).

2006 The Interpretive Potential of Utopian Settlements (with Sarah A. Tarlow). In Daring Experiments: Issues and Insights about Utopian Communities edited by Thad M. Van Bueren. *Historical Archaeology* 40(1):1-5.

2006 Between Vision and Practice: Archaeological Perspectives on the Llano del Rio Cooperative. In Daring Experiments: Issues and Insights about Utopian Communities edited by Thad M. Van Bueren. *Historical Archaeology* 40(1):133-151.

2005 In with the New and Out with the Old: Interpreting Household Transitions. *Proceedings of the Society for California Archaeology* 18:3-9. Chico, CA.

2004 The "Poor Man's Mill:" A Rich Vernacular Legacy. *Industrial Archaeology* 30(2):5-23.

2002 The Changing Face of Work in the West: Some Introductory Comments. In Communities Defined by work: Life in Western Work Camps edited by Thad M. Van Bueren. *Historical Archaeology* 36(3):1-7.

2002 Struggling with Class Relations at a Los Angeles Aqueduct Construction Camp. In Communities Defined by work: Life in Western Work Camps edited by Thad M. Van Bueren. *Historical Archaeology* 36(3):28-43.

Selected Major Reports

2015 *Results of Archaeological Mitigation for the Fort Bragg Coastal Trail Project in the City of Fort Bragg, California.* Submitted to City of Fort Bragg, Fort Bragg, CA.

2015 *Cultural Adaptation at Seaside in Mendocino County, California.* Submitted to California Department of Transportation, Marysville.

2014 *Archaeological Excavations at CA-YUB-438/H and CA-YUB-1772 near Smartsville in Yuba County, California.* Submitted to California Department of Transportation, Marysville.

2013 *Archaeological Investigations near the Northern Outpost of the Mendocino Reservation in Mendocino County, California.* Northwest Information Center, California Historical Resources Information System, Rohnert Park.

2011 *Data Recovery for the High Street Seismic Retrofit Project in Oakland, California.* California Department of Transportation, Oakland.

2011 *Data Recovery Plan for the Seaside Storm Damage Repair Project in Mendocino County, California.* Submitted to California Department of Transportation, Marysville.

2011 Historic Property Treatment Plan for the Fort Bragg Coastal Trail Project in the City of Fort Bragg, California. Submitted to City of Fort Bragg, Fort Bragg, CA.

2008 *Archaeological Investigations at CA-SFR-17/H in San Francisco, California.* California Department of Transportation, Oakland.

2007 *Archaeological Investigations at Seaside, Mendocino County, California.* California Department of Transportation, Eureka.

2006 (coauthored by Anmarie Medin and Dana Supernowicz) *A Historical Context and Archaeological Research Design for Agricultural Properties in California.* California Department of Transportation, Sacramento.

2005 *Lending a Hand: Archaeological Perspectives on Farm Labor at the Brown and Sanderson Farm (CA-AMA-364/H) in Amador County, California.* California Department of Transportation, Stockton.

2004 *Contemplating Household Transitions: Investigations at the Carnduff Dump (CA-SMA-368/H) in San Mateo County, California.* California Department of Transportation, Oakland.

2004 *A Germanic Enclave in West Oakland: Archaeological Investigations for the Mandela Park and Ride Relocation Project in the City of Oakland, California.* California Department of Transportation, Oakland.

2000 (coauthored by Dorene Clement, Jeff Crawford, Rand Herbert, Steve Mikesell, Stephen Wee, and Meta Bunse) *Water Conveyance Systems in California: Historic Context Development and Evaluation Procedures.* California Department of Transportation, Sacramento.

2000 (coauthored by Jill Hupp) *Searching for Utopia: Results of Archaeological and Historical Investigations at the Llano del Rio Colony (CA-LAN-2677H) near Pearblossom, Los Angeles County, California.* California Department of Transportation, Los Angeles.

1999 *Building the Los Angeles Aqueduct: Archaeological Data Recovery at the Alabama Gates Construction Camp.* California Department of Transportation, Bishop.

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	COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	$
	CLAIMS-MADE / OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$
							MED. EXP (Any one person)	$
							PERSONAL & ADV. INJURY	$
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$
	POLICY / PROJECT / LOC						PRODUCTS – COMP/OP AGG.	$
	OTHER							$
A	AUTOMOBILE LIABILITY			9100085929 00	6/4/2015	6/4/2016	COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	ANY AUTO						BODILY INJURY (Per person)	$
	ALL OWNED AUTOS / X SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS / NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB / OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$
	DED / RETENTION $							$
	WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY Y / N						PER STATUTE / OTHER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	N / A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE-EACH EMPLOYEE	$
							E.L. DISEASE-POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
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416 N FRANKLIN ST
FORT BRAGG, CA 95437-3210

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AUTHORIZED REPRESENTATIVE

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Dealey, Renton & Associates
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510 465-3090

CONTACT NAME:
PHONE (A/C, No, Ext): 510 465-3090 FAX (A/C, No): 510 452-2193
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Sentinel Insurance Co. LTD	11000
INSURER B : Underwriters at Lloyds London	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Thad Van Bueren
P.O. Box 326
Westport, CA 95488

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INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			57SBAUY9959	12/05/2015	12/05/2016	EACH OCCURRENCE	$1,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$1,000,000
							MED EXP (Any one person)	$10,000
							PERSONAL & ADV INJURY	$1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$2,000,000
	POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$2,000,000
	OTHER:							$
A	AUTOMOBILE LIABILITY			57SBAUY9959	12/05/2015	12/05/2016	COMBINED SINGLE LIMIT (Ea accident)	$1,000,000
	ANY AUTO						BODILY INJURY (Per person)	$
	ALL OWNED AUTOS / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS / X NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB / OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$
	DED / RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N	N / A					E.L. EACH ACCIDENT	$
	(Mandatory In NH)						E.L. DISEASE - EA EMPLOYEE	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - POLICY LIMIT	$
B	Professional Liability			PQ130592	01/14/2016	01/14/2017	$1,000,000 Each Claim $1,000,000 Aggregate	

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Geotechnical Studies

CONSULTING ENGINEERS & GEOLOGISTS, INC.
335 S. Main St.• Willits, CA 95490-3977• 707/459-4518 • FAX: 707/459-1884 • willitsinfo@shn-engr.com

Introduction

We understand the City of Fort Bragg is requesting a new geotechnical investigation report be prepared as part of the project-level Environmental Impact Report (EIR) for the proposed Hare Creek Center shopping facility. The proposed project will consist of a new shopping center anchored by Grocery Outlet and consisting of three buildings. Building A will be 15,000 square feet in area, Building B will be 10,000 square feet in area and Building C will be 4,500 square feet in area, for a total of 29,500 square feet of retail space. Associated improvements will include a new access road into the project, a new parking lot to service the proposed retail stores, and various other improvements.

Scope of Work

The purpose of our new geotechnical investigation and geologic hazards evaluation for the project would be to characterize the surface and subsurface conditions at the site in order to understand geohazards that could impact the site and to develop geotechnical engineering criteria for design and construction of the project. Specifically, the scope of our services would consist of the following:

1. Perform literature and map review, including available geologic maps, and available unpublished consultant reports for geologic and geotechnical projects in the area.

2. Perform a brief geologic reconnaissance of the site and vicinity to assess existing conditions.

3. We propose to drill five borings extending to about 15 to 20 feet in depth at the location of Building A, three borings to a depth 15 to 20 feet in depth at the location of Building B, and two borings to 15 to 20 feet deep at the location of Building C, for a total of 10 borings. Samples from each boring will be collected at suitable intervals, through the use of modified California split spoon samplers. The modified California sampler is advanced with brass liners that are retained for geotechnical testing. A drilling subcontractor would be retained to complete the borings. Soil cuttings from the ten borings will be spread onsite. The borings will be backfilled with cement grout.
   In addition, we propose to collect two to three bulk samples for laboratory R-value testing, for use in structural design of asphalt pavement sections for the access road and parking areas.

4. Samples collected from the borings will be returned to SHN's soils testing laboratory for geotechnical analysis. Anticipated tests include dry density and moisture content, percent passing the #200 sieve, shear strength, and Atterberg limits testing. Specific tests may be added or eliminated depending on the materials encountered at the site. The bulk samples will be tested for R-Value.

5. Provide an assessment of potential geologic hazards (e.g., strong earthquake ground shaking, surface fault rupture, tsunamis, liquefaction, seismic settlement, expansive soils) and discussion of possible mitigation measures, as necessary.

6. Provide seismic design parameters in accordance with the applicable portions of the 2013 California Building Code (CBC) and the American Society of Civil Engineers (ASCE) 7-10 Standard, including site soil classification, seismic design category, and spectral response accelerations.

7. Perform geologic/geotechnical engineering analyses in order to provide conclusions and recommendations regarding:

   a.) earthwork, including site and subgrade preparation, fill material specifications, and fill compaction requirements,

   b.) discussion of appropriate foundation options, including allowable bearing capacities, estimates of settlement (total and differential), minimum footing depth, and allowable lateral capacities,

   c.) support of concrete slabs-on-grade,

   d.) design and construction of asphalt pavement sections for the access road and parking areas, and

   e.) recommendations for observation of site preparation and grading, observation of foundation installation, and other geotechnical construction considerations.

We will summarize our findings in a written report, complete with field and laboratory data.

Cost Estimate

We propose to perform the services outlined herein on a time-and-expense basis in accordance with our attached Schedule of Charges. Based on our experience with similar projects, we estimate that the total fee for the above scope of work, including the cost of exploratory drilling equipment rental, will be $14,600.

John H. Dailey, PE, GE

Senior Geotechnical Engineer

Distinguishing Qualifications

- Geotechnical Engineering
- Project Management
- Civil Engineering Design of Underground Structures
- Environmental Investigations
- Remediation Systems Design

Years of Experience: 39

Years with SHN: 6

Education

B.S., Civil Engineering, University of California, Davis; 1975

Graduate Studies, University of California, Davis; 1975-1976

Graduate Studies, California State University, Fullerton; 1977

Certificate in Environmental Site Assessment & Remediation, UC Berkeley Extension; 1998

Professional Registrations

Registered Civil Engineer, California; No. 30345

Registered Geotechnical Engineer; California; No. 256

Professional Engineer / Civil and Geotechnical, Oregon; No. 79564

Professional Civil Engineer, Washington, No. 46060

Qualified SWPPP Developer (QSD) / SWPPP Practitioner (QSP) No.24360

Memberships

American Society of Civil Engineers

Association of Engineering Geologists

International Society of Soil Mechanics and Foundation Engineers

Relevant Experience

Mr. Dailey has more than 39 years of experience in geotechnical, civil, and environmental engineering while working with federal, state, and local regulatory agencies, as well as the private sector. His experience includes project management, subsurface geotechnical and environmental investigations, site remediation, plan and procedure development, specification and bid preparation, permitting, and subcontractor selection.

Mr. Dailey's field experience includes excavation and drilling for geotechnical and environmental investigations, including soil and groundwater sampling; monitoring well design and installation; field and laboratory soil testing; and design and installation of remediation systems, including soil vapor extraction, pump and treat, and ozone sparging. Mr. Dailey has also performed investigations of landslides and structural damage due to landslides, settlement, undermined foundations, expansive soils and pavement evaluation and rehabilitation, with recommendations for repair to damage and correction of causes.

Representative Projects

Upper Lake Reservation Sewer Line Extension, Upper Lake, CA. Project engineer during geotechnical investigation and evaluation for a force main sewer extension using Horizontal Directional Drilling (HDD) methods. Evaluation included estimating maximum allowable drilling fluid pressures and minimum required drilling fluid pressures to minimize potential hydrofracture during drilling of pilot hole, reaming, and pullback operations.

Waterfront Drive (G to J Streets) Connection, Eureka, CA. Project engineer during geotechnical investigation and preparation of plans for extending and widening of an arterial-commercial street, and to accommodate excavations for removal of contaminated soils at planned locations and to planned depths.

McNabb Vineyards, Hopland, CA. Project engineer during geotechnical evaluation of seepage and slope stability for an earthfill dam to satisfy requirements of the State of California Division of Dam Safety.

PG&E Unit 21 Geothermal Powerplant, Geysers, CA. Project Manager/ Engineer during geotechnical investigation for a major geothermal powerplant.

Santa Clara County Courthouse, San Jose, CA. Project Manager/Engineer during geotechnical investigation for a high rise structure with deep basement supported on driven pile foundation system.

PG&E Fairhaven Substation, Samoa, CA. Project Engineer during design of deep foundations for a substation yard expansion. Design alternatives included providing pile capacity criteria for drilled piers, driven concrete piles and Tubex piles.

Mendocino Transit Authority, Ukiah, CA. Project engineer during geotechnical investigation and design of an Administration/Operations Building and Solar Canopy supported on drilled pier foundation systems.

Calera Winery, Hollister, CA. Project Engineer during geotechnical investigation and design of a large underground wine cave complex in highly disturbed rock adjacent to the San Andreas Fault. Design included reinforced shotcrete tunnel liners and shotcrete/soil nail portal walls.

Noyo Harbor Mooring Basin Dock Replacement, Fort Bragg, CA. Project engineer during over-water geotechnical investigation for design of new piles for a proposed dock replacement. Responsibilities included engineering analyses to determine embedment depth and lateral capacities of various steel pipe and concrete piles in order to develop full moment capacity of the piles.

City of Ione Wastewater Treatment Plant, Ione, CA. Project Engineer during geotechnical investigation and developed design criteria for a below grade wastewater treatment facility.

Fisherman's Terminal Building, Eureka, CA. Project Engineer during geotechnical investigation and provided design consultation for a large high one-story building constructed over bay mud and supported on a driven pile foundation system.

Roblar Road Quarry, Petaluma, CA. Project Manager/Engineer for a permitting-based feasibility study for a hard rock quarry. Performed geotechnical investigation, slope stability analyses, and pavement evaluation for ingress and egress roads with recommendations for upgrading roads for increased Traffic Index due to proposed truck traffic.

Yuer Residence, Guerneville, CA. Project Manager/Engineer during geotechnical investigation, design and construction of a tied-back soldier pile wall to stabilize area above a large landslide along the edge of the Russian River.

Eureka High School, Eureka, CA. Project engineer during geotechnical investigation for design of a tied-back sheet pile wall to be constructed in an area of instability along the top of an ascending slope adjacent to the Industrial Arts Building.

Matson Creek Bridge, Coos County, OR. Project Engineer during geotechnical investigation for a concrete bridge located on Catching Slough Road that was supported on a deep driven pile foundation system.

Hammond Trail Bridge Replacement, Arcata, CA. Project engineer during the geotechnical investigation for a three-span concrete box girder bridge on deep pile foundation in 70 feet of liquefiable sands over the Mad River.

Pine Hill Road Bridge Replacement, Eureka, CA. Project engineer during geotechnical investigation for a concrete bridge supported on a driven pile foundation system in over 70 feet of soft bay mud and liquefiable sand layers.

Claeysens Residence, Petaluma, CA. Project manager/engineer during geotechnical investigation, design consultation, and construction of a buttress to stabilize a large landslide below the residence and barn.

Buena Vista Winery, Sonoma, CA. Project Manager/Engineer during geotechnical investigation and design consultation for structural renovation of 125-year-old stone building (historical monument) and adjoining tunnels for conversion into tasting rooms.

Paradise Vineyards Levee Evaluation, Sonoma, CA. Project Engineer during geotechnical investigation and evaluation of slope stability and seepage for 60-year-old compacted fill levees in Sears Point area.

Wonder Stump Water Tank Retrofit, Crescent City, CA. Geotechnical Engineer for seismic retrofit of exiting elevated water tank. (Professional Service 2014)

Coos Bay Public Library Structural Distress, Coos Bay, OR. Project engineer during geotechnical investigation and evaluation of structural distress due to differential settlement of the entire structure. Evaluation included providing recommendations for structural remediation measures including underpinning structure using micropiles.

Geotechnical Investigation, Facilities A and B Primary Care Clinic Renovation and Addition on Behalf of HY Architects, California Department of Corrections and Rehabilitation, Pelican Bay State Prison, Crescent City, CA. Geotechnical Engineer. On behalf of Hibser Yamauchi (HY) Architects, Inc., SHN provided various civil engineering services pertaining to the renovation and expansion of Facilities A and B in order to advance the project closer to the eventual phases of construction. The State of California Department of Corrections and Rehabilitation (CDCR) has made a focused effort to renovate, improve, or expand infrastructure capacity at existing prison facilities. In 2014, the Public Works Board approved the establishment of scope, cost, and schedule for the Health Care Facility Improvement Project at Pelican Bay State Prison in Crescent City, California. SHN's geotechnical investigation included reviewing subsurface information developed for surrounding projects during previous studies; conducting a field exploration and laboratory testing program; and developing geotechnical recommendations, including grading and foundation recommendations for the planned construction. The final geotechnical report also documented the services provided and presented SHN's geotechnical recommendations.

Geotechnical Investigation & Geologic Hazard Evaluation, Water Tank Replacement at High Rock Conservation Camp, CAL FIRE, Weott, Humboldt County, CA. Geotechnical Engineer. SHN provided DGS' design team with findings, conclusions, and recommendations regarding the geologic setting and geotechnical engineering criteria for design and construction of a new water storage tank. The purpose of SHN's geotechnical investigation was to evaluate the physical and engineering properties of the site subsurface materials in order to provide site –specific geotechnical design criteria for tank foundation support and related earthwork and seismic design criteria in accordance with the American Water Works Association (AWWA) Standard D103-09 and the current edition of the California Building Code. Based on the results of SHN's field exploration, laboratory testing, and engineering analysis, SHN recommended that the project site was suitable for support of the proposed new water tank, provided the recommendations presented in the report were to be incorporated into the project design and construction.

Geotechnical Investigation & Geologic Hazard Evaluation, Westwood Forest Fire Station, CAL FIRE, Westwood, Lassen County, CA. Geotechnical Engineer. On behalf of DGS, SHN performed a geotechnical investigation and geologic hazard evaluation for the proposed Westwood forest Fire Station to be constructed in Lassen County, California. The report contained the results of the field exploration and laboratory testing programs under which SHN's recommendations were based. The purpose of the investigation was to evaluate the suitability of the project site, from a geotechnical and geohazard perspective, for the proposed improvements and to provide development recommendations based on site conditions. Based on the results of our investigation, SHN concluded that the site was suitable for the construction of the proposed structure, provided the recommendations presented in its report were followed.

Representative Communication Tower Projects

Foundation Excavation & Backfilling Observations for Telecommunications Pole Placement, Managed Access System Project, Pelican Bay State Prison, Del Norte County, CA; DGS and CDCR. Sr. Geotechnical Engineer. Provided geotechnical oversight for the placement of two antenna poles at this high security prison. The intent of the foundation excavation was to verify that the subsurface conditions at the antenna pole locations are similar to those reported in previous investigations. (Professional Service 2013; Construction 2013)

Soils Reporting and Evaluation of Liquefaction Potential, Proposed Wireless Communications Facility, Fields Landing, CA; T-Mobile. Sr. Geotechnical Engineer. Performed soils investigation and liquefaction assessment at the location of a proposed wireless communication facility (8 antennae on a 50-foot high monopole). The proposed project is in an area that has been identified as subject to several seismic hazards, including strong seismic shaking, liquefaction, surface fault rupture, and tsunami inundation. Where feasible, we provided recommendations that should reduce the effects of the seismic hazards on the improvements to the level of risk acceptable for an unmanned facility in this area. (Professional Service 2013)

Geotechnical Investigation, Wireless Towers, Glenn County, CA; Glenn County Office of Education. Sr. Geotechnical Engineer. Conducted a soils investigation for 3 new wireless towers to be constructed at various sites in Willows, Orland, and Princeton, California. The purpose of our investigation was to explore the subsurface conditions at the three sites, identify soil conditions, and provide seismic design criteria and foundation recommendations. (Professional Service 2013)

Giovanni A. Vadurro, CEG

Certified Engineering Geologist

Distinguishing Qualifications

- Applied Quaternary geology
- Engineering geological analyses
- Geotechnical investigations
- Identifying and mitigating earthquake-related hazards
- Fault hazard evaluations
- Slope stability evaluations

Years of Experience: 17

Years with SHN: 1.5

Education

B.S., Geology, Humboldt State University, Arcata, CA, 1993

Professional Registrations

Professional Geologist, California, No. 7437

Certified Engineering Geologist, California, No. 2554

Registered Geologist, Oregon, No. 2385

Certified Engineering Geologist, Oregon, No. 2385

Certifications

40-hr. OSHA HAZMAT

Relevant Experience

Mr. Vadurro is a Certified Engineering Geologist with more than 16 years of professional experience in all aspects of geotechnical engineering work. He has worked on a wide variety of commercial, residential, and public sector projects. His geotechnical experience includes deep foundation systems, including piling, drilled piers, underpinning, and augers; development over settlement sensitive deposits; slope stability studies; landslide stabilization and mitigation; liquefaction potential and mitigation evaluations; and the identification and mitigation of surface fault rupture and earthquake-related hazards.

Mr. Vadurro specializes in the application of Quaternary geology and geomorphology to geotechnical and geohazard evaluations and has conducted research-level studies of active faults throughout California, Nevada, and far east Russia pertaining to the siting of critical facilities including nuclear waste repositories, and oil and gas pipelines. Mr. Vadurro is also experienced in surficial and bedrock field mapping with an emphasis on slope stability evaluations for hard rock and aggregate extraction.

Representative Projects

Pacific Gas & Electric Company, Passive Microwave Reflector, Barry Ridge, Kneeland, CA. Lead Project Geologist and report author for a geotechnical drilling investigation at a PG&E facility. The project involved the construction of a new passive microwave reflector. The structure consisted of an eight-legged, steel lattice structure supported on individual 4-foot diameter concrete piers and extending 6.5 feet below the existing ground surface.

Pacific Gas & Electric Company, Microwave Tower, Multiple Sites throughout Humboldt and Trinity Counties, CA. Lead Project Geologist and report author for geotechnical drilling investigations at multiple rugged, mountainous ridge top facilities. The projects involved the construction of new four-legged self-supporting steel lattice structures. The drilling field investigations included rock coring to assess overburden and bedrock conditions in support of the design and construction of mat slab and concrete pier foundations.

Noyo Harbor Inn Slope Stability Investigation, Fort Bragg, CA. Lead Project Geologist and report author for project consisting of a new cantilevered parking area over a bluff. Responsibilities included designing the field drilling and data acquisition program, and site characterization; performing slope stability modeling; and completing an assessment of the site's suitability for constructing drilled, cast-in-place piers to support the parking structure.

Vogel Residence Slope Stability Investigation, Trinidad, CA. Lead Project Geologist and report author for project consisting of a coastal bluff failure that has compromised the integrity of a residence. Performed detailed landslide mapping and performed slope stability modeling to determine a new building setback from the failing slope.

Coos Bay Wastewater Treatment Plant, Coos Bay, OR. Lead Project Geologist and report author for project consisting of a new wastewater treatment plant. Responsible for designing the field drilling and data acquisition program, and site characterization. The site consisted of uncontrolled fill over poorly consolidated soils and fractured soft rock. Site conditions that required mitigation included loose, saturated marine sands and uncontrolled sand fill placed in a former stream channel requiring extensive ground improvements.

Grocery Warehouse Outlet, Eureka, CA. Project geologist for geotechnical investigation of foundation conditions, geologic hazards, and soil liquefaction potential. The report focused on geotechnical design recommendations for deep pile-supported, 30-foot high concrete masonry building to mitigate high groundwater conditions and settlement risk resulting from dredge spoils and bay mud foundation support soils. Project included pile foundation recommendations at hydraulically filled bay margin site.

Yurok Casino and Hotel, Klamath, Del Norte County, CA. Lead Project Geologist and report author for project consisting of a new multi-story hotel and casino. The report focused on geotechnical design recommendations to mitigate settlement risk resulting from deep uncontrolled fill soils. Conducted a geotechnical drilling field investigation that was augmented with seismic refraction and seismic surface wave surveys. The seismic surveys were undertaken to assess the degree of fill compaction and to evaluate the heterogeneity and in-place density of granular fill material based on seismic velocities. Provided specific recommendations and criteria for site preparation, design, and construction of foundation and floor slab systems.

Slope Stability and Roadway Storm Damage Evaluation, Humboldt County, CA. Project Geologist and report author for an engineering geologic field investigation of a landslide damaged roadway. Conducted aerial photographic interpretation and field mapping to identify areas for a new road alignment; conducted subsurface exploration, and geologic and geomorphic mapping to assess areas prone to future slope instability. The project team worked with the Humboldt County Department of Public Works to design road realignment, grading plan, and erosion control measures.

Quarry Creek Bridge Design, Blue Lake, CA. Field Supervisor, Lead Project Geologist, report author for the geotechnical investigation and bridge foundation design for the proposed replacement of a perched culvert and hardened channel that impedes fish passage during all flow conditions, including state and federally listed species that migrate from the Mad River. Project is located near the mouth of Quarry Creek, south of Blue Lake, CA. SHN conducted a geotechnical investigation to assess geologic hazards and provide geotechnical design parameters for the bridge specifications and foundation engineering. Project is currently in the permitting process and planned to be implemented in the summer of 2014.

Little Salmon fault, College of the Redwoods, Eureka Campus (1997-1999, 2006-2010, 2014). Performed as lead investigator and report author assessing fault rupture hazards to existing building and the siting of new facilities throughout the Eureka Campus. Previous field investigations consisted of both trench-based studies as well as subsurface studies using cone penetration testing coupled with continuous core boreholes. Was responsible for designing the field studies, trench mapping, borehole logging, data acquisition, interpretation, and report preparation. Was instrumental in facilitating the approval by CGS and DSA for the construction of the Learning Resources Center, Child Development Center, and more recent Student Services/Administration and Academic building projects.

Scotia Recreation Center, Scotia Elementary School. Lead Project Engineering Geologist and report author for project consisting of the modernization of the Recreation Center building. Responsibilities included designing the field drilling and data acquisition program, and site characterization; performing geotechnical studies to assist the project team's structural engineer in the design and construction of seismic upgrades.

Margaret Keating Elementary School, Klamath. Performed as the Geotechnical Engineer's designated representative in conducting subgrade inspections and construction inspection during site preparation, excavation, and foundation construction for new classroom buildings and associated site improvements.

SHNCO-1 OP ID: BMG

ACORD

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DATE (MM/DD/YYYY) 06/23/2015

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SHN Consulting Engineers & Geologists, Inc.
812 W. Wabash
Eureka, CA 95501

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A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR X CPL(Pollution) GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC OTHER:			W15ED9150201	07/01/2015	07/01/2016	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 2,000,000 $ 300,000 $ 10,000 $ 2,000,000 $ 2,000,000 $ 2,000,000 $
B	AUTOMOBILE LIABILITY X ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS X HIRED AUTOS X NON-OWNED AUTOS			810-9F03256A-15	07/01/2015	07/01/2016	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,00 $ $ $ $
C	UMBRELLA LIAB X OCCUR X EXCESS LIAB CLAIMS-MADE DED X RETENTION $ 0			EXC10004074202	07/01/2015	07/01/2016	EACH OCCURRENCE AGGREGATE XS of	$ 4,000,000 $ 4,000,000 $ GL/AL/EL
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N N/A (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			UB-9F067903-15	07/01/2015	07/01/2016	X PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 1,000,000 $ 1,000,000 $ 1,000,000
A	Professional Liab "Claims Made"			W15ED9150201 SUBJECT TO GL AGGREGATE	07/01/2015	07/01/2016	Ea Claim Aggregate	2,000,000 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

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AUTHORIZED REPRESENTATIVE

F. van Oppen

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REC'D FEB 17 2016

DUDEK

ENVIRONMENTAL IMPACT REPORT FOR THE HARE CREEK CENTER

PROPOSAL

PREPARED FOR

City of Fort Bragg

PREPARED BY

Dudek
465 Magnolia Avenue
Larkspur, California 94939
415.758.9833
www.dudek.com

February 19, 2016

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A Resumes

Proposal printed on 100% recycled paper.

DUDEK

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LARKSPUR, CALIFORNIA 94939
T 415.758.9833

Cover Letter

February 19, 2016

Marie Jones
Community Development Director
City of Fort Bragg
416 North Franklin Street
Fort Bragg, California 95437

Dear Ms. Jones:

Providing the City of Fort Bragg (City) Community Development Department with a comprehensive and legally defensible environmental impact report (EIR) for the Hare Creek Center requires a reliable team with extensive coastal experience, an understanding of regional environmental sensitivities, and good working relationships with local regulatory agencies. Dudek will work effectively with City staff to make the EIR process an efficient and seamless process. We will provide the City with the following strengths:

Extensive Experience with and Knowledge of the Region The work we most enjoy is the work we are able to do in the places we know and we are invested in the success of local projects. As residents of Northern California, the entire project team has had experience in North Coast counties. Our project manager, Darcey Rosenblatt previously worked with the City on the Mill Site Specific Plan EIR, and knows City issues and concerns. She and our deputy project manager, Brian Grattidge, have also assisted clients in the Cities of Eureka and Ukiah and in neighboring Sonoma and Humboldt Counties. This work has given us a thorough understanding of the region's environmental review procedures and familiarity with current development trends and issues facing the North Coast.

EIR Experts Dudek has completed more than 2,500 California Environmental Quality Act (CEQA)/National Environmental Policy Act (NEPA) documents throughout California, none of which have been successfully legally challenged. Our project team is comprised of land use planners with extensive public- and private-sector experience preparing environmental review documents in compliance with the mandates of CEQA. Our documents are produced by in-house technical experts, who perform studies that efficiently summarize technical data and publish high-quality CEQA/NEPA documents, getting them right the first time.

Responsive and Reliable Project Management Dudek understands the importance of reliable and responsive project management. This contract will be managed from our Marin office, with support from our Sacramento, San Francisco and Auburn offices. We will respond to any task requests within 24 hours, and can be on site within 3 hours, as needed.

We look forward to continuing our working relationship with the City. If you have any questions regarding our qualifications, please contact our project manager Darcey Rosenblatt at 415.758.9811 or drosenblatt@dudek.com.

Sincerely,

Frank J Dudek

Frank Dudek
President

A. Firm Description

Dudek is a California-based environmental firm with more than 300 planners, scientists, facilitators, and support staff. For 36 years, we have assisted public clients on a broad range of projects that improve California's communities, infrastructure, and natural environment. From planning and design to permitting we help move public projects forward through the complexities of regulatory compliance, budgetary and schedule constraints, and conflicting stakeholder interests. Our professionals will find practical, cost-effective approaches to help the City develop a quality analysis of the Hare Creek Center project.

Dudek at a Glance

- Multidisciplinary environmental and engineering services
- 300+ employees
- 12 California offices
- Founded in 1980; employee-owned
- Top 150 US Environmental Firms (Engineering News-Record)
- Dun & Bradstreet 90% rating for reliability, timeliness, and responsiveness

Environmental Document Experts

Our experts have prepared more than 2,500 CEQA/NEPA documents, including EIRs and environmental impact statements, initial studies (ISs), environmental assessments (EAs), and mitigated negative declarations (MNDs) for large and small projects throughout California. Our familiarity with the environmental review process enables our staff to develop workable solutions to meet City expectations.

We leverage our in-house technical expertise in biological resources, noise, air quality, cultural resources, hazards, and hydrology/water quality to efficiently summarize technical data and publish high-quality CEQA/NEPA documents, getting them right the first time. Our team has addressed up to 9,000 comments on a single CEQA document with the goal of resolving all issues and leaving no margin for successful legal challenge. As a result, none of our CEQA/NEPA documents have ever been successfully challenged in court. Our environmental experts, in-house technical publications editors, and graphic designers prepare high quality, clear, and organized documents that are easily interpreted by the public, agencies, and individuals responsible for future project development.

Our multidisciplinary team includes:

- AICP-certified CEQA/NEPA planners
- California Department of Fish and Wildlife (CDFW)- and U.S. Fish and Wildlife Service (USFWS)- certified biologists
- Certified arborists and foresters/oak specialists
- Compliance monitoring and reporting specialists
- Registered professional archaeologists
- Licensed landscape architects
- Registered environmental property assessors
- Professional foresters
- Air quality, noise, and climate change specialists
- Certified floodplain managers
- Leadership in Energy and Environmental Design professionals
- Certified geographic information system (GIS) professionals
- Certified hydrogeologists
- Licensed geologists
- Licensed professional engineers
- Licensed contractors (Class A, C-27)

Responsive Team

We will manage projects from our Marin office, with additional support from our Sacramento, Auburn, and San Francisco offices. Figure 1 is a map of our Northern California offices. When needed, we can also call on experts from our more than 300 staff statewide to provide specialized expertise. We will respond quickly and efficiently to any task or project, no matter the location.

FIGURE 1. NORTHERN CALIFORNIA OFFICES

Dudek Team Reliability

Team Continuity

Dudek has remarkably low company turnover, and the team we present will see your projects through to completion. Our environmental team effectively communicates with the local community and decision makers by coordinating technical expertise, policy interpretation, and client advocacy. We will leverage our long-standing relationships with local permitting agencies to expedite complex permitting processes, saving the City time and money. Our professionals bring multifaceted local experience and expertise to meet the City's needs with federal, state, and local public agencies, including:

- CEQA/NEPA documentation for hundreds of projects across Northern California;
- Biological technical reports covering the full range of habitat types and species encountered in the Coastal Range, North Coast, and Northern California generally, as well as the ability to meet the needs and satisfy the requirements of the various agencies within the region;
- Archaeological technical reports for all types of historic and prehistoric resources, including architectural building assessments;
- Specialized analyses, including air quality, health risk assessments, noise, and visual impact assessments;
- Regulatory permitting strategies and attainment for a variety of programs and development activities (e.g., USFWS, U.S. Army Corps of Engineers (ACOE), CDFW, and the Regional Water Quality Control Boards (RWQCBs);
- Hydrology and water quality studies, including aquatic resources for infrastructure and development projects; and
- Restoration/mitigation plans for design-build projects.

B. Relevant Experience

Dudek staff members have considerable experience preparing EIRs for proposed development projects throughout the region, and are well versed in all aspects of the California Coastal Act. Dudek's EIRs and environmental documents are backed by comprehensive technical studies, and are focused on well-articulated analysis that is useful to decision makers and easily understandable by the lay public. We pride ourselves on having expert designers who produce excellent graphics, and technical editors that are trained specifically to work with our CEQA/NEPA practitioners.

Mill Site Specific Plan EIR

Client: The City
Project Team: Darcey Rosenblatt (Project Manager), Dylan Duvergé (Geology/Hydrology/Hazards)

Dudek staff assisted City planning efforts for the site of the historic Georgia-Pacific lumber facility. The City worked with Georgia Pacific, the owner of the Mill Site, to reclaim the site from intensive industrial use through the eventual placement of multiple sustainable uses. Dudek staff managed the development of several technical studies and preliminary CEQA efforts. In 2012, Georgia-Pacific withdrew their application in order to focus their attention on the remediation of the Mill Site. Prior to Georgia-Pacific's withdrawal, Dudek staff also assisted in the analysis of water rights change petitions, adoption of a local coastal plan amendment, and administration of portions of the robust CEQA-related community outreach program.

Walmart Expansion EIR

Client: City of Ukiah
Project Team: Brian Grattidge (Project Manager)

Dudek prepared an EIR for the proposed expansion of an existing Walmart store in the City of Ukiah. Key issues included traffic, noise, air quality, greenhouse gas (GHG) emissions, urban decay, land use, and stormwater runoff. Mr. Grattidge managed an extensive scoping process and assisted the lead agency with numerous public hearings. The project generated considerable controversy, but the final EIR was certified by the City.

34th America's Cup EA

Client: City and County of San Francisco
Project Team: Darcey Rosenblatt (Project Manager), Dylan Duvergé (Geology/Hydrology), Matthew Morales (Air Quality)

Working closely with four lead federal agencies, Dudek staff developed this complicated, fast-track effort to complete NEPA documentation for one of the largest sporting events ever proposed for the San Francisco Bay. A full range of technical analysis was required to describe the impacts to facilities and operations of the National Park Service, U.S. Coast Guard, ACOE, and the Presidio Trust. Darcey Rosenblatt directed the schedule and coordinated the analysis, facilitating weekly meetings of a large agency task force and organizing and facilitating meetings between all agencies and the interested public.

Vallejo Marine Terminal Environmental Documents

Client: City of Vallejo
Project Team: Darcey Rosenblatt (Project Manager), Heather Ivey (Deputy Project Manager) Paul Caligiuri (Aesthetics), Dylan Duvergé (Geology/Hydrology), , Matthew Morales (Air Quality), Adam Giacinto (Cultural)

Dudek is developing environmental documentation for two separate, but related, applications to revitalize and repurpose the site formerly occupied by a General Mills production facility. Vallejo Marine Terminal LLC (VMT) and Orcem California Inc. (Orcem) have submitted applications to establish both a marine terminal and a processing facility for the production of a high-performing "green" cement material. The proposed project focuses on the removal of a deteriorated timber wharf and construction of a modern deep-water terminal, including wharf improvements, laydown area, and trucking and rail connections, primarily servicing the import and export of commodities at the VMT Terminal Site. Construction of the terminal would require fill activities, and dredging would be required for both phases. The proposed Orcem Project involves reuse of the former General Mills site for the construction and operation of an industrial facility for the production of cement produced with less pollution than traditional cement. Primary issues are traffic, air quality, and impacts to biological resources, particularly benthic resources.

Costco Final EIR

Client: City of Ukiah
Project Team: Brian Grattidge (Project Manager)

Dudek staff prepared an EIR for a proposed Costco Wholesale Warehouse in the City of Ukiah. The proposed project consists of a 148,000-square-foot store located on a 15.33-acre site near Highway 101, and includes a 16-pump fuel station. Environmental issues addressed in the EIR include traffic, air quality, GHG, aesthetics, stormwater runoff, energy usage, "urban heat island" effects, and urban decay. Mr. Grattidge also prepared an addendum to address changes in the entitlement process, proposed drainage improvements, and energy usage. Dudek staff also provided litigation support in a successful effort to uphold the City's action in approving the project.

Climate Action Plan

Client: City of Ukiah
Project Team: Brian Grattidge (Project Manager)

Dudek is working as part of a project team to prepare a climate action plan (Plan) for the City of Ukiah. The Plan includes an existing and future GHG inventory at both the community-wide and municipal operations levels. The Plan identifies future reduction targets, state actions to reduce GHG emissions, existing local programs, which may reduce GHG emissions, and additional local policies, programs, and measures to meet the reduction targets. The Plan also identifies potential effects of climate change on the City of Ukiah, and makes recommendations for adaptation and mitigation. Dudek is providing policy review of the Plan and formulating the environmental review process for future development within the City.

Waterfront EIR

Client: City of Eureka
Project Team: Darcey Rosenblatt (Project Manager), Dylan Duvergé (Geology/Hydrology/Hazards)

Dudek staff managed the development of CEQA compliance for several development projects along the Eureka Waterfront, including a mixed commercial/residential site, a recreational boat dock and pier, and possible hotel site. In addition to the CEQA analysis, we assisted in facilitating the public outreach efforts and provided assistance for compliance with Section 106 of the National Historic Preservation Act and informal consultation with the U.S. Army Corps of Engineers regarding a Section 404 Clean Water Act permit.

Keiser Park Master Plan EIR

Client: Town of Windsor
Project Team: Darcey Rosenblatt (Project Manager), Dylan Duvergé (Geology/Hydrology/Hazards)

Dudek staff managed the preparation of a project-level EIR and construction permitting for the Keiser Park Master Plan, which proposed to expand recreational facilities at an existing community park. The project involved the development of several new fields, an aquatic center, and a community recreation center. Dudek staff worked with town staff and RHAA, the town's contracted landscape architects, to conduct public outreach and to analyze cumulative effects from changes to the adjacent school facilities. Staff worked with the town and the U.S. Army Corps of Engineers to design facilities that would avoid impacts to wetlands and a riparian area that winds through the center of the park site.

Belden Barns Winery Focused EIR

Client: County of Sonoma
Project Team: Heather Ivey (Project Manager) Paul Caligiuri (Aesthetics), Dylan Duvergé (Geology/Hydrology), Matthew Morales (Air Quality)

Dudek is preparing an EIR for Sonoma County for a proposed farmstead and winery project that involves winemaking, hospitality, and farmstead food production on a 55-acre parcel in unincorporated Sonoma County. An MND was prepared for the project, and the project was previously approved; however, a lawsuit was filed challenging the project and a settlement agreement was reached, which requires preparation of an EIR focused on specific environmental issues, including aesthetics, air quality, biological resources, geology and soils, GHG emissions, hydrology and water quality, noise, and traffic. A summary in the previously prepared MND addresses all other issues. The EIR also includes a thorough analysis of cumulative impacts and project alternatives.

Canon Road Agua Hedionda South Shore Specific Plan

Client: Caruso Acquisition Co. LLC
Project Team: Dylan Duvergé (Geology/Hydrology), Alison Evans (Land Use/Coastal Compliance), Adam Giacinto (Cultural)

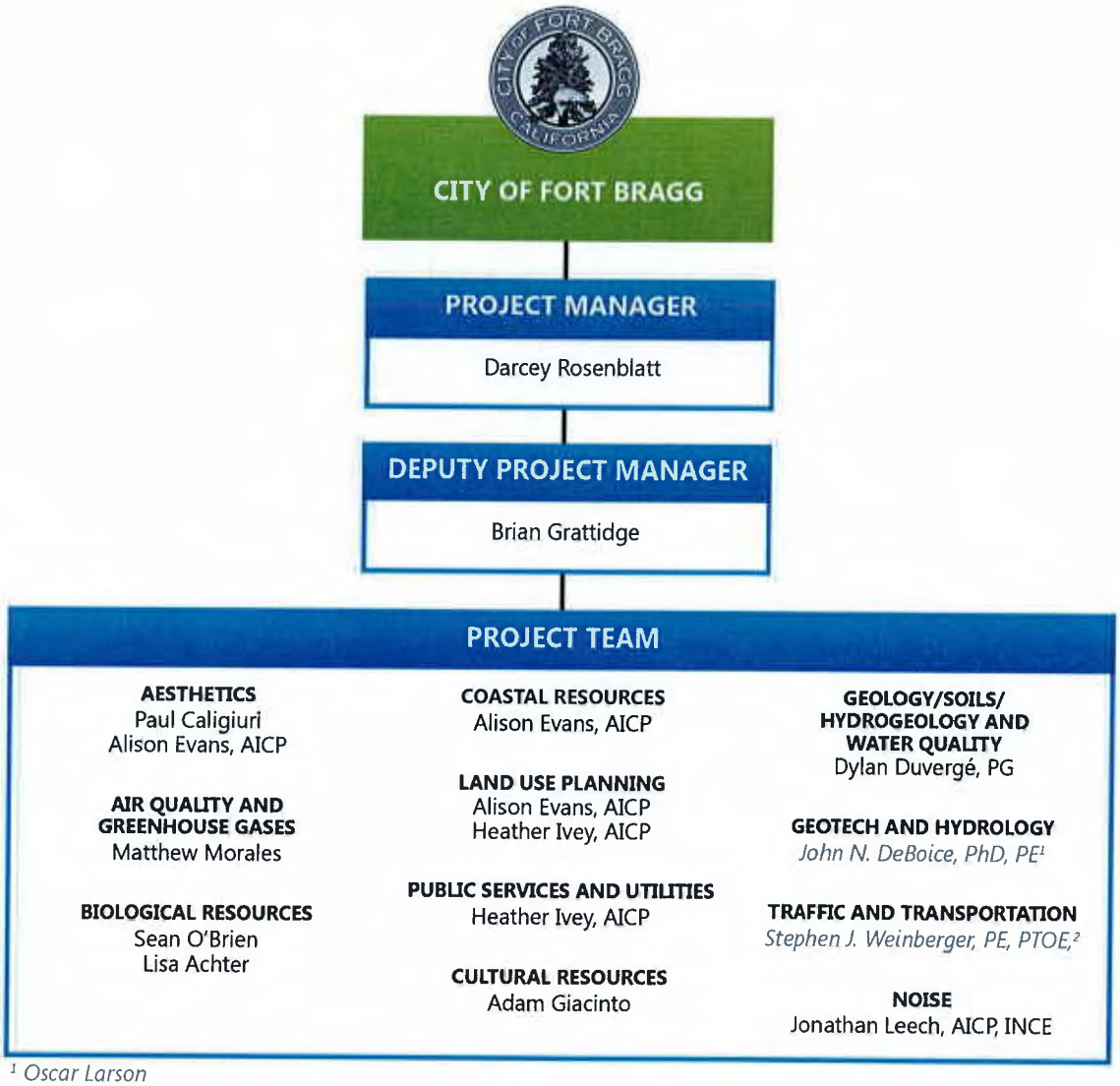
Dudek's landscape architects prepared preliminary concept plans for the Agua Hedionda South Shore Specific Plan for 85% Open Space and 15% Retail, over 155 acres of agricultural and natural resource areas. The plans prescribe preliminary concepts for public access, low-cost visitor uses, trails, interpretation and overlooks, native habitat restoration, and preservation of existing historic agriculture areas (strawberry fields) and biological resources associated with the adjacent Agua Hedionda Lagoon. The plans call for more than 75 acres of habitat open space preserve, more than 39 acres of open space preserve and habitat restoration, and more than 60 acres of active agriculture land. Proposed site amenities in the conceptual plan include more than 3 miles of trails, multiple interpretive overlooks, trailhead kiosks, an open-air classroom, and parking. Proposed site furnishings include fitness stations, benches, picnic areas with shade structures, trash receptacles, drinking fountains, dog stations, restroom facilities, and wayfinding signs.

The conceptual design considers an overall educational theme of historical land used in concert with the need to respect the natural environment and its resources to preserve, utilize, and appreciate the resources for a sustainable future. Through interpretive signage and identification of key site features, and through interpretation at key panoramic overlooks, the plan connects the natural resources to the site's original inhabitants (Native Americans), who lived off the ocean by gathering resources in the lagoon area and used the adjacent hillsides as camps and temporary villages. In addition, interpretation will include the influences of the early inhabitants of the area including the Spanish and the Dutch. Also, preliminary design themes reflect Carlsbad's "funky beach town" character and propose using landscape art. Lastly, interpretation will include the various ecosystems on and adjacent to the site, native habitat, and native plant communities within the site and adjacent lands.

C. Key Personnel Qualifications

Dudek understands local requirements, and knows that strong project management, quality staff, and a clear organizational framework are crucial to the City's project success. Figure 2 outlines the team organization developed for this project. Darcey Rosenblatt, project manager, will serve as point of contact, and lead the EIR effort, with assistance from Brian Grattidge, deputy project manager. Ms. Rosenblatt and Mr. Grattidge have extensive experience in Northern California, including in the City and other coastal and regional communities. A team with extensive experience preparing large development EIRs and familiar with the California Coastal Act familiarity will support Ms. Rosenblatt and Mr. Grattidge. Team resumes are located in Appendix A.

FIGURE 2. DUDEK TEAM ORGANIZATION



[1] *Oscar Larson*
[2] *W-Trans*

Project Manager

Darcey Rosenblatt

Ms. Rosenblatt has 24 years' experience as a CEQA/NEPA project manager in Northern California. She has particular expertise in large-area land management, coastal infrastructure, as well as water quality and water supply. Her experience includes successful completion of a number of complicated fast-track CEQA efforts in the last decade. She has worked for the Trust for Public Land and for the U.S. Environmental Protection Agency's Office of Water. Ms. Rosenblatt has had training in public outreach, mediation, and negotiation of environmental policy and siting disputes.

EDUCATION

University of Washington, Seattle
MA, Marine Resource Management, Coastal Infrastructure Development Specialization

University of California (UC), Berkeley
BS, Conservation of Natural Resources

Deputy Project Manager

Brian Grattidge

Brian Grattidge is an environmental land use planner with 19 years' experience. Mr. Grattidge has worked extensively in CEQA/NEPA compliance as a senior project manager. His project experience includes a wide range of residential, commercial, industrial, mining, and infrastructure projects. He has assisted clients with airport compatibility planning, development review, environmental permitting, specialized planning studies, and project management. Prior to his consulting work, Mr.Grattidge was a member of the Governor's Office of Planning and Research, where he prepared the 2003 update of the General Plan Guidelines, assisted with the 2003 CEQA Guideline Amendments, contributed to the 2003 draft Environmental Goals and Policy Report, provided CEQA support and technical training, and coordinated state review of environmental documents.

EDUCATION

UC Davis
MA, Political Science
BA, International Relations

PROFESSIONAL AFFILIATIONS

American Planning Association, Legislative Liaison for Sacramento Valley Chapter

Aesthetics

Paul Caligiuri

Paul Caligiuri has 37 years' designer-level experience as a civil drafter and CADD operator. With the use of AutoCAD and Land Development Desktop software, he has been responsible for the plan preparation of numerous water, sewer, reclaimed water, and stormwater projects. Included in these projects are drawings for pipeline plans and profiles, pump stations and associated detail, traffic control, and right-of-way acquisition.

In addition to Mr. Caligiuri's extensive design and drafting skills, he is also experienced in digital simulations and computer animation for architectural walkthroughs and engineering flybys. AutoCAD and 3-D Studio Max software are used to create a true-scale 3-D model of the proposed project.

EDUCATION

Mira Costa College
Vocational Certificate

Palomar College
AA, General Studies

Palomar College
Three Semesters 3-D Modeling and Animation

DRAFTING, DESIGN, AND MODELING SOFTWARE

AutoCAD

3-D Studio Max

Land Development Desktop

Air Quality and Greenhouse Gases

Matthew Morales

Matthew Morales is an air quality specialist with 11 years' experience preparing technical analyses for numerous planning and environmental projects related to development, natural resource management, and facility expansion. Trained in air quality, including GHGs and climate change, and noise analysis, he is adept at applying air quality and noise models, such as the California Emissions Estimator Model (CalEEMod), Caline-4, AERSCREEN, AERMOD, and the Federal Highway Administration's Traffic Noise Prediction Model. He performs quantitative analyses for CEQA/NEPA environmental documents, such as EIRs, ISs, and MNDs.

EDUCATION

UC Davis

BS, Environmental Toxicology

Noise

Jonathan Leech, INCE, AICP

Jonathan Leech has 28 years' environmental planning experience, including environmental research, impact assessment, field research, and land use analysis. Mr. Leech has more than 8 years' focused experience in noise assessments, including exterior and interior noise exposure studies for single-family homes, as well as large-scale evaluations of proposed sub-divisions and specific plan projects, for inclusion in environmental impact reports (EIRs) or negative declarations (NDs). Mr. Leech has also performed noise evaluation of commercial and industrial sources, and provided noise monitoring during construction for compliance with project conditions and noise ordinance restrictions.

EDUCATION

UC Santa Barbara

BA, Environmental Studies/Geology

Pennsylvania State University, Coursework in Graduate Acoustics Program, 2012

LICENSES AND CERTIFICATIONS

Institute of Noise Control Engineering (INCE)

Biological Resources

Sean O'Brien

Sean O'Brien is a biologist with more than 20 years' experience in the planning, management, and implementation of natural resource-related projects throughout California. Mr. O'Brien specializes in wetlands and endangered species permitting, mitigation planning, biological impact assessment, and biological compliance monitoring program development for public and private clients.

EDUCATION

California Polytechnic State University, San Luis Obispo

BS, Ecology and Systematic Biology

Mr. O'Brien's primary focus has been on management of projects that involve preparation of regulatory permit applications and supporting documentation to secure local, state, and federal approvals on behalf of his clients. Mr. O'Brien has been involved with numerous large, complex projects in the San Francisco Bay region. These projects have required management of multidisciplinary project teams, preparation of complex environmental documents on accelerated schedules, and negotiations with the regulatory agencies. Mr. O'Brien has successfully negotiated with, and obtained regulatory approvals from, the ACOE, USFWS, RWQCB, CDFW, and San Francisco Bay Conservation and Development Commission for dozens of projects encompassing the aviation, transportation, utilities/infrastructure, residential, and institutional development markets. Mr. O'Brien has also led the development and implementation of numerous biological construction monitoring/permit compliance programs.

Lisa Achter

Lisa Achter is a wildlife biologist with 9 years' experience specializing in conducting presence/absence surveys and various other studies for a number of special-status and common wildlife species in Northern California. She has several years expertise studying, surveying, handling, and monitoring the federally and state threatened giant gartersnake (*Thamnophis gigas*). Ms. Achter is familiar with the survey protocols and techniques for burrowing owl (*Athene cunicularia*), Swainson's hawk (*Buteo swainsoni*), several raptors, and most nesting bird species common in Northern California. She performs a broad array of biological construction monitoring for power line and gas line projects, and various transportation and development projects.

EDUCATION

Humboldt State University
BS, Wildlife Management and Conservation

Sierra College
AA, Liberal Arts

CERTIFICATIONS

USFWS, GGS Recovery Permit No. TE05665B-0

CDFW, GGS MOU and SCP No. SC-12693

Ms. Achter is experienced in several ecological fields with knowledge of California's ecosystems including the Northern California Coast Ranges, and Interior Coast Ranges. She helps mitigate impacts to vernal pool communities and associated habitats, is familiar with best management practices (BMPs) related to erosion control and riparian habitat preservation, assesses wildlife habitat functions and values, and is proficient at identifying most forest and grassland trees, shrubs, and other plants. In addition to writing biological sections of EIRs and other survey and analysis reports and documentation, Ms. Achter is experienced using Trimble and GPS systems for field mapping efforts. She is familiar with environmental laws and regulations, including CEQA/NEPA, state and federal Endangered Species Acts, federal Migratory Bird Treaty Act, federal and state Clean Water Acts (Section 404 and Section 401), and state Lake and Streambed Alteration Agreements (1600).

Coastal Resources, Aesthetics, Land Use Planning

Alison Evans, AICP

Alison Evans is a certified environmental planner with 16 years' professional experience specializing in project planning and regulatory compliance pursuant to CEQA, NEPA, and the California Coastal Act. Ms. Evans has completed numerous environmental and regulatory compliance documents in support of a diverse range of public and private developments, including public utilities and infrastructure, port-related industry, transportation, school redevelopment and expansion, and mixed-use commercial and residential developments. Ms. Evans provides clients and applicants with a range of value-added services from preparation of permit applications and agency consultations through successful obtainment of grant funding for project construction and implementation, as well as client and team coordination, technical editing, and development and adherence to scopes of work, budgets, and schedules. Her background is in land-use policy analyses, visual quality, and public services and utilities issues for complex and controversial programmatic and project-specific environmental and coastal permitting documents.

EDUCATION

UC Santa Barbara

BA, Environmental Studies

CERTIFICATIONS

American Institute of Certified Planners (AICP)

Land Use Planning, Public Services and Utilities

Heather Ivey, AICP

Heather Ivey is an environmental planner with 7 years' experience in project planning with a focus on environmental review projects, including both program- and project-level CEQA/NEPA analyses. Ms. Ivey has served in project management and analyst roles on a variety of projects, including EIRs, MNDs, general plans, specific plans, and climate action plans. Her work includes a range of public and private development and infrastructure projects, as well as long-range planning efforts. Ms. Ivey has been active in all phases of the project planning and environmental review process, including, but not limited to, budget allocations and monitoring, subconsultant contracting, scheduling, document preparation, and extensive community outreach and public hearing presentations.

EDUCATION

UC San Diego
BA, Urban Studies and Planning

UC Irvine
MRP, Urban and Regional Planning

CERTIFICATIONS

AICP

Cultural Resources

Adam Giacinto

Adam Giacinto is an archaeologist with 8 years' experience preparing cultural resource reports, site records, and conducting archaeological survey, evaluation, and data recovery-level investigations. His research interests include prehistoric hunter-gatherer cultures and contemporary conceptions of heritage. His current research focuses on the social, historical, archaeological, and political mechanisms surrounding heritage values. He has gained practical experience in archaeological and ethnographic field methods while conducting research in the Southwest, Mexico, and Eastern Europe. Mr. Giacinto brings specialized experience in cultural resources information processing gained, while working at the South Coastal Information Center. He has worked as part of a non-profit collaboration in designing and managing a large-scale, preservation-oriented, standardized database and conducting site and impact-predictive GIS analysis of the existing cultural resources surrounding ancient Lake Cahuilla. He provides experience in ethnographic and applied anthropological methods gained in urban and rural settings, both in the U.S. and internationally.

EDUCATION

San Diego State University
MA, Anthropology

Sonoma State University
BA, Anthropology/Linguistics

Santa Rosa Junior College
AA, Anthropology

Geology/Soils/Hydrogeology, Water Quality

Dylan Duvergé, PG

Dylan Duvergé is an environmental analyst and hydrogeologist with 9 years' experience in the environmental industry and 6 years' experience assisting large-scale planning efforts and individual project proposals through CEQA/NEPA compliance. Mr. Duvergé specializes in assessing program and project impacts to surface water and groundwater resources; geologic and hydrologic hazards; and soil, mineral, and paleontological resources. He has prepared, contributed to, and/or peer reviewed groundwater resource investigations, stormwater drainage reports, geologic hazard investigations, and paleontological resource assessments for renewable energy, water/wastewater, and resource management projects throughout California. Mr. Duvergé understands both the scientific and regulatory aspects of hydrologic and geologic issues, and has the skillset necessary to effectively translate complex technical information for the benefit of agencies and the general public.

EDUCATION

San Francisco State University
MS, Geosciences

UC Santa Cruz
BA, Environmental Studies

LICENSES AND CERTIFICATIONS

Professional Geologist (PG)

40-Hour HAZWOPER, as per 29 CFR 1910.120(e)

Geotech and Hydrology

John N. DeBoice, PhD, PE – *Oscar Larson*

Dr. John DeBoice has a broad range of experience in the field of sanitary engineering, ranging from design and construction of wastewater treatment facilities, sewers, lift stations and force mains to computer modeling of sewer systems and waste treatment processes; and evaluations of the impact of wastewater discharge to ground waters, marshlands, tidal sloughs, rivers, and open ocean areas. His water system experience includes evaluations of water treatment and distribution facilities, computer modeling of water distribution systems, design of water treatment, distribution and storage facilities. He has also carried out pilot studies, designed waste handling facilities for water treatment plants, conducted corrosion studies, and spoken on disinfection at water treatment forums and workshops throughout California and Nevada.

EDUCATION
UC Berkeley
PhD, Sanitary Engineering
MS, Sanitary Engineering
University of Hawaii, Honolulu
BS, Civil Engineering
LICENSES AND REGISTRATIONS
Civil Engineer, CA No. 26167

Dr. DeBoice has also been responsible for the design and construction of industrial water supply and wastewater disposal facilities, and has conducted waste surveys, in-plant source control programs, and studies of corrosion, scaling, and biological fouling of cooling towers, boilers, and water distribution piping.

Traffic and Transportation

Stephen J. Weinberger, PE, PTOE – *W-Trans*

Stephen J. Weinberger, a founding Principal of W-Trans, is a transportation consultant with more than 34 years' experience in traditional transportation planning and traffic engineering operations and design. He specializes in "Complete Streets", pedestrian safety, bicycle facilities, and projects that balance competing transportation needs within the existing public right-of-way. He is adept at working with communities to develop measures to transform vehicle-dominated arterials to systems that provide more livable conditions for all users by incorporating traffic-calming schemes, lane reallocation techniques, roundabouts, and traffic control systems that favor local traffic, bicyclists, and pedestrians.

EDUCATION
UC Berkeley
MS, Transportation Engineering
BS, Civil Engineering
LICENSES AND CERTIFICATIONS
Civil Engineer (PE), CA No. 43159
Traffic Engineer, CA No. 1440
Professional Traffic Operations Engineer (PTOE), No. 342
Safe Routes to School National Course Instructor

D. References

Dudek maintains good working relationships with our past and current clients. Table 1 lists three public agencies for which we have performed similar work.

TABLE 1. DUDEK REFERENCES

Client and Project	Contact Information
City of Vallejo Vallejo Marine Terminal Environmental Documents	Andrea Ouse, AICP Community and Economic Development Director 707.648.4163
City of Ukiah Costco Final EIR	Charley Stump Planning Director 707.463.6219
Presidio Trust 34th America's Cup EA	John Pelka Compliance Manager 415.561.5300

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E. Project Understanding, Approach, and Scope of Work

Project Understanding

Dudek understands that the City is seeking proposals from qualified environmental firms to assist in the preparation of a project-level EIR for the proposed Hare Creek Center shopping facility. We recognize that significant analysis has been developed previously, and our scope will build on that effort.

Since 2004, the applicant has submitted a variety of proposals for the development of portions of the Hare Creek Parcel. In 2013, the applicant submitted a project with a similar development program but a different site plan and grading schedule from the current proposed project. The City completed an MND for this proposed project and received important feedback from the California Coastal Commission (CCC) that required a redesign of the project to reduce the amount of grading associated with the development. Additionally, due to significant opposition to the project, Fort Bragg City Council directed staff to prepare an EIR for a revised submittal to address both CCC staff members' and the public's concerns.

Project Approach to Scope of Work

1 Project Management and Kickoff

Project Kickoff

Understanding of the project at the kickoff stage will facilitate communication and efficient completion of work products for the entire project team. Under this task, Dudek staff will meet with City staff to kick off the project and discuss relevant existing technical information and project components. We will discuss the project description, timeline, objectives, critical issues, background data, prior and nearby planning efforts, and Dudek's approach to the project. Dudek staff will also tour the site with City staff. Dudek will document the results of this task with meeting minutes and an updated project schedule so that all parties have a common understanding of issues and direction.

Coordination

Over the course of the project, Dudek will consult, communicate, and meet with City staff often to verify, refine, and complete the project requirements and review the progress of the project. Our scope assumes a project conference call every two (2) weeks in addition to four (4) in-person meetings (these meetings are in addition to the kickoff meeting and meetings that may occur as part of public hearing responsibilities). All meetings and conference calls will be documented with short meeting minutes and an updated schedule when necessary. Dudek staff will initiate consultation with responsible agencies and other involved local, state, and federal agencies. Dudek offers a number of tools to facilitate efficient, productive virtual collaboration. These methods include:

- **File sharing and storage.** ShareFile is Dudek's cloud-based file sharing and storage system that allows Dudek to share and access files with the City.
- **Document co-authoring.** Dudek offers simultaneous document co-authoring capabilities through the SharePoint engine through a client portal.
- **Client portal.** Dudek can prepare and maintain a client portal through a custom-built website designed for clients, and per project specifications.

- **GoTo Meeting.** Dudek utilizes GoTo Meeting to schedule and conduct real-time online (video/audio/web) meetings with clients.

2 Prepare and Distribute the Notice of Preparation (NOP)

Dudek staff will review the project description, identify any additional needs, and prepare the draft NOP, including an environmental scoping study that briefly describes the project (including a brief project history) and the topics planned for analysis in the EIR. We understand that the City will be responsible for circulation of the NOP to the appropriate local, state, and Federal agencies.

3 Evaluate Existing Technical Studies

Dudek will review all pertinent documents and existing studies in order to analyze potential project impacts and determine that the existing information will support CEQA document preparation. We will produce a memo as part of this task that indicates completeness for each resource area and, if necessary, describes any data gaps.

Based on the evaluation of the existing technical documents and complete project description, if necessary, we will recommend additional studies. Upon agreement of City staff, we will scope and staff any needed additional technical studies. At this time, the following additional technical studies have been included in our scope:

New/Revised Geotechnical Report

As part of this study, the Dudek team will evaluate current conditions at the site, and address potential impacts associated with proposed grading and site development. We will verify the general site geology by examining nearby (off-site) cliffside and stream bank exposures for comparison. We will verify shallow soils conditions and strengths by hand-auguring and sampling multiple boreholes and, as feasible, making in-situ measurements. All collected samples will be evaluated in a lab. Soil logs of augur holes or nearby pertinent exposures will be prepared. Using this collected data, an updated geotechnical report will be prepared. It will reference the existing geotechnical report, other pertinent documents and maps, and our own observations that confirm the site geology and soils conditions. The report will update the seismic setting information and the design seismic parameters and will verify the tsunami run-up hazard. The report will address any other geologic hazards and risks that might become evident in the course of the analysis. The report will include pertinent maps and/or data tables and appendices, and will provide any necessary recommendations for future geotechnical investigation.

New Cultural Resources Evaluation Report

Dudek will complete a cultural resources inventory for the proposed Hare Creek project in order to comply with CEQA. The inventory will consist of a records search, initiation of Native American correspondence (if requested by the City), a pedestrian survey, and documentation of results.

Dudek will complete a records search for a 1-mile radius around the proposed project site, assumed to be no more than 10 acres. The records search will be completed at the North Coastal Information Center. The purpose of the records search is to identify any previously recorded cultural resources that may be located within the project area. In addition to a review of previously prepared site records and reports, the records search will also review historical maps of the project area, ethnographies, the National Register of Historic Places, the California Register of Historical Resources, the California Historic Property Data File, and the lists of California State Historical Landmarks, California Points of Historical Interest, and Archaeological Determinations of Eligibility.

If requested, and pending specific notice to proceed, Dudek will also assist in the initiation of Native American correspondence by contacting the Native American Heritage Commission (NAHC) to request information on Native American cultural resources that may be in or near to the project area. The NAHC will determine if any NAHC-listed Native American sacred lands are located within or adjacent to the project area. In addition, the NAHC will provide a list of Native American contacts for the project who should be contacted for additional information. Dudek will prepare and mail a letter to each of the NAHC-listed contacts, requesting that they contact us if they know of any Native American cultural resources within or immediately adjacent to the project area. If requested, Dudek may also assist in Assembly Bill 52 consultation by preparing and sending letters to consulting tribes on behalf of the lead agency. Dudek assumes that the City will be responsible for all correspondence beyond these initial efforts and that there will be no in-person meetings required.

After pre-field research, Dudek will complete an intensive pedestrian survey of the entire project area, focusing on areas of earthen exposure. We assume that no archaeological resources will be identified, and that no built environment resources more than 50 years in age, requiring recordation and evaluation, are located on the property. As such, we assume that a negative letter report will suffice to document inventory results complete with appropriate appendices. Should resources be identified that require formal documentation, we will work with the City to amend this scope as appropriate, such as to accommodate completion of Department of Parks and Recreation 523 series resource records, and an Archaeological Resource Management Report, complete with the necessary cultural context and research design to provide baseline interpretation of the resources and provide guidance for potential significance of the resources.

New/Update of the Groundwater Recharge and Water Balance Evaluation Study

Dudek will update the groundwater recharge and water balance evaluation prepared by Nolan Associates (1995) to reflect the most recent period of record for rainfall (which will include the current drought period) as well as revisions to the proposed project. Dudek will coordinate with the City to update consumptive water use factors, existing land uses and the general plan build-out scenario to reflect current conditions and to determine the existing and cumulative future demands on the underlying aquifer. In addition, Dudek will re-evaluate Nolan Associates' assessment of the volume of groundwater in storage by requesting well completion reports from DWR and the City, and through an updated literature review. Dudek will document the findings of the updated analysis in a technical report to be included in the EIR as an Appendix.

This scope assumes no change to the study area as determined by Nolan Associates (i.e., Todd Point terrace deposits), and assumes the number of new well completion reports in the study area to be limited (i.e., no more than 10).

New Drainage Study that Evaluates Potential Stormwater Impacts

Oscar Larson & Associates (OLA) will provide the drainage study required for the Hare Creek Center project EIR incorporating the following tasks:

OLA will review the KASL Consulting Engineers *Water Model Study for 1250 Del Mar Drive Proposed Retail Shopping Center, Oct 2014*, and the *1986 Storm Drainage Master Plan*, Winzler & Kelly, 2004. The Dudek team will meet with the City to determine what changes to the drainage and sewer systems, that would be relevant to the Hare Creek Center project, have been made since the times of those reports. We would also obtain information on City requirements relative to storm drainage, which may include such requirements as no increase in runoff from the site that would require detention basins or other means of controlling runoff.

We will determine the drainage loading from the Hare Creek Center project. This will include determining the runoff under existing conditions and after development in order to quantify the change. The team will determine the impacts that demand and loading will have on the existing drainage systems, and the improvements that will be necessary to mitigate those impacts, including detention requirements. Whether or not the City has requirements for detention, we will evaluate and compare the costs of making off-site drainage improvements versus providing detention, and will recommend the lowest-cost alternative. We will provide the revised drainage study, presenting the results of our analysis for incorporation in the EIR. The report will include, as appropriate, maps showing the locations of impacts and recommended improvements. One (1) round of revisions is assumed in response to comments received from the City.

New/Revised Water Supply Study

OLA will provide the drainage study required for the Hare Creek Center project EIR to make sure that the City has adequate water resources to serve the proposed development in a severe drought incorporating the following tasks:

- OLA will review the *KASL Consulting Engineers. Water Model Study for 1250 Del Mar Drive Proposed Retail Shopping Center, Oct 2014*, and *the Water System Study and Master Plan, City of Fort Bragg, 1986*. The Dudek team will meet with the City to determine what changes to the water systems have been made since the times of those reports that would be relevant to the Hare Creek Center project. We would also obtain information on City requirements relative to water. OLA will determine the water demand from the Hare Creek Center project. We will determine the impacts that demand will have on the existing water systems, and outline the improvements that will be necessary to mitigate those impacts. We will provide the revised water supply study, presenting the results of our analysis for incorporation in the EIR. The report will include, as appropriate, maps showing the locations of impacts and recommended improvements. One (1) round of revisions is assumed in response to City comments.

4 Technical Evaluation of Issues Identified and Identification of Additional Technical Information

Following the completion of Task 3, Dudek will evaluate all information necessary to complete the analyses of issues of concern. The process may include fieldwork, interviews and meetings, and map and exhibit preparation. We will identify all additional technical information that might be needed to prepare the environmental document.

5 Incorporation of Technical Information into Environmental Review

Dudek will incorporate all technical information gathered into the environmental review and analysis. This incorporation will make every effort to analyze the relevance of the data in the main body of the document and incorporate actual data itself by reference or in an appendix.

6 Consultation with State Agencies in Cooperation with City

Dudek is prepared to undertake initial consultations with the following agencies in order to obtain early input and address initial agency concerns. This scope assumes reaching out to at least the following agencies:

- State Water Resources Control Board
- CCC
- North Coast Regional Water Quality Control Board

- State Historic Preservation Office
- California Department of Transportation

7 Public Scoping Session

Dudek will participate in a public scoping meeting after issuance of the NOP. We understand that due to the extensive public interest in the project, the City will hold at least one public meeting to receive comments from the public on the proposed scope of the EIR. Dudek will develop and present materials and information to assist educating and soliciting comment from the interested public. Dudek will prepare a written summary of environmental issues raised at the scoping meetings. Additional scoping meetings with staff, public agencies, and the project proponents can be added to this scope if determined necessary by the City.

8 Prepare Administrative Draft EIR

Dudek will prepare an Administrative Draft EIR (ADEIR) and submit an electronic version that can be easily circulated and edited, and three (3) hard copies to the City for review. The ADEIR will include an executive summary and a summary table of impacts and mitigation measures to facilitate comparison of impacts among the alternatives. The EIR will be prepared pursuant to the requirements of CEQA, California Public Resources Code Sections 21000 *et seq*, and CEQA Guidelines, Title 14, California Code of Regulations 15000 *et seq*. The document will include all of the required elements of an EIR, including, but not limited to:

- Cover Sheet Title Sheet
- Purpose, scope and contents of the EIR
- Compliance with CEQA requirements for distribution, notification, and public comment
- Summary of proposed actions and consequences
  - Significant effects
  - Areas of controversy
  - Resolution of issues through alternatives and mitigation
- Table of Contents
- Chapter 1 – Proposed Project/Program Description
  - Introduction
  - Project Objectives
  - Project Description
  - Intended uses of EIR
  - Agencies to review EIR
    - Conformance with plans and policies
    - Permits and approvals needed
    - Other environmental review and consultation required
  - List of all project decisions subject to CEQA
- Chapter 2 – Environmental issues will be addressed consistent with CEQA statute (Public Resources Code) and Guidelines and recent case law. Thresholds of significance will be developed in consultation with the City using sources including Appendix G, regulatory agencies, and accepted professional practice. The Environmental Impact Analysis section will focus on significant impacts, which may include any of the following (**bold** indicates sections with impacts likely to require mitigations):

- **Geology, Soils, Seismic, Tsunami, Topography**

  Dudek will prepare the Geology, Soil, and Seismicity section of the EIR by incorporating the findings and recommendations of the geotechnical report; and summarizing the grading plan in an easily understandable format. If necessary to supplement the geotechnical report, Dudek will use the best available surveys, maps, and reports available from resource agencies such as the U.S. Geological Survey, California Geological Survey, the U.S. Department of Agriculture, and others to identify potential issues with respect to geologic, seismic, and tsunami hazards. In addition, Dudek will describe the building codes, City ordinances, and geologic hazard regulations that are applicable to the proposed development; as well as evaluate the potential project impacts and required mitigation measures in that context.

- **Hydrology, Floodplain**

  The project is not in a flood zone, and due to the urban setting, hydrology and water quality analysis will be focused on the adequacy of storm water facilities, and the potential effects of the project on stormwater quantity and quality.

- **Climate change/GHG Emissions**

  The Climate Change/GHG Emissions section of the EIR will include an assessment of the project in relation to the potential impacts of the associated GHG emissions. The section will include a setting and background discussion consisting of a summary of the greenhouse effect and global climate change, potential changes to the global climate system and to California, and emission inventories at the national, state, and local levels. It will also include a summary of the key federal, state, and local regulatory actions and programs to reduce GHG emissions. Dudek will estimate the GHG emissions associated with construction and operation of the project using CalEEMod. Construction GHG emissions estimates will be based on the same construction scenario utilized in the air quality analysis. Project-generated operational GHG emissions will include those associated with motor vehicles, natural gas consumption, electricity generation, water supply and wastewater generation, and solid waste disposal. Dudek will assess the significance of the project with respect to the Appendix G thresholds; specifically, whether the implementation of the project would generate GHG emissions that may have a significant impact on the environment or would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

- **Natural Communities**

  A Dudek biologist will visit the site. Using information from this visit and existing information, the EIR analysis will describe existing plant communities and associated wildlife species that currently occupy and/or could potentially occupy the site. This scope assumes that, given the developed nature of the site, specific plant or wildlife surveys will not be required. The section will summarize and evaluate federal, state, and local plans and regulations as they pertain to biological resources in the area.

- **Cultural Resources**

  As described previously, Dudek will complete a cultural resources inventory for the proposed Hare Creek project in order to comply with CEQA.

- **Land Use, Consistency with State, Regional, and Local Plans and Programs**

  The Dudek team will analyze the project's consistency with state, regional, and local land use plans for the purposes of determining potential environmental effects. Such effects may include impacts related to land use incompatibility, and the potential to divide an existing community. If appropriate, mitigation measures will be recommended to reduce potential impacts to land use.

- **Parks and Recreational Facilities**

  The EIR will evaluate potential impacts of the project on existing nearby recreational facilities, including impacts associated with temporary effects during construction if applicable.

- **Economic and Social Effects**

  Under CEQA, an economic or social change by itself is not to be considered a significant effect on the environment. However, if a social or economic change is related to a physical change, then social or economic change may be considered in determining whether the physical change is significant. Since this project would result in physical change to the environment, in assessing the significance of the project's effects, Dudek will consider changes to community character and cohesion, as well as the impact of the project on the physical character of the central business district.

- **Wastewater collection, treatment and disposal**

  The analysis will consider the potential for the project to significantly affect wastewater collection, treatment, and disposal, as well as the environmental effects of changed service impacts. A Dudek engineer will review available information regarding existing and proposed capacity to accommodate the project.

- **Water rights, storage, treatment and distribution**

  Dudek will summarize the results of the technical memorandum prepared by Oscar Larson Associates, and supplement the information, where needed, to describe and evaluate the potential impacts of the project on the City's water supply and distribution system. This analysis will require coordination with the City to develop a comprehensive understanding of the current state of the City's water supply system. In addition, Dudek will summarize the results of the water balance/groundwater recharge analysis, and describe how the project could affect the underlying aquifer.

- **Water Quality and Stormwater Runoff/Management**

  Dudek will summarize the results of the technical memorandum prepared by Oscar Larson Associates, and supplement the information, where needed, to describe and evaluate the project's impacts with respect to stormwater runoff and water quality. Dudek will summarize the results of the pre- versus post-project drainage analysis and identify the stormwater BMPs and low impact development designs that would be required to avoid or substantially reduce potential impacts on drainage and water quality.

- **Fire protection and emergency response**

  This section will include a description of existing fire, police, and other relevant services. The analysis will consider the potential for the project to significantly affect these services, and the environmental effects of service impacts. A Dudek engineer will review available information regarding existing and proposed capacity to accommodate the project.

- **Traffic and Transportation/Pedestrian and Bicycle Facilities**

  W-Trans will prepare the transportation and circulation section of the EIR. A circulation analysis for the project has already been completed, as published in the *Report for Group II Commercial Real Estate – Hare Creek Commercial Center TIS, GHD, March 2014.* W-Trans will complete a peer review of this report, using the analysis (or modified analysis if necessary) to determine near-term and long-range project impacts. The original traffic impact study (TIS) evaluated the following 12 traffic analysis scenarios:

  - Existing (AM peak-hour, PM peak-hour, Weekend Midday peak-hour)
  - Existing plus Project (AM peak-hour, PM peak-hour, Weekend Midday peak-hour)

- Future (AM peak-hour, PM peak-hour, Weekend Midday peak-hour)
- Future plus Project (AM peak-hour, PM peak-hour, Weekend Midday peak-hour)

The transportation and circulation analysis for the EIR will include these same 12 scenarios and, because they represent worst-case summertime traffic conditions, they will continue to be used for the project impact analysis. Because there has been substantial community concern regarding the need to consider traffic generated by the nearby College of the Redwoods campus, however, the EIR will include analysis of the following four additional scenarios:

- Future with College Traffic (AM peak-hour and PM peak-hour)
- Future with College Traffic plus Project (AM peak-hour and PM peak-hour)

The Future with College Traffic scenarios will be a hybrid in which community college traffic is added to peak summertime traffic, even though the college would not typically be operating simultaneously with peak summertime traffic. In order to establish the amount of traffic generated by the College, new traffic data will need to be obtained while classes are in session. This traffic data will include a 48-hour count obtained at the college's driveway on Ocean View Drive, as well as new AM and PM peak-hour counts obtained at the State Route 1/Ocean View Drive intersection. This data will be used to determine the college's traffic patterns, and will facilitate the estimation of college-specific turning movement volumes at the study intersections. These volumes will be added to the original TIS Future and Future plus Project volumes for the AM and PM peak hours. The additional four scenarios will include analysis of intersection level of service (LOS), queuing, and signal warrants. With respect to assessment of project traffic impacts, these hybrid scenarios are anticipated to be addressed qualitatively unless the analysis reveals a project-related impact.

The EIR will include additional review and assessment of multimodal circulation (bicycle, pedestrian, and transit) per CEQA guidelines. Given the anticipated timing of the project's environmental document, proposed amendments to CEQA guidelines currently being evaluated by the California Office of Planning and Research, which will shift the focus of transportation analyses from LOS to vehicle miles traveled (VMT), are not anticipated to be in effect, and a VMT analysis is therefore not proposed for this project.

Vehicle LOS and operations will be analyzed in Synchro, using the same inputs as applied in the original TIS if deemed appropriate and valid. The analysis of vehicular impacts will include exhibits showing intersection configurations and traffic volumes for various scenarios, tabular summaries of the LOS and operational analyses using Highway Capacity Manual methodologies, and a technical appendix. Recommended mitigation measures for each of the transportation and circulation topic areas will be indicated, where appropriate.

- **Visual/Aesthetics**

The Dudek team will examine the aesthetic impacts of the proposed project, including the construction of all new buildings. Dudek will describe the existing visual characteristics of the project area and determine the baseline visual setting. Designated scenic vistas, will be identified. In addition, Dudek will describe surrounding land uses in order to identify sensitive visual receptors in the area that will likely be afforded views of the various projects and structures under consideration, and those that may potentially be affected by construction and operations.

Dudek will create photographic simulations of up to three (3) photo locations. The 3-D simulations will use existing site photographs as backgrounds with true-scale 3-D models for the proposed facilities rendered onto the background photographs. These simulations will show the proposed project at completion. These facilities will include proposed buildings,

driveways, curbs, gutters, sidewalks, and street landscaping if applicable. Landscaping will be shown at an estimated 10-year growth.

It is assumed that the applicant's architect will provide 3-D models for the proposed buildings. The file format shall be compatible with 3ds Max software. The 3-D models shall include a digital color board for all exterior finishes. If 3-D models are not available, Dudek can provide the cost to create these models. Architectural drawings shall be provided to Dudek in order to prepare this cost estimate.

Potential effects of light and glare will be examined. Building lighting and glare in the project area may be altered by the new buildings. If potentially significant visual effects are identified, feasible mitigation measures will be identified in the EIR.

- **Hazardous Waste/Materials**

  According to the Water Board's GeoTracker system and the Department of Toxic Substances Control Envirostor system, there are no hazardous materials sites located within the project area. The project does not require routine transport, use, or disposal of hazardous materials for operations or maintenance. Heavy equipment utilizes fuels, lubricants and oils with the potential for soil contamination during construction activities. A hazardous materials management plan will be required as a part of the Stormwater Pollution Prevention Plan. These conditions will be explained in the EIR.

- **Air Quality**

  A discussion of local and regional climate, meteorology, and topography as they affect the accumulation or dispersal of air pollutants will be presented in the EIR. Federal, state, and local regulatory agencies responsible for air quality management will be identified and applicable federal, state, and local air quality policies, regulations, and standards will be summarized. Current air quality conditions and recent trends in the project area will be described based on California Air Resources Board (CARB) and the U.S. Environmental Protection Agency air quality monitoring data.

  Dudek will estimate emissions associated with the construction phase of the project using the California Emissions Estimator Model (CalEEMod) land use and air quality model. An analysis of short-term construction emissions will be prepared to the extent that information is available regarding construction schedules. Dudek will work with City staff to obtain an anticipated schedule (e.g., overall construction duration, phasing, and phase timing) and construction activities (e.g., construction equipment type and quantity, workers, and haul trucks). Dudek will then evaluate the significance of the emissions based on the Mendocino County Air Quality Management District significance criteria.

  The long-term operational analysis will quantify mobile source emissions created by project-generated traffic and area source emissions caused by the operation of the proposed project using CalEEMod. Dudek will utilize the traffic study prepared for the project, which will provide estimates for the number of trips for the campus baseline and proposed project scenarios, to estimate the emissions from motor vehicles associated with these scenarios.

- **Noise (and vibration, if applicable)**

  The Dudek team will prepare a noise analysis that examines construction, operational, and mobile noise sources. We will review local and state guidelines applicable to the project, not limited to: the State of California (Title 24) guidelines; the Noise Element of the City's General Plan; and the City Noise ordinance. Dudek will conduct short-term noise measurements of existing noise levels at up to four (4) locations at or adjacent to the project site. The measurements will be conducted using

an ANSI Type 1 or Type 2 sound level meter(s). We will evaluate the potential noise impacts from demolition, construction, and construction equipment upon noise-sensitive receptors proximate to the construction site, based on equipment list and conceptual construction phasing as provided by the project applicant. If applicable, we will evaluate vibration impacts from building construction upon vicinity properties and receptors.

- **Energy, Climate Change and Sustainability**

  The Dudek team will examine the energy consumption for the construction and operation of the proposed project. Per Appendix F of the CEQA Guidelines, the analysis will focus on the potential for wasteful, inefficient, and unnecessary consumption of energy. Project energy conservation features and renewable energy opportunities will be considered, and if necessary, mitigation measures identified. The energy section will also consider the air quality and GHG emissions analysis, as mitigation measures for these impacts are often energy-saving measures.

In addition to the issues discussed above, the EIR will include a discussion of issues including significant and unavoidable impacts, impacts ruled out during the scoping process as less than significant, and the potential for growth-inducing impacts,. The document will also address the consideration and discussion of alternatives to the proposed project.

Appendices will include, but not be limited to, the following:

- CEQA Checklist and NOP
- Glossary of Technical Terms
- Technical Studies
- Bibliography
- Persons contacts
- Report Preparers

9 Respond to Internal Review of ADEIR

Dudek will produce an electronic copy (in Microsoft Word) plus a printed version of the screen-check draft EIR sections to the City for review. Our scope assumes City staff will consolidate comments and prepare one set of City comments for incorporation into the draft EIR (DEIR). Dudek will meet with City staff to discuss each section as necessary. City staff modifications will be incorporated into the DEIR. The first required screen-check section will consist of the draft Table of Contents, Project Description, and Environmental Setting. The precise time schedule for screen-checks will be determined after the project schedule is finalized. Although not expected, Dudek will inform the City of any circumstances arising that may delay or change the contracted work program. An electronic copy (in Microsoft Word) and a printed version of the ADEIR will be submitted to the City. A post-ADEIR submission meeting/conference call will be held to discuss the draft and any required modifications.

10 Prepare and Circulate ADEIR

Following City review, Dudek will revise the Administrative Draft EIR based upon City direction. Dudek will produce one (1) CD with all word processing and graphic files of the DEIR and 15 discs of the DEIR, which will be distributed as follows: five (5) copies of the DEIR to local and state agencies, one (1) copy to the State Clearinghouse, and three (3) copies to the City. Two (2) hard copies will be submitted to the City. A Microsoft Word version of the text will be provided with the DEIR. A photo-ready copy (PDF) of the final document, including all technical appendices will also be provided. The Draft EIR will be distributed by the City. Our scope assumes that public noticing and hearing responsibilities will be undertaken by City staff.

11 Notice and Hold Public Hearing on Draft EIR

Dudek's scope proposes to assist the City with the public engagement process, including q Joint City Council/Planning Commission meeting. As such, this scope of work includes participation by Dudek's project manager in a Joint City Council/Planning Commission meeting that will inform the community regarding the primary findings of the EIR. Dudek would prepare informative material including handouts, power point presentations and other relevant maps and graphics.

12 Prepare Administrative Draft/Response to Comments (Ten (10) days before hearing)

Dudek will review the DEIR comments (both written and oral) and prepare a preliminary matrix of responses for the City to review. Dudek will identify any responses that may require additional analysis, require information from other parties, or otherwise require consultation with the environmental team. Dudek and City staff will agree upon a general approach to responding to the DEIR comments, including consideration of whether master responses should be provided, and if consultation with the project applicant is required. This draft will include a draft Mitigation Monitoring and Reporting Program (MMRP) detailing mitigation timing and responsibilities. This scope assumes Dudek will respond to up to 200 comment letters; however, this estimate will be adjusted based on actual response. Dudek will prepare an administrative draft Responses to Comments document containing the City's responses to the comments on the DEIR.

13 Hold Public Hearing

Dudek will be present at the public hearing and, if necessary, prepare informative material including handouts, power point presentations and other relevant maps and graphics.

14 Provide an Administrative Draft of Final EIR for City Review

Following the close of the DEIR comment period, the Dudek will prepare an administrative draft final EIR in the form of response to comments/errata document. This document will be circulated to City Staff for internal review.

15 Prepare Final EIR

The final EIR will be prepared including responses to City comments. Dudek will provide a Microsoft Word version of the text for the final EIR. A photo-ready copy of the final document, including all technical appendices, will also be provided. Our scope assumes the final EIR will be distributed by the City, and that public noticing and hearing responsibilities will be undertaken by City staff. The final EIR will include, at minimum, the following:

- A list of all persons, organizations, and public agencies commenting;
- The DEIR;
- Copies of all written comments received on the DEIR;
- Responses to all environmental issues raised in the review process; and
- Revisions to the DEIR based on the responses.

16 Prepare Required Findings

Dudek will prepare the findings required by CEQA (per Guidelines Sections 15091 and 15092) for review by the City and the City Attorney. If the EIR identifies significant and unavoidable impacts, a Statement of Overriding Considerations will also be provided (per Guidelines Section 15093) to enable certification of the final EIR.

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F. Budget and Schedule of Charges

Table 2 is Dudek's "Not to Exceed" project budget that details hours and personnel by task. Travel reimbursement and other costs are included as "direct costs" by task. For consultation with resource agencies and response to comments, we have provided an estimated task cost. If additional time is required, these tasks would be estimated at $200 and $170 per hour respectively

TABLE 2. PROJECT BUDGET

Employee	Darcey Rosenblatt	Brian J Grattidge	Sean M O'Brien	Alison K Evans	Heather Ivey	Matthew J Morales	Dylan J Duverge	Paul A Caligiuri	Lisa Achter	Adam R Giacinto	Stephanie L Schmidt	Johmathan Leech	Labor Hours	Labor @ Billing Rates	Oscar Larson	Sub-Consultant 1 BILLING	w-Trans	Reimburseables COST	Reimburseables BILLING	Total
Employee Type	Senior Project Manager/Specialist I	Enviro Specialist Planner V	Principal	Senior Project Manager /Coastal Planner I	Enviro Specialist Planner V	Enviro Specialist / Planner IV	Hydrogeologist VI/Engineer VI	Senior Designer	Biologist	Enviro Specialist / Archaeologist IV	Publications Assistant I	Noise								
% Used on job	24%	16%	2%	5%	4%	8%	12%	7%		6%	9%	3%								
Phase	215.00	175.00	240.00	210.00	175.00	165.00	160.00	145.00	135.00	155.00	85.00	215.00								
1.Project Kick off Meeting	60	40	4	4	10	4	10	4	10	10			156	29,190		-		1,100	1,100	30,290
2.Prepare and Distribute the Notice of Preparation (NOP)	2	4									2		8	1,300		-			-	1,300
3.Evaluation of existing technical information	8	4					34			12			58	9,720	32,483	34,107		800	800	44,627
4.Evaluation of environmental issues and identification of additional required technical information	12	8	2	6	2	2		2		2			36	7,000		-			-	7,000
5.Incorporation of technical information into the required environmental documentation	6										4		10	1,630		-			-	1,630
6.Consultation with State agencies in cooperation with City	6			4			4			4			18	3,390		-			-	3,390
7.Scoping sessions with the public	16										8		24	4,120		-		250	250	4,370
8.Prepare Administrative Draft EIR pursuant to the California Environmental Quality Act	40	24	6	24	16	52	52	48	24	16	16	16	334	56,460		-	29,750		-	87,698
9.Respond to internal review of Administrative Draft EIR	16	24	2	4	4	8	6	6	4	4	8	4	90	15,510		-			-	15,510

TABLE 2. PROJECT BUDGET

Employee	Darcey Rosenblatt	Brian J Grattidge	Sean M O'Brien	Alison K Evans	Heather Ivey	Matthew J Morales	Dylan J Duverge	Paul A Caligiuri	Lisa Achter	Adam R Giacinto	Stephanie L Schmidt	Johnathan Leech	Labor Hours	Labor @ Billing Rates	Oscar Larson	Sub-Consultant 1 BILLING	w-Trans	Reimburseables COST	Reimburseables BILLING	Total
Employee Type	Senior Project Manager/Specialist I	Enviro Specialist Planner V	Principal	Senior Project Manager /Coastal Planner I	Enviro Specialist Planner V	Enviro Specialist / Planner IV	Hydrogeologist VI/Engineer VI	Senior Designer	Biologist	Enviro Specialist / Archaeologist IV	Publications Assistant I	Noise								
% Used on job	24%	16%	2%	5%	4%	8%	12%	7%		6%	9%	3%								
Phase	215.00	175.00	240.00	210.00	175.00	165.00	160.00	145.00	135.00	155.00	85.00	215.00								
10.Prepare and circulate Draft EIR	4	2									8		14	1,890		-		300	300	2,190
11.Notice and hold public hearing on Draft EIR (Joint City Council/Planning Commission meeting)	12										6		18	3,090		-		250	250	3,340
12.Prepare administrative draft of response to comments and draft responses sent to public agencies ten days before hearing	16	12		4	4	6	6	2	2	4	10	4	70	11,920		-			-	11,920
13.Internal Review of administrative draft of Final EIR	8	12									8		28	4,500		-			-	4,500
14.Prepare Final EIR and Response to Comments	8	2									4		14	2,410		-		300	300	2,710
15.Prepare CEQA resolution and required findings	2	6									2		10	1,650		-			-	1,650
16.Prepare Statement of Overriding Considerations	2	8									2		12	2,000		-			-	2,000
Total Hours	**218**	**146**	**14**	**46**	**36**	**72**	**112**	**62**	**40**	**52**	**78**	**24**	**900**	**155,780**						
Total Billing	**46,870**	**25,550**	**3,360**	**9,660**	**6,300**	**11,880**	**17,920**	**8,990**	**5,400**	**8,060**	**6,630**	**5,160**		**155,780**	**32,483**	**34,107**	**29,750**	**3,000**	**3,000**	**224,125**

G. Work Schedule

Table 3 is Dudek's proposed time schedule for completion of the work.

TABLE 3. ESTIMATED PROJECT SCHEDULE – ASSUMING MARCH 15, 2016 START DATE

Start Date		March 15, 20165	
Task	**Task Duration**	**Date Begin Task**	**Date Task Complete**
1. Project Kickoff Meeting	1 day	Week of March 14, 2016	
2. Prepare and Distribute NOP	2 weeks	March 15, 2016	March 29 2016
3. Evaluation of existing technical information (and preparation of background studies)	9 weeks	April 1, 2016	June 6, 2016
4. Evaluation of environmental issues; Identification of additional required technical information	2 weeks	March 15, 2016	March 29, 2016
5. Incorporation of technical information	Ongoing		
6. Consultation with state agencies	Ongoing		
7. Scoping sessions with the public	4 weeks	April 1, 2016	April 31, 2016
9. Complete ADEIR	12 weeks	May 1, 2016	July 22, 2016
City Review	4 weeks	July 22, 2016	August 22, 2016
10. Preparation and circulation of DEIR	2 weeks	August 22, 2016	September 5, 2016
30-day public review	30 days	September 6, 2016	October 7, 2016
11. Notice and hold public hearing on DEIR	1 day	September 21, 2016	
12. Preparation of administrative draft of response to comments	3 weeks	October 10, 2016	October 31, 2016
City review response to comments	2 weeks	November 1, 2016	November 14, 2016
13. Prepare administrative draft of final EIR	2 weeks	November 14, 2016	November 28, 2016
City review of draft Final EIR	2 weeks	November 29, 2016	December 13, 2016
14. Prepare final EIR and Response to Comments	1 week	December 14, 2016	December 21, 2016
15. Prepare CEQA resolution and required findings	2 weeks	January 6, 2017	January 23, 2017
16. Prepare Statement of Overriding Considerations	TBD		

Note: Any delays in receipt of information or comments on review drafts outside of Dudek's control may result in a shift in the project schedule.

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H. Sample Work Product

Dudek has provided a digital copy of the Vallejo Marine Terminal Document EIR and associated technical documents on the attached thumb drive.

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I. Insurance

ACORD

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 10/9/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Michael J Hall & Company
A/E Insurance Services
19660 10th Ave NE
Poulsbo WA 98370

CONTACT NAME: Michael J Hall & Company License #0792445
PHONE (A/C, No, Ext): 360-598-3700 FAX (A/C, No):
E-MAIL ADDRESS: certificates@hallandcompany.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: American Automobile Insurance Co	21849
INSURER B: Indian Harbor Insurance Company	36940
INSURER C: American Automobile Insurance Compa	21849
INSURER D:	
INSURER E:	
INSURER F:	

INSURED
25
Dudek
605 3rd Street
Encinitas CA 92024

COVERAGES CERTIFICATE NUMBER: 1287009535 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
C	GENERAL LIABILITY			MXG80965258	8/28/2015	8/28/2016	EACH OCCURRENCE	$1,000,000
	X COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	$100,000
	CLAIMS-MADE X OCCUR						MED EXP (Any one person)	$10,000
	X OCP/XCU/BFPD						PERSONAL & ADV INJURY	$1,000,000
	X Cross Liability						GENERAL AGGREGATE	$2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMP/OP AGG	$2,000,000
	POLICY X PRO-JECT LOC							$
C	AUTOMOBILE LIABILITY			MXG80965258	8/28/2015	8/28/2016	COMBINED SINGLE LIMIT (Ea accident)	$1,000,000
	X ANY AUTO						BODILY INJURY (Per person)	$
	ALL OWNED AUTOS / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS / X NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
A	X UMBRELLA LIAB X OCCUR			CGX48875322	8/28/2015	8/28/2016	EACH OCCURRENCE	$1,000,000
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	$1,000,000
	DED X RETENTION $0							$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			WC81030014	8/28/2015	8/28/2016	X WC STATU-TORY LIMITS / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N N (Mandatory in NH)	N/A					E.L. EACH ACCIDENT	$1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$1,000,000
							E.L. DISEASE - POLICY LIMIT	$1,000,000
B	Professional Liab Claims Made Contractors Pollution Liab: Occur			PEC002403108	8/28/2015	8/28/2016	$1,000,000 Per Claim $1,000,000 Aggregate	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER

For Informational Purposes

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Ashley L. Tolmie

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J. Consultant Agreement

Dudek has no issues with the provisions of the City's standard consulting services agreement.

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To City Council,

Citizens for Appropriate Coastal Land Use (CACLU) members were present when the city council approved the scope of work for the Hare Creek EIR.

As the public nor the city council has access online to some of the studies or has seen them in the MND, or is told what study is used for the EIR it seems premature to us to vote on a contract with any consultants agreeing on approving a contract. The LLA was deemed incorrect for the first study. The public, nor the planning commission or the city council has seen the complete CDP, DR, USP, or LLA for the new design that is 20 ft. longer to the south and is increased by 0.76 acres, or approved it. CACLU asked for an EIR from a consultant and not an EIR based on old "in house information" that is not specifically addressing the needs of the development and the immediate neighborhood affected by this development. Michael Baker International and DUDEK were not told that this site was supposed to be developed since 1991. All they know is that in 2011 an attempt was made to develop it by the applicant. The city council decided to hire EIR consultants and not Marie Jones. $66,105 is not enough money for a quality EIR. Dudek proposed to do a new Cultural Resources Evaluations Report, they would do a water & sewage study, an updated traffic study, addressed visual & aesthetic aspects, requested a 3-D model of the development, looked at a 10 year growth scenario, requested a hazardous material management plan, an extensive air quality study, and a noise study. This explains that they want to charge $$224,125.

The scope of work for the Hare Creek EIR listed the need for a water balance evaluation study and a water supply study. The scope of work indicated that water rights, storage, treatment and distribution, water quality and storm water runoff/management would likely require mitigation. CACLU pointed out in our appeal that the KASL study was not adequate especially considering the continued existence of a water emergency. Our appeal, as well as the letters we submitted by Dick La Ven (from 2003), and Dave Goble (from 2003), and the letters from the Fish & Wildlife Department make it clear that accepting KASL's study was and is not adequate. Since then we had a stage 3 water emergency overnight and still have a stage 1 water emergency and residents still have very shallow wells.

To maintain and improve the city's infrastructure the city council in their goals and priorities lists the importance of increasing the water storage capacity and water supply. The city still needs to deal with stream diversions, look at how to conserve water and develop a long term comprehensive plan to address water use and shortage concerns. The scope of work does not list the endangered and

7/25/16
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threatened salmon that live in the Noyo and Hare Creek River. Since then the city added more projects that need water like the new brewery, Taco Bell and future uses at the Mill property. The city now declares that the water model study by KASL from 2014 was found to be adequate, but the bid proposal for the EIR listed the need for a new/revised water study. In the staff report from 1-28-15 the city lists hiring KASL for a water pressure analysis and the city completed a water supply analysis (pre-drought). The city believed the water budget prepared by the architect for the first project without carefully evaluating that study in view of the continued water emergency and continued drought. Also, the city declares that Lawrence & Associates did a water study last year, but that this is not ready yet to see as the city needs to correct some mistakes the company made.

In the city's goals and priorities list it is further mentioned that it is crucial to construct necessary repairs and upgrades to the city's waste water treatment facilities. For the EIR the city wants to use their 2007 waste water study. They believe that it is adequate. CACLU is requesting that the consultants chosen do their own waste water study according to the bid proposal which lists the tasks of waste water collection, treatment and distribution. The city is only concerned about providing sufficient capacity to the Hare Creek Center.
This is puzzling to us and we request that the consultants study all the verbal and written testimony of all the concerned parties, agencies and all videos of all public meetings on this topic and all others and are paid to do their own studies.

Lee Welty (also the engineer of the project) will do the drainage study. We believe this could be considered as a conflict of interest. He will also recommend that SHN or BACE will do the geotechnical study. According to a trusted source the state's data bases for licensed geologists, engineers, and surveyors shows no record of SHN being licensed for those fields. In at least one case expert consulting geologists/geotechnical engineers found BACE's work to be insufficient. The consultants chosen could look for a reputable company or do their own.

The groundwater recharge study was going to be done by a consultant that the developer knows. We believe this could be a conflict of interest. We are not told who. Another document indicates that it is unknown at this point.

The archaeological study will be done by a local archaeologist who is familiar with the project as he did the previous study. Apparently Greg Patton has a contract with him. Where is a copy of this contract? Please post it on the city's web page.

The scope of work listed also a new Cultural Resources Evaluation Report. Based on communication between Michael Baker International and the city it was determined that the consultants would not focus on this topic. Who is doing that? We are concerned that the cultural aspect somehow will be overlooked. Just because no one can prove that Native Americans used this site for ceremonial purposes in the last 50 years does not make a study irrelevant. According to Native Americans familiar with these bluff sites they are highly sensitive as the city knows when they dealt with the coastal trail.

The scope of work does not list that the consultants should consult with the following agencies: CA Fish & Wildlife, County of Mendocino Planning and Building Department, Tribal Councils (especially the Sherwood Valley Band of Pomo Indians), and the Mendocino Land Trust.

One of the reasons that Michael Baker International is charging less money for their work with the EIR ($66,105 versus DUDEK $224,125) is as many studies are no longer his job.

We believe that before the contract with Michael Baker International gets approved the public and the city council have a right to know who will be chosen for the Ground Water Recharge Study, the Geotechnical Study, the Cultural Resources Evaluation Report, and see all the other studies and documentations online.

We also ask you to please list the Hare Creek Ad Hoc Committee and its members to your web page and keep minutes and record these on the web page.

Please also add the new Coastal Development Permit, Use Permit, Design Review and Lot Line Adjustment on your web page.

We are also requesting again that the preparation of the Draft EIR includes a peer review of each study done by a recognized professional expert and that all draft EIR studies and components are posted to the City's web site, as soon as City staff receives them with notice to all known interested parties.

CACLU
7-25-16

add to packet 7/26

Lemos, June

From:	John <jkriege@att.net>
Sent:	Saturday, July 23, 2016 10:57 AM
To:	Lemos, June
Cc:	Turner, Dave; Peters, Lindy; Cimolino, Michael; Deitz, Scott; Hammerstrom, Doug; Ruffing, Linda
Subject:	July 25, 2016 City Council agenda

Ms. Lemos, please include my comments with the meeting agenda:

Instead of discussing modifications to the design of the proposed Hare Creek Center, the council should be making every effort to stop this project. There aren't unspent grocery dollars in Fort Bragg, which is already served by a national grocery (Safeway), a large (Harvest) and a mid-size (Purity) local grocery, and many small neighborhood markets. Any grocery sales at Grocery Outlet will come at the expense of these existing businesses and the employment they provide. And any other retail space in Hare Center will only contribute to the musical chairs we already see with Fort Bragg businesses. The council should be pushing for "best use" of this gateway parcel, not just any "allowable" use.

Thank you,
John Kriege

Jourdain, Brenda

From: Alice Chouteau <alicat@mcn.org>
Sent: Tuesday, July 26, 2016 3:38 PM
To: Jourdain, Brenda
Subject: Fwd: Opposing the Hare Creek Mall project

Hi Brenda
Please include these comments.
Thanks
Alice

Sent from my iPad

>
> Hi,
> We will not be able to stay for the agenda item, Hare Creek Mall,
> tonight, so am sending the letter From Curt Babcock the City chose to
> ignore last year. It is lengthy, but I hope it can be re-entered into
> the records.
> We oppose this project for several reasons, but the water issue seems
> most important at a time when tonight's agenda includes extending the
> never-ending emergency drought conditions on the residents of Fort
> Bragg. It simply makes no sense that the council can consider a
> project that will need 2,000,000 gallons of water annually, with some
> meager reclamation.
> Babcock states, "The MND of 2015 fails to address current or future
> drought conditions, quantify potential consequences of the drought on
> the water supply, or disclose potential impact of increased water
> diversion on the streams comprising the source of that supply."
> By continuing to take 50% of Noyo River stream flow, and endangering
> State and Federally listed species, the City will be vulnerable to
> environmental lawsuits from the people of California, and from the
> United States, as these species are held in trust for everyone, and
> for future generations. The City has thus far FAILED to develop a new
> source of municipal water, yet intends to approve this project.
> PRETENDING to care about the local environment, with the World's
> Biggest Salmon BBQ, and becoming listed as a BEE Friendly City,
> demonstrates the cynical hypocrisy of the Mayor and councilmen who
> vote to support the Hare Creek Mall project.
>
> Alice and Douglas Chouteau
> Fort Bragg
>
>
> http://theava.com/archives/48440#7
>
>
>

State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 – Northern
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director

January 20, 2015

Ms. Marie Jones
Community Development Director
City of Fort Bragg
416 North Franklin Street
Fort Bragg, CA 95437

Subject: Notice of Public Hearing and Notice of Intent to Adopt Mitigated Negative Declaration (SCH #2014122062) Mendocino County, California

Dear Ms. Jones:

On December 29, 2014, the California Department of Fish and Wildlife received from the State Clearinghouse a Mitigated Negative Declaration (MND) for the proposed Hare Creek Center Project (Project) in Fort Bragg, Mendocino County. The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and their habitat. As a responsible agency, the Department administers the California Endangered Species Act and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. The Department's primary concerns involving the proposed Project include: (a) a substantial increase in water demand which may impact fish and wildlife and (b) ongoing diversion of water without notification pursuant to FGC section 1602.

The Department provides the following feasible and Project-specific recommendations in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (California Public Resources Code §21000 et seq.).

Project Description

The proposed Project would include construction and operation of a shopping center consisting of three separate buildings totaling 29,500 square feet of building space on Assessor's Parcels 018-450-40 and 018-450-41. The shopping center would contain a grocery store, three retail spaces, and a restaurant. Associated development would include a new access road, parking lot, pedestrian improvements, utility connections, low-impact development elements, and landscaping.

Current Conditions and Increase in Water Demand

The December 22, 2014 update of the Governor's Drought Task Force states that California is entering the fourth year of one of the most severe droughts on record after several years of rainfall deficits. The Governor declared a drought State of Emergency on January 17, 2014, which remains in effect. The most recent U.S. Drought Monitor map (January 6, 2015) depicts extreme drought conditions in all of Mendocino County despite recent precipitation. The City of Fort Bragg declared a Stage 1 Water Emergency establishing mandatory conservation measures on September 18, 2014, in addition to earlier press releases urging voluntary water conservation. The December 18, 2014 U.S. Seasonal Drought Outlook from the National Oceanic and Atmospheric Administration (NOAA) Climate Prediction Center shows that drought conditions are expected to persist throughout nearly all of California, including Mendocino County, at least through March 31, 2015.

According to the MND, water for the Project would be provided by City of Fort Bragg municipal sources and would increase demand by nearly 2 million gallons. The Department commends the incorporation of low-impact development elements into the Project design, including drought-tolerant landscape plantings, areas of permeable paving and vegetated swales to facilitate groundwater infiltration, and installation of rainwater catchment tanks for landscape irrigation. However, rainwater catchment is only anticipated to offset an estimated 89,000 gallons of the Project's water usage. The MND estimates total additional municipal water usage of 1,846,916 gallons per year.

The MND states that a water supply analysis completed in 2010 *"found that the City could increase water use by 8% over existing water use in a severe drought (such as the 1977 drought) and continue to serve all customers without falling below the 5 million gallon reserve required to maintain adequate pressure in the system for fire flows."* The MND further states that projects using 4.6 percent of this estimated capacity have been approved, with an additional 1 percent anticipated for a project currently in the permitting process. This leaves only 2.4 percent of the City of Fort Bragg's estimated water capacity available. The MND notes that *"[w]ater availability under severe drought conditions is the primary constraint for City utility service for a project of this size"* but does not address current or future drought conditions, quantify potential consequences of drought on the water supply, or disclose potential impacts of increased water diversion on the streams which comprise the source of that supply.

Ongoing water diversion

The municipal water supply for the City of Fort Bragg consists entirely of water diverted from three streams: Noyo River, Newman Gulch (tributary to Noyo River), and Waterfall Gulch (tributary to Hare Creek).
The Noyo River supports three listed salmonid species: coho salmon (*Oncorhynchus kisutch*) is State-listed as "endangered" and federally-listed as "threatened"; steelhead trout (*O. mykiss*) and Chinook salmon (*O. tshawytscha*) are federally-listed as "threatened." Hare Creek supports coho salmon and steelhead trout. Populations of these salmonids have undergone a substantial decline in abundance in recent decades. Coho salmon has undergone at least a 70-percent decline in abundance since the 1960s, and is currently at 6 percent to 15 percent of its abundance during the 1940s. These species have been impacted by loss and degradation of habitat, including lack of adequate in-stream flow, high water temperatures due to lack of streamside vegetation, siltation of spawning gravels, and lack of in-stream shelter and pools.

The City of Fort Bragg's diversions are potentially impacting fish and wildlife resources in the Noyo River and Waterfall and Newman gulches during low-flow periods. The Department is concerned that the City of Fort Bragg is diverting up to 50 percent of the stream flow in the Noyo River without adequate measures to ensure fish are not stranded or otherwise harmed (non-compliance with FGC §§5901 and 1600); diverts over 80 percent of Waterfall Gulch stream flow without bypassing sufficient stream flow to maintain public trust resources downstream (pursuant to FGC §5937); and diverts an unknown percentage of Newman Gulch stream flow. The flow in these streams is critical for protecting fish and wildlife resources, and without appropriate bypass flows, impacts to listed and sensitive species, including take of listed salmonids, may occur.

An August 15, 2014 letter from NOAA's National Marine Fisheries Service protesting the City of Fort Bragg's petition for change of an existing water right emphasized this concern. The letter stated that *"[t]he continuation of water diversions from Waterfall Gulch, in the absence of adequate flow bypass conditions, may cause adverse impacts to listed salmonids in Hare Creek by: (a) reducing the amount and quality of rearing habitat downstream; (b) reducing the amount and quality of spawning habitat downstream; and (c) reducing upstream and downstream passage opportunities for adults, juveniles, and smolts. ...In addition, proposed modifications to transport and storage of water have the potential to alter streamflow conditions in the Noyo River watershed via Newman Gulch Reservoir and result in impacts similar to those described above for Hare Creek."*

Despite the assertion in the MND that *"the project will be adequately served by existing water entitlements, sources and storage facilities,"* diversion of additional water has the potential to cause or exacerbate impacts to aquatic resources, particularly during low-flow periods. No substantive mitigation is presented to address current diversion or the proposed increase.

Prior Request to Comply with FGC

Lake or Streambed Alteration Agreements (LSAA) are required for projects, new and ongoing, that substantially divert or obstruct the natural flow of any river, stream, or lake. Over the past four years, the Department has repeatedly requested the City of Fort Bragg enter into a LSAA as the following list indicates:

- July 13, 2011 – In a letter, the Department advised the City of Fort Bragg that the Waterfall Gulch diversion was substantial and required notification pursuant to FGC section 1602.

- November 25, 2013 – In a Pre-harvest Inspection Report for THP 1-13-096 MEN, the Department requested that the City of Fort Bragg provide notification for the diversion from Waterfall Gulch.

- March 3, 2014 – In a letter to the City of Fort Bragg, the Department requested notification pursuant to FGC section 1602 and reiterated the potential impacts to public trust resources from ongoing water diversion.

- July 21, 2014 – In a comment letter to the City of Fort Bragg regarding the MND for the proposed Summers Lane Reservoir, the Department outlined potential impacts, requested notification pursuant to FGC section 1602, and provided additional recommendations to reduce or avoid impacts to aquatic resources.

- August 15, 2014 – In a letter to the State Water Resources Control Board and the City of Fort Bragg regarding the Waterfall Gulch diversion, the Department requested compliance with FGC section 1602 and other regulations to prevent the take of State- and federally-listed species.

As of this date, notification has not been received by the Department. In issuing a LSAA, the Department develops avoidance and minimization measures to address affected fish and wildlife resources, including measures that avoid take of listed salmonids.

Conservation can provide an immediate and positive impact on water supply. In 2009, the State adopted the Water Conservation Act through the passage of Senate Bill X7-7, requiring that California achieve a 20 percent reduction in urban per-capita water use by the end of December 2020. Some municipalities, such as the Sonoma

County Water Agency, have implemented voluntary but specific and quantifiable water conservation goals. The City of Fort Bragg should develop a long-term water plan including measurable conservation goals consistent with Senate Bill X7-7.

In light of the City of Fort Bragg's current non-compliance with FGC section 1602, potential noncompliance with FGC sections 5901 and 5937, and potential impacts to listed species, the City of Fort Bragg should not approve additional projects or developments with the potential to increase water demand. In addition, a measurable conservation strategy to reduce water usage is warranted. The City of Fort Bragg currently lacks a comprehensive plan to address water use and water shortage concerns especially during drought periods.

Recommendations

In order to avoid or reduce potential impacts to fish and wildlife resources and their habitats to a less than significant level, the Department recommends the City of Fort Bragg address the following:

1. Pursuant to FGC section 1602, the City of Fort Bragg shall enter into a LSAA for ongoing and future water diversion from all pertinent stream and river sources.

2. The City of Fort Bragg should not approve the Hare Creek Center Project nor additional projects or developments with the potential to increase water demand without adequate bypass flows.

3. The City of Fort Bragg should develop a long-term, comprehensive plan to address water use and water shortage concerns including measureable conservation goals and strategies consistent with Senate Bill X7-7.

If you have questions or comments regarding this matter, please contact Environmental Scientist Angela Liebenberg at (707) 964-4830 or angela.liebenberg@wildlife.ca.gov.

Sincerely,

Curt Babcock
Environmental Program Manager

ec: Page 6

ec: Ms. Marie Jones, Community Development Director
Linda Ruffing, City Manager
City of Fort Bragg
mjones@fortbragg.com, lruffing@fortbragg.com

Angela Nguyen-Tan
State Water Resources Control Board, Division of Water Rights
Angela.Nguyen-Tan@waterboards.ca.gov

David Hines
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
David.Hines@NOAA.gov

State Clearinghouse
State.clearinghouse@opr.ca.gov

Curt Babcock, Angela Liebenberg, Richard Macedo, Jane Arnold, Wesley Stokes, Gordon Leppig, Michael van Hattem, and Laurie Harnsberger
California Department of Fish and Wildlife – Habitat Conservation Program
Curt.Babcock@wildlife.ca.gov, Angela.Liebenberg@wildlife.ca.gov, Richard.Macedo@wildlife.ca.gov, Jane.Arnold@wildlife.ca.gov, Wesley.Stokes@wildlife.ca.gov, Gordon.Leppig@wildlife.ca.gov, Michael.Vanhattem@wildlife.ca.gov, Laurie.Harnsberger@wildlife.ca.gov

Eric Bloom, Warden
California Department of Fish and Wildlife - Law Enforcement Division
Eric.Bloom@wildlife.ca.gov

Tony LaBanca, Environmental Program Manager
California Department of Fish and Wildlife - Coastal Fisheries Program
Tony.LaBanca@wildlife.ca.gov

Fort Bragg City Council,

I haven't had time to read the whole latest Hare Creek Proposal or the proposed choice of the company to create the Environmental Impact ~~Statement~~ Report (EIR).

However I do have a major objection to the proposal. As I understand it, the proposal is to put a Grocery Outlet and possibly one or two other businesses in a strip mall there. We don't need another grocery outlet in our small community. It will take away business from local groceries like Down Home Foods and the Purity Market. Additionally, we already have Safeway, the Harvest Market and a few small mexican food groceries in Fort Bragg.

Downtown Fort Bragg is already on the verge of being killed. There are numerous vacancies here.

This project will not benefit Fort Bragg residents. It will not create permanent employment wages that families could live on and use to send their children to college. They will be low wage service jobs which really have no future that anyone can count on.

If you haven't noticed, the Fort Bragg population is rapidly aging. There is little opportunity for young people and young families to create a life here. Many youngsters leave town after high school graduation to go to college or find jobs elsewhere.

We need businesses in Fort Bragg that will create permanent wages that could support young families. The extractive timber and fishing industries are dead.

The tourist industry presents many opportunities for our city. Fort Bragg is already famous for its unique natural beauty. Developmental planning for our city should be centered on permanent tourist friendly businesses. Many people come here from all over the world to see our coast and forests. Bicycle tourism is a great opportunity as well as hiking on our beautiful Coastal trails.

If more strip malls are built and more fast food outlets like Taco Bell, McDonalds and Denny's are given preferences in Fort Bragg, it will kill the

city's uniqueness. Fort Bragg will look like any other town and the opportunity to build a healthy permanent tourist economy will be lost.

The developers are already very well off. They own the Boatyard Shopping Center where there are three vacancies and it is my understanding that they also own the strip mall on Franklin Street where the DMV is located. There are four vacancies there.

Please abandon this destructive project and start planning for a permanent healthy economy that will benefit the majority of our citizens not just the few wealthy ones.

Thank you for your consideration of my thoughts

Ed Oberweiser
19244 Benson Lane
Fort Bragg, CA 95437
707-964-7965

SPEAKER CARD

(6C) 000008

- [x] I would like to speak to the Council on Agenda Item No. 16-302
- [ ] I would like to speak to the Council under "Public Comments on Non-Agenda, Consent Calendar or Closed Session Items"
- [ ] I do not wish to speak but want to submit the following comments to the Council

NAME: CECILE CUTLER.

COMMENTS (ONLY IF YOU DO NOT PLAN TO SPEAK):

WE DO NOT NEED
MORE STORES UNTIL
DOWNTOWN STORES
ARE IN USE

(This information is retained as a Public Record, and as such, may be shared with others upon request. Please do not provide any information that you do not wish to be disclosed to others.)

000007

SPEAKER CARD

- [x] I would like to speak to the Council on Agenda Item No. 6C
- [ ] I would like to speak to the Council under "Public Comments on Non-Agenda, Consent Calendar or Closed Session Items"
- [ ] I do not wish to speak but want to submit the following comments to the Council

NAME: ANN RENNACKER

COMMENTS (ONLY IF YOU DO NOT PLAN TO SPEAK): OPPOSE THE USE OF THE LOCATION AT HWY 20 + HWY 1 FOR A MALL FEATURING A LARGE PAVED PARKING LOT AND A LOW-COST GROCERY OUTLET BOX STORE. PERHAPS A LAND SWAP WITH AN AREA THAT IS ALREADY PAVED, LOGGED, SCRAPED AND INDUSTRIALIZED - MANY EMPTY LOTS, VACANT STORES AND OTHER SUITABLE SITES COULD BETTER ACCOMODATE A MALL, AND THE PROPERTY OWNER COULD BE COMPENSATED

(This information is retained as a Public Record, and as such, may be shared with others upon request. Please do not provide any information that you do not wish to be disclosed to others.)

City of Fort Bragg

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

Text File

File Number: 16-290

Agenda Date: 7/25/2016 **Version:** 1 **Status:** Passed

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

Agenda Number: 7A.

Adopt City Council Resolution Appointing Representative to Represent and Vote on Behalf of the City at the 2016 League of California Cities Annual Conference

The City of Fort Bragg is an active member of the Redwood Empire Division of the League of California Cities. The Division's bylaws state that representatives of each member city shall cast one vote by city. Sara Rounds, Public Affairs Program Manager for the Division, has requested that each city designate by resolution its representative to the Annual Business Meeting set for October 5-7, 2016 in Long Beach, California. On December 14, 2015, the City Council adopted Resolution 3878-2015 appointing Vice Mayor Peters as the Division Business Meeting and Legislative Committee Primary Voting Delegate and Councilmember Hammerstrom as the Alternate. The attached resolution reflects appointment of Vice Mayor Peters as the City's Voting Delegate at the annual conference.

RESOLUTION NO. ____*-2016*

RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPOINTING REPRESENTATIVE TO REPRESENT AND VOTE ON BEHALF OF THE CITY AT THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

WHEREAS, the City of Fort Bragg is a member of the League of California Cities, an association of California city officials who work together to enhance their knowledge and skills, exchange information, and combine resources so that they may influence policy decisions that affect cities; and

WHEREAS, mayors, councilmembers and other officials set League policies and priorities from member cities who serve on the League Board of Directors, League policy committees, regional division boards, departments, caucuses, and task forces where League policies and priorities are formulated and set; and

WHEREAS, the City of Fort Bragg is an active member of the Redwood Empire Division, League of California Cities; and

WHEREAS, the League's 2016 Annual Conference is scheduled for October 5-7, 2016 in Long Beach, California; and

WHEREAS, the City Council must designate by resolution one elected official to attend and represent the City at the League of California Cities Annual Conference who can serve as the Voting Delegate and vote on behalf of the City;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg hereby designates Vice Mayor Lindy Peters to serve as the City's Voting Delegate for the League of California Cities 2016 Annual Conference October 5-7, 2016 in Long Beach, California.

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 25th day of July 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
DAVE TURNER,
Mayor

ATTEST:

_____
June Lemos
City Clerk

REC'D JUN 27 2016

1400 K Street
Sacramento, CA 95814
ph: (916) 658-8200
fx: (916) 658-8240

LEAGUE OF CALIFORNIA CITIES

www.cacities.org

Council Action Advised by July 31, 2016

June 10, 2016

TO: Mayors, City Managers and City Clerks

RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – October 5 – 7, Long Beach

The League's 2016 Annual Conference is scheduled for October 5 – 7 in Long Beach. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly), scheduled for noon on Friday, October 7, at the Long Beach Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, September 23, 2016. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.

- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one voter must be present at the

Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.

- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Long Beach Convention Center, will be open at the following times: Wednesday, October 5, 8:00 a.m. – 6:00 p.m.; Thursday, October 6, 7:00 a.m. – 4:00 p.m.; and Friday, October 7, 7:30–10:00 a.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League office by Friday, September 23. If you have questions, please call Kayla Gibson at (916) 658-8247.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form

Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.

2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.

3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.

4. **Signing Initiated Resolution Petitions**. Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.

5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.

6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.

7. **Resolving Disputes**. In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.

LEAGUE® OF CALIFORNIA CITIES

CITY: _____

2016 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, September 23, 2016. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ E-mail _____

Mayor or City Clerk _____ Phone: _____
(circle one) (signature)

Date: _____

Please complete and return by Friday, September 23, 2016

League of California Cities
ATTN: Kayla Gibson
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: kgibson@cacities.org
(916) 658-8247

City of Fort Bragg

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

Text File

File Number: 16-306

Agenda Date: 7/25/2016 **Version:** 1 **Status:** Passed

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

Agenda Number: 7B.

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

RESOLUTION NO. ____*-2016*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 25th day of July 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
DAVE TURNER
Mayor

ATTEST:

_____
June Lemos
City Clerk

City of Fort Bragg

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

Text File

File Number: 16-309

Agenda Date: 7/25/2016 **Version:** 1 **Status:** Passed

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

Agenda Number: 7C.

Adopt City Council Resolution Consenting to the County of Mendocino's Extension of Caspar Transfer Station Operations Agreement and Lease to June 30, 2021

The City of Fort Bragg and the County of Mendocino co-own the Caspar Transfer Station, a self-haul solid waste facility located on Prairie Way in Caspar which serves residents and businesses in the central coastal region of Mendocino County. On January 25, 2011, the County of Mendocino and Solid Wastes of Willits, Inc. entered into an Agreement for operation of the Caspar Transfer Station. The Agreement expires on June 30, 2017 unless extended. Section 4(A)(3) of the Agreement allows the County, with the concurrence of the City of Fort Bragg, to extend the term of the Agreement one or more times to any date up to December 31, 2029, provided that written notice is given to Solid Wastes of Willits not less than 180 days prior to the expiration date. On March 18, 2016, the Mendocino County Board of Supervisors took action to extend the Agreement to June 30, 2021 pending concurrence from the City of Fort Bragg. If adopted, this resolution provides the City Council's consent to the extension of the Agreement. Staff recommends adoption of the resolution to ensure continued operations at the Caspar Transfer Station while work continues on the permitting and development of a new commercial and self-haul transfer station facility to serve the central coast region.

RESOLUTION NO. ___*-2016*

RESOLUTION OF THE FORT BRAGG CITY COUNCIL CONSENTING TO THE COUNTY OF MENDOCINO'S EXTENSION OF CASPAR TRANSFER STATION OPERATIONS AGREEMENT AND LEASE TO JUNE 30, 2021

WHEREAS, on January 10, 2011, the City Council adopted Resolution No. 3420-2011 providing the City's consent to the Caspar Transfer Station Operations Agreement and Lease ("Agreement"); and

WHEREAS, the Agreement is between the County of Mendocino and Solid Wastes of Willits, Inc. for operation of a solid waste transfer station on property which is jointly owned by Mendocino County and the City of Fort Bragg at the terminus of Prairie Way in the Caspar area; and

WHEREAS, as stated in Resolution No. 3420-2011, the Agreement provides rate stabilization for the public and incentives for recycling; relieves the County and City of any need to subsidize Caspar transfer station operations; and provides funding for planning and permitting of a new central coast transfer station; and

WHEREAS, the Agreement was subsequently revised and, on January 24, 2011, the City Council adopted Resolution No. 3423-2011 approving the revised Agreement; and

WHEREAS, the Agreement expires on June 30, 2017, unless extended; and

WHEREAS, Section 4(A)(3) of the Agreement allows the County, with concurrence of the City of Fort Bragg, to extend the term of the Agreement one or more times to any date up to December 31, 2029, provided that written notice is given to Solid Wastes of Willits not less than 180 days prior to the expiration date; and

WHEREAS, on March 18, 2016, the Mendocino County Board of Supervisors took action to extend the Agreement to June 30, 2021 pending concurrence from the City of Fort Bragg; and

WHEREAS, Solid Wastes of Willits has demonstrated the ability to operate the Caspar Transfer Station in compliance with the Agreement; and

WHEREAS, it is in the public interest to extend the term of the Agreement to ensure the continued operation of the Caspar Transfer Station.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby provide its consent to the extension of the Caspar Transfer Station Operations Agreement and Lease to June 30, 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 25th day of July, 2016, by the following vote:

AYES:
NOES:

ABSENT:
ABSTAIN:

DAVE TURNER,
Mayor

ATTEST:

June Lemos
City Clerk

City of Fort Bragg

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

Text File

File Number: 16-305

Agenda Date: 7/25/2016 **Version:** 1 **Status:** Passed

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

Agenda Number: 7D.

Readopt Master Traffic Resolution

The City Council considers changes to the Master Traffic Resolution once or twice each year, as necessary. The last changes were made on November 23, 2015. Since that time, the Traffic Committee has considered 12 Traffic Modification Requests filed with the City Clerk's Office by members of the community. Many of the modifications granted by the Traffic Committee do not alter the Master Traffic Resolution (such changes to Section G, No Parking Zones). Two changes that are included in this version of the Master Traffic Resolution are:

1. Changes to Section U - BLUE CURB HANDICAP ZONE APPROVALS:
   A. Add 224 East Oak Street
   B. Remove 411 South Whipple Street

RESOLUTION 1271-~~2015/B~~2016A
MASTER TRAFFIC RESOLUTION

WHEREAS, Chapter 10.08 of the Fort Bragg Municipal Code empowers the City Council, by resolution, to cause to be placed and maintained official traffic control devices; and

WHEREAS, Chapter 10.10 of the Fort Bragg Municipal Code provides that the City Council has authority to determine the placement of restricted turn signs; and

WHEREAS, Chapter 10.12 of the Fort Bragg Municipal Code provides for the City Council to designate by resolution one-way streets and alleys; and

WHEREAS, Chapter 10.14 of the Fort Bragg Municipal Code provides that the City Council may by resolution designate any street or portion thereof as through streets, any intersection or any highway (street) railway grade crossing at which vehicles are required to stop; and

WHEREAS, Section 10.20.030 of the Fort Bragg Municipal Code provides for the establishment of "no parking areas" by resolution of the City Council and indication of such area by sign or red curb; and

WHEREAS, Chapter 10.22 of the Fort Bragg Municipal Code authorizes the City Council to determine the location of loading zones and passenger loading zones; and

WHEREAS, Chapter 10.30 of the Fort Bragg Municipal Code provides that intersections may be declared to be yield right-of-way intersections; and

WHEREAS, Section 22507 of the State of California Vehicle Code and Sections 10.20.190–210 of the Fort Bragg Municipal Code provide for the limitation of parking; and

WHEREAS, Section 10.20.031 of the Fort Bragg Municipal Code provides for restriction on double parking pursuant to the provisions provided in California Vehicle Code Section 22502; and

WHEREAS, Section 10.20.035 of the Fort Bragg Municipal Code provides for specified private properties to be subject to public traffic regulations; and

WHEREAS, certain properties have previously been designated by resolution as being subject to such public traffic regulations as provided by the Fort Bragg Municipal Code at such time as they are properly posted.

NOW, THEREFORE, BE IT RESOLVED that the following traffic and parking regulations and control shall be adopted and enforced pursuant to provisions and penalties of Title 10 of the Fort Bragg Municipal Code.

BE IT FURTHER RESOLVED that Resolution 1271-2015/B is hereby repealed.

A. OFFICIAL TRAFFIC DEVICES

1. Main Street and Chestnut Street intersection for all traffic entering this intersection.
2. Main Street and Cypress Street intersection for all traffic entering this intersection. (9-14-1998)
3. Main Street and Elm Street intersection for all traffic entering this intersection. (2-9-1998)
4. Main Street and Laurel Street intersection for all traffic entering this intersection. (7-25-2005)
5. Main Street and Oak Street intersection for all traffic entering this intersection
6. Main Street and Ocean View Drive intersection for all traffic entering this intersection. (3-22-1993)
7. Main Street and Redwood Avenue intersection for all traffic entering this intersection.
8. Main Street and State Route 20 intersection for all traffic entering this intersection.

B. RIGHT TURN ONLY INTERSECTIONS

1. From North Harbor Drive onto South Main Street (9-14-1998)
2. From North Noyo Point Road onto South Main Street (1-11-1999)
3. From the private roadway located at the north end of the South Main Street west frontage road onto South Main Street. (11-09-92; moved from Section P; 9-25-2000)

C. NO U TURN INTERSECTIONS

1. All quadrants of the intersections of Franklin Street with the following streets: Pine, Laurel, Redwood, Alder and Oak.
2. The north and eastbound quadrants of the intersection of Harold and Fir Streets.
3. All quadrants of the intersection of Harold and Laurel Streets.
4. The east and southbound quadrants of the intersection of Harold and Pine Streets.
5. That portion of Main Street from Manzanita Street to North Harbor Drive inclusive including the cross streets.

D. ONE-WAY STREETS

1. Alder Street one-way eastbound between Franklin and Main Streets. (1-27-1992; Amended: 11-26-2007)
2. Alley east of Franklin Street, one-way in a northerly direction between Cypress and Walnut Streets. (11-9-1998)
3. Alley between Harold and Corry Streets, one-way in a northerly direction between Pine and Fir Streets.
4. Alley between Main and Franklin Streets one-way in a southerly direction between Laurel and Oak Streets.
5. Alley between McPherson and Franklin Streets, one-way in a southerly direction between Pine and Laurel Streets.
6. Harold Street one-way in a northerly direction between Chestnut and Maple Streets.
7. Laurel Street one-way eastbound between Main and McPherson Streets.
8. Lincoln Street one-way in a southerly direction between Cedar and Oak Streets. (4-26-1999)
9. Lincoln Street one-way in a northerly direction between Willow and Oak Streets.
10. Park Street one-way in a southerly direction between Maple and Oak Streets.

E. THROUGH STREETS

The following are through streets subject to the provisions of Section 10.14.020 of the Fort Bragg Municipal Code and other provisions of this resolution.

1. Boatyard Street from Highway 20 north to where it joins Ocean View Drive, Ocean View Drive west to Main Street. (3-22-1993)
2. Cedar Street from Harold Street to the east city limits.
3. Harold Street from Fir Street to Maple Street.
4. Harrison Street from Winifred Street to Chestnut Street.
5. Main Street from the north city limits to the south city limits.
6. Maple Street from Franklin Street to Lincoln Street.
7. Oak Street from Harold Street to the east city limits.
8. Pine Street from Franklin Street to Harold Street.
9. Redwood Avenue from Main Street to Harold Street.
10. South Street from Franklin Street to the east city limits.

F. STOP INTERSECTIONS

On all streets at their intersection with through streets listed above provided that where northbound and southbound through streets cross eastbound and westbound through streets, eastbound and westbound shall have the through traffic and northbound and southbound shall stop, unless it is designated otherwise herein.

1. Alder Street at Franklin Street, four-way stop for all traffic. (11-26-2007)
2. Cedar Street at Sanderson Way, four-way stop for all traffic. (4-12-1999)
3. Chestnut Street at Harrison Street, four-way stop for all traffic. (4-26-1993)
4. Chestnut Street at Lincoln Street, four-way stop for all traffic.
5. Chestnut Street at Sanderson Way, four-way stop for all traffic.
6. Franklin Street at Chestnut Street, four-way stop for all traffic.
7. Franklin Street at Cypress Street, four-way stop for all traffic. (Amended: 9-25-2000).
8. Franklin Street at Laurel Street, three-way stop for all traffic. (4-27-2015)
9. Franklin Street at Oak Street, four-way stop for all traffic.
10. Franklin Street at Pine Street, four-way stop for all traffic.
11. Franklin Street at Redwood Avenue, four-way stop for all traffic. (9-25-2000)
12. Franklin Street at Walnut Street, four-way stop for all traffic. (4-27-2015)
13. Laurel Street at Whipple Street, four-way stop for all traffic.

14. Oak Street at Harold Street, four-way stop for all traffic.
15. Oak Street at Sanderson Way, four-way stop for all traffic.
16. Wall Street at Willow Street, four-way stop for all traffic (7-11-1988; amended: 9-25-2000)
17. Dana Street at the entrance to Fort Bragg High School student parking lot, three way stop for all traffic. (7-22-2002)
18. Glass Beach Drive at Stewart Street, three way stop for all traffic (11-13-2001)
19. Glass Beach Drive at West Elm Street, three way stop for all traffic (11-23-2015)
20. Oak Street at Dana Street, three way stop for all traffic. (7-22-2002)
21. Alder Street at Harold Street for east and westbound traffic.
22. Alder Street at Harrison Street for east and westbound traffic.
23. Alder Street at Main Street for east traffic. (9-25-2000; Amended 11-26-2007)
24. Alley east of Franklin Street at Walnut Street for northbound traffic. (9-25-2000)
25. Alley west of Main Street at Alder Street for north and southbound traffic. (4-8-1991)
26. Alley west of Main Street at Oak Street for southbound traffic. (3-8-1993)
27. Azalea Circle at Sanderson Way for eastbound traffic.
28. Boatyard Street at Highway 20 for southbound traffic.
29. Brandon Way at Fir Street for southbound traffic. (4-8-1991)
30. Bush Street at Franklin Street for east and westbound traffic.
31. Bush Street at Harrison Street for east and westbound traffic.
32. Bush Street at Main Street for east and westbound traffic. (9-25-2000)
33. Bush Street at West Street for east and westbound traffic. (1-12-2009)
34. Casa del Noyo Drive at North Harbor Drive for northbound traffic. (7-11-1988)
35. Cedar Street at Harold Street for westbound traffic.
36. Corry Street at Alder Street for north and southbound traffic.
37. Corry Street at Chestnut Street for southbound traffic.
38. Corry Street at Fir Street for northbound traffic. (4-8-1991)
39. Corry Street at Laurel Street for north and southbound traffic.
40. Corry Street at Madrone Street for north and southbound traffic.
41. Corry Street at Maple Street for north and southbound traffic.
42. Corry Street at Oak Street for north and southbound traffic.
43. Corry Street at Pine Street for north and southbound traffic.
44. Corry Street at Redwood Avenue for north and southbound traffic.
45. Cypress Street at the Georgia Pacific Logging Road for southbound traffic. (Amended: 9-25-2000)
46. Dana Street at Chestnut Street for southbound traffic.
47. Dennison Lane at Cedar Street for north and southbound traffic. (9-23-1996)
48. Ebbing Way at Chestnut Street for northbound traffic.
49. Elm Street at Franklin Street for eastbound traffic.
50. Espey Way at Walnut Street for northbound traffic. (9-25-2000)
51. Fir Street at Franklin Street for east and westbound traffic. (9-25-2000)
52. Fir Street at Main Street for east and westbound traffic. (9-25-2000)
53. Fir Street at Stewart Street for east and westbound traffic.
54. Fir Street at West Street for east and westbound traffic.
55. Florence Street at Oak Street for northbound traffic.
56. Florence Street at Willow Street for southbound traffic.
57. Franklin Street at South Street for north and southbound traffic.
58. Grove Street at Chestnut Street for northbound traffic.
59. Harold Street at Chestnut Street for northbound traffic.
60. Harold Street at Fir Street for southbound traffic.
61. Harold Street at Maple Street for north and southbound traffic.
62. ~~Harrison Street at Fir Street for north and southbound traffic. (11-28-2005~~) (Removed 4-27-2015; traffic circle)
63. Harrison Street at Maple Street for north and southbound traffic.
64. Harrison Street at Oak Street for north and southbound traffic.
65. Harrison Street at Pine Street for north and southbound traffic
66. Harrison Street at Redwood Avenue for north and southbound traffic.
67. Harrison Street at Walnut Street for southbound traffic. (1-25-1993)

68. Hazel Street at Franklin Street for east and westbound traffic. (9-25-2000)
69. Hazel Street at Harrison Street for eastbound traffic.
70. Hazel Street at Main Street for westbound traffic. (9-25-2000)
71. Hazel Street at McPherson Street for east and westbound traffic.
72. Hazelwood Street at South Street for northbound traffic. (4-9-1990)
73. Hocker Lane at Oak Street for northbound traffic. (9-25-2000)
74. Holmes Lane at Glass Beach Drive for westbound traffic (1-24-1994; amended: 9-25-2000)
75. Holmes Lane at Stewart Street for eastbound traffic (1-24-1994)
76. Howland Court at Oak Street for southbound traffic. (9-25-2000)
77. Jewett Street at Oak Street for northbound traffic. (9-25-2000)
78. John Cimolino Way at Stewart Street for westbound traffic. (9-25-2000)
79. ~~Laurel Street at Franklin Street for eastbound traffic.~~ (removed 4-27-2015; see Franklin Street stops)
80. Laurel Street at Harold Street for east and westbound traffic.
81. Laurel Street at Harrison Street for east and westbound traffic.
82. Laurel Street at Main Street for eastbound traffic. (9-25-2000)
83. Laurel Street at McPherson Street for east and westbound traffic.
84. Lincoln Street at Alder Street for southbound traffic (6-12-1995; amended: 9-25-2000)
85. Lincoln Street at Oak Street for north and southbound traffic.
86. Lincoln Street at Willow Street for northbound traffic.
87. Livingston at Oak Street for northbound traffic.
88. Livingston Street at Willow Street for southbound traffic. (10-28-1996)
89. Lonne Way at Sanderson Way for westbound traffic. (2-24-1997)
90. Madrone Street at Franklin Street for east and westbound traffic. (9-25-2000)
91. Madrone Street at Harold Street for eastbound traffic.
92. Madrone Street at Harrison Street for east and westbound traffic.
93. Madrone Street at Main Street for westbound traffic. (9-25-2000)
94. South Main Street west frontage road at Ocean View Drive for southbound traffic. (11-9-1992)
95. South Main Street west frontage road at private roadway for northbound traffic. (11-9-1992)
96. Manzanita Street at Main Street for westbound traffic. (9-25-2000)
97. Maple Street at Franklin Street for east and westbound traffic.
98. Maple Street at Lincoln Street for eastbound traffic.
99. Maple Street at Main Street for westbound traffic. (9-25-2000)
100. McKinley Street at Alder Street for northbound traffic (6-12-1995)
101. McKinley Street at Oak Street for southbound traffic.
102. McPherson Street at Alder Street for north and southbound traffic.
103. McPherson Street at Chestnut Street for southbound traffic.
104. McPherson Street at Fir Street for north and southbound traffic.
105. McPherson Street at Madrone Street for north and southbound traffic.
106. McPherson Street at Maple Street for north and southbound traffic.
107. McPherson Street at Oak Street for north and southbound traffic.
108. McPherson Street at Pine Street for north and southbound traffic.
109. McPherson Street at Redwood Avenue for north and southbound traffic.
110. Minnesota Avenue at Chestnut Street for northbound traffic.
111. Morrow Street at Alder Street for north and southbound traffic. (2-13-1989; 6-12-1995)
112. Morrow Street at Cedar Street for north and southbound traffic.
113. Morrow Street at Oak Street for southbound traffic.
114. Myrtle Street at North Harbor Drive for southbound traffic. (1-27-1997)
115. Myrtle Street at South Street for northbound traffic. (1-27-1997)
116. North Harbor Drive at Franklin Street for east and westbound traffic; Franklin Street at North Harbor Drive at two locations for southbound traffic.
117. North Harbor Drive at Main Street for westbound traffic. (9-25-2000)
118. North Noyo Point Road at Main Street for eastbound traffic. (9-25-2000)
119. Noyo Heights Drive at Sanderson Way for eastbound traffic. (2-24-1997)
120. Oak Terrace Court at Oak Street for southbound traffic.
121. Olsen Lane at Chestnut Street for northbound traffic.
122. Park Street at Maple Street for north and southbound traffic.

123. Park Street at Willow Street for southbound traffic.
124. Penitenti Way at Sanderson Way for eastbound traffic.
125. Perkins Way at Bush Street for north and southbound traffic. (4-8-1991)
126. Perkins Way at Fir Street for southbound traffic. (4-8-1991)
127. Pine Street at Harold Street for eastbound traffic.
128. Pine Street at Main Street for east and westbound traffic. (9-25-2000)
129. Redwood Avenue at Harold Street for east and westbound traffic.
130. River Drive at Kemppe Way for southbound traffic. (6-10-1996)
131. River Drive at South Street for southbound traffic.
132. South Harbor Drive at Highway 20 for southbound traffic.
133. South Street at Main Street for westbound traffic. (9-25-2000)
134. Spring Street at Chestnut Street for northbound traffic.
135. Spruce Street at Main Street for east and westbound traffic. (9-25-2000)
136. Stewart Street at Bush Street for north and southbound traffic.
137. Stewart Street at Elm Street for north and southbound traffic (1-24-1994)
138. Stewart Street at Pine Street for southbound traffic.
139. Stewart Street at Spruce Street for north and southbound traffic.
140. Susie Court at Chestnut Street for southbound traffic. (4-27-1992)
141. Taubold Court at Dana Street for westbound traffic.
142. Wall Street at Chestnut Street for southbound traffic.
143. Wall Street at Oak Street for northbound traffic.
144. ~~Walnut Street at Franklin Street for east and westbound traffic. (9-25-2000)~~ (removed 4-27-2015; see Franklin Street stops)
145. Walnut Street at Main Street for westbound traffic. (9-25-2000)
146. West Street at Pine Street for north and southbound traffic. (1-12-2009)
147. Whipple Street at Alder Street for north and southbound traffic.
148. Whipple Street at Chestnut for north and southbound traffic.
149. Whipple Street at Fir Street for northbound traffic. (4-8-1991)
150. Whipple Street at Madrone Street for north and southbound traffic.
151. Whipple Street at Maple Street for north and southbound traffic.
152. Whipple Street at Oak Street for north and southbound traffic.
153. Whipple Street at Pine Street for north and southbound traffic.
154. Whipple Street at Redwood Avenue for north and southbound traffic.
155. Whipple Street at Walnut Street for southbound traffic (12-13-1993)
156. Willow Street at Harold Street for westbound traffic.
157. Willow Street at Sanderson Way for eastbound traffic.
158. Woodland Drive at Chestnut Street for northbound traffic.
159. Woodward Street at North Harbor Drive for southbound traffic. (1-27-1997)
160. Woodward Street at South Street for northbound traffic. (1-27-1997)

G. <u>NO PARKING ZONES</u>

No Parking Zones will be designated, signed or marked as No Parking Zones as provided in Chapter 10.20.

H. <u>NO PARKING – TIME OR DAY LIMITED</u>

No Parking - Time or Day Limited Zones will be designated, signed or marked as No Parking Zones as provided in Chapter 10.20.

I. <u>PASSENGER LOADING (WHITE LIMITED PARKING) ZONES</u>

The following areas shall be limited to the loading and unloading of passengers between the hours of 7:00 a.m. and 6:00 p.m. with Sundays and holidays excepted:

1. Fir Street, at Fort Bragg Middle School, east end at Harold Street starting 11' from corner for a distance of 22'. (9-25-2000)
2. 135 S. Franklin Street, at Coast Cinemas, to replace current green zone. (4-27-2015)
3. Laurel Street, at Fort Bragg Library, from a point 61 feet west of Whipple Street for a distance of 30 feet. (7-23-2007)

4. Stewart Street at John Cimolino Way in front of 930 Stewart Street; starting from the handicap ramp and going west for 22'. (9-25-2000)

J. LOADING (YELLOW LIMITED PARKING) ZONES

Loading Zones will be designated, signed or marked as Loading Zones as provided in Chapter 10.22.

K. YIELD RIGHT OF WAY

None at present.

L. SHORT TERM PARKING (GREEN) ZONES

Short Term Parking Zones will be designated, signed or marked as Short Term Parking Zones as provided in Chapter 10.20.

M. ONE HOUR PARKING ZONES

None at present.

N. TWO HOUR PARKING ZONES

The following listed areas are declared to be two hour parking zones between the hours of 9:00 a.m. and 6:00 p.m. with Sundays and holidays excepted.

1 **Public right-of-way areas:**
   a. Alder Street, both sides, from the alley between Main and Franklin Streets to the alley between Franklin and McPherson Streets. (1-9-1995; Amended 11-26-2007**)**
   b. Alder Street, both sides, west of Main Street. (1-9-1995)
   c. Franklin Street, both sides, between Pine and Oak Streets.
   d. Franklin Street, both sides, from North Harbor Drive to South Street. (2-9-1998)
   e. Laurel Street, both sides, from the west end of Laurel Street to McPherson Street.
   f. Main Street, both sides, between Pine and Alder Streets. (9-27-1993)
   g. McPherson Street, 200 block for a distance of 158 feet from Redwood Avenue on east side, and 107 feet from Redwood Avenue on west side.
   h. Oak Street, both sides, between Main and Franklin Streets.
   i. Pine Street, south side, between Franklin and Main Streets.
   j. Redwood Avenue, both sides from the west end of Redwood Avenue to Harrison Street.

2. **Private property/City Leased**:
   a. California Western Railroad parking lot, from Laurel Street, north to Pine Street (100 W Laurel Street; effective date 6-1-1999; 5-10-1999)
   b. The Depot parking lot (401 N Main Street; effective 6-1-1999; 5-10-1999)

O. RESTRICTED PARKING ON PRIVATE PROPERTY

Pursuant to Vehicle Code, Section 21107.8 and Fort Bragg Municipal Code, Section 10.20.035, the following privately owned and maintained off-street parking facilities are subject to the provisions and penalties of Title 10 of the Fort Bragg Municipal Code, Sections 22350, 23109 and the provision of Division 16.5, commencing with Section 38000 of the Vehicle Code.

BUSINESS/OWNER			LOCATION	DATE
Boatyard Shopping Center			Boatyard Street and Highway 20	11-14-1988
Rose Memorial Park	222	E	Bush Street	
Celeste Colombi Apartments	215		Chestnut Street	5-23-1994
Apartment Complex	990		Chestnut Street	7-12-2010
Coast Christian Center	1004		Chestnut Street	11-22-2004
Engelhart Property	1099		Chestnut Street	7-13-2009
Calvery Baptist Church	1144		Chestnut Street	3-8-1999
Mendocino Coast District Hospital	515		Cypress Street	4-14-2003
Marvin Gardens Apartments	521		Cypress Street	
Fort Bragg High School	200		Dana Street	10-09-1990
William P. McNeel Cabinet Shop	190	E	Elm Street	4-10-1988

BUSINESS/OWNER			LOCATION	DATE
Mendocino Lithographers	100	N	Franklin Street	
Coast Hotel	101	N	Franklin Street	
Fort Bragg Community Credit Union	120	N	Franklin Street	
Balassi/Balassi/Paolinelli	126	N	Franklin Street	8-12-1991
U. S. Postal Service	203	N	Franklin Street	7-10-1989
Purity Store	242	N	Franklin Street	
Well House West	311	N	Franklin Street	
Norma R. Rhoads Building	324	N	Franklin Street	1-24-1994
Ray & Virginia Bishop	327	N.	Franklin Street	7-28-2003
The Showcase	333	N	Franklin Street	6-22-1992
Cheshire Book Store (Rosengarten)	345	N	Franklin Street	1-12-2009
State Farm Insurance (Schultz)	353	N	Franklin Street	9-11-1995
Norcoast Insurance Agency	522	N	Franklin Street	9-25-1989
Fort Bragg Tire	855	N	Franklin Street	
Polly Cleaners	930	N	Franklin Street	10-11-1994
Brad Cherb	108	S.	Franklin Street	11-25-2002
Mendocino Railway	90	W	Laurel Street	
Palesi, Marie	161	S	Lincoln Street	2-12-1990
Arco Station	105	N	Main Street	
Rhoads Auto Parts	203	N	Main Street	
Jerry's Beacon	210	N	Main Street	
Bank of America	228	N	Main Street	
Redwood Center	247	N	Main Street	12-14-1998
Barekman Building —Permit Parking Only	250	N	Main Street	10-25-1993; Amended: 2-14-2000
Coast Hardware & Radio Shack Dealer	300	N	Main Street	7-22-2002
Lieser Building; rear of 322	330	N	Main Street	7-10-1989
Trophy Works	334	N	Main Street	
For the Shell of It	344	N	Main Street	3-24-1997
Spunky Skunk	350	N	Main Street	7-27-1998
Fort Bragg Depot	401	N	Main Street	8-12-1996
North Coast Brewing Company	444	N	Main Street	
Chevron, U. S. A.	455	N	Main Street	
Georgia Pacific property		S/E	Main and Fir Streets (corner)	
Honda Dynamics	501	N	Main Street	
	524	N	Main Street	
Gas & Save	734	N	Main Street	
Pacific Auto Body	746	N	Main Street	
Clark, Paul & Barbara	809	N	Main Street	4-23-1990
Force's Chevron	810	N	Main Street	3-8-1999
Nello's Market	860	N	Main Street	
Noyo Bowl	900	N	Main Street	
Jenny's Giant Burger	940	N	Main Street	
North O'Town Industrial	1260	N	Main Street	
One Stop Shop/Shell Station	105	S	Main Street	
Redwood Liquors	112	S	Main Street	6-8-1998
Evelyn Tregoning Buildings	120	S	Main Street	2-13-1989
CVS	150	S	Main Street	
Harvey House	212	S	Main Street	
Mendocino Coast District Hospital	215	S	Main Street	4-14-2003

BUSINESS/OWNER			LOCATION	DATE
Acme Automotive	350	S	Main Street	9-26-1988
Rite Aid	490	S	Main Street	
Renee's Red Caboose	500	S	Main Street #B	4-24-1989
Ida Del Fiorentino	528	S	Main Street	12-12-1988
Jardstrom's Car Wash	558	S	Main Street	
Safeway Stores	660	S	Main Street	
Seaside Realty	684 /690	S	Main Street	12-12-1988
Fort Bragg Exxon	700	S	Main Street	11-25-2002
Penitenti Real Estate	720	S	Main Street	
Round Table Pizza	740	S	Main Street	
Harbor Trailer Park	1021	S	Main Street	8-8-1988; Amended 6-8-1998
Petersen, Robert C. (Trustee); The James G. Cummings Trust	1102	S	Main Street	9-14-1998
McDonald's of Fort Bragg	1190	S	Main Street	4-8-1996
Boatyard Shopping Center		S	Main Street -- 30 foot section of private roadway/parking lot parallel to Main Street along frontage of Surf Motel	6-10-1991
Jack Luoma's Muffler Shop	110		Manzanita Street	
Barry Cusick/Margaret Fox	244	N	McPherson Street	7-24-2006
Grey Gull Apartments	631	N	McPherson Street	11-13-1990
Apartment Complex	103		Minnesota Avenue	7-12-2010
Baroni's Car Wash	224		Oak Street	
Colombi's Laundromat	647		Oak Street	6-26-1989
Evelyn Tregoning Building	221		Pine Street	1-9-1989
T. M. Holmes, D. C.	124	E	Pine Street	9-12-1994
Antonio C. Afonso	125	E	Redwood Avenue	1-22-2001
Norton Beck Assoc.	200	E	Redwood Avenue	8-14-2000
Ralph Smith	224	E	Redwood Avenue	7-24-2006
Redwood Apartments	303	E	Redwood Avenue	4-25-1988
Georgia Pacific	90	W	Redwood Avenue	
Mendocino Coast District Hospital	700		River Drive	4-14-2003
Baker, DDS, Lee	890		River Drive	4-27-1998
First Presbyterian Church	367	S	Sanderson Way	4-14-2003
Casey-Ramsey Subdivision			Snug Harbor	7-13-2009
River Garden Apartments	421		South Street	
John Young Properties	617 /627		Stewart Street	4-22-1996

P. NO LEFT TURNS

Left turn movements at the following locations are declared to be prohibited:

1. 324 S. Lincoln Street, Redwood Elementary School parking lot. (11-22-2010)

Q. SCHOOL ZONE SPEED

The following streets are hereby declared as school zones. The speed limit in said zones as described below shall be 15 miles per hour when children are present.

1. Chestnut Street, between Lincoln and Wall Streets.
2. Chestnut Street, between Sanderson Way and the eastern city limits.

3. Dana Street between Chestnut and the extension of Willow Street.
4. Harold Street between Cedar and Fir Streets. (9-25-2000)
5. Lincoln Street, between Chestnut and Willow Streets.
6. Ocean View Drive, near Leonard Holmes Street/Harbor Avenue. (11-23-2015)
7. Sanderson Way, between Chestnut and Willow Streets.

R. MOTORIZED VEHICLES PROHIBITED

1. Unimproved section of Rasmussen Lane just south of Cedar Street. (5-9-88)

S. 15 MPH ZONE

1. 100 block of S. Lincoln Street. (04-09-1990)
2. 200 block of Park Street. (1-11-2010)

T. EMERGENCY VEHICLES ONLY

1. Boatyard Shopping Center at northwest corner of parking lot. As authorized by property owner in accordance with FBMC Title 10 and California Vehicle Code Section 38000 et seq. (6-10-1991)

U. BLUE CURB HANDICAP ZONE APPROVALS

		STREET ADDRESS	OWNER	DATE
100 block of	E	Alder Street	U.S. Post Office	
248	E	Alder Street (on west side of McPherson Street)	Gwen Matson	7-24-2006
100 block of	W	Bush Street (Northwest corner at Main Street)	Rosenthal Construction Building	4-13-1992
250		Chestnut Street	Theresa Calvo	1-8-1996
360	N	Corry Street	First Methodist Church	
	N	Corry Street at Redwood Avenue	Trinity Lutheran Church	
201	E	Fir Street (curb on Franklin Street)	St Michaels Episcopal Church	
200 block of	N	Franklin Street	U.S. Post Office; third parking space north of Alder Street, as restricted use only. Signs posted will indicate space is neither van accessible, nor wheelchair accessible.	10-23-2000
416	N	Franklin Street	City Hall Parking Lot	
500 block	N	Franklin Street	First Baptist Church	1-9-1995
201	S	Franklin Street	Mabel Bozzoli	9-28-1998
490	N	Harold Street	Senior Center/Middle School	
500	N	Harold Street	Fort Bragg Middle School	
255	S	Harold Street – two spaces	Our Lady of Good Counsel	12-14-1998
200	E	Laurel Street	Southwest Corner of Laurel & Franklin	11-26-2012
200 block	E	Laurel Street Parking Lot		
400 block	E	Laurel Street, south side—one space west of the driveway	Veteran's Memorial Building	6-28-1999
499	E	Laurel Street	FB Branch/Mendo Co. Library	
324	S	Lincoln Street	Redwood Elementary School	4-26-1999
125	S	Lincoln Street	Dick Finch	7-08-2013
320	S	Lincoln Street	Redwood Elementary School	
355	S	Lincoln Street	LDS Church	12-14-1998
	N	Main Street Parking Lot		
363	N	Main Street	Town Hall	3-8-1993
802	N	Main Street	California Department of Forestry	10-9-2001

		STREET ADDRESS	OWNER	DATE
242	N	McPherson Street	Barry Cusick	7-23-2007
224	**E**	**Oak Street**	**Dora Baroni TTE**	**7-25-2016**
315	E	Oak Street	Theresa Brazil	7-25-2005
320	E	Oak Street	Veronica Lowe	4-27-2015
127	E	Pine Street	First Baptist Church	1-27-1992
230	E	Pine Street	William Yeomans	7-12-2010
620	E	Redwood Avenue	Trinity Lutheran Church	
309	E	Redwood Avenue	Curves	11-26-2007
430	E	Redwood Avenue	Fort Bragg Lions Club	8-24-1992
930		Stewart Street to West end of John Cimolino Way, north side	Glass Beach Preschool	7-26-1999; amended: 9-25-2000
310	N	Whipple Street	Sergio Sanchez	4-14-2003
446	N	Whipple Street (curb on Whipple Street just south of Red Zone at stop on Pine)	Seventh Day Adventist Church	07-11-2011
~~411~~	~~S~~	~~Whipple Street~~	~~Beverly Forward~~	~~7-23-2007~~ **(Removed 7/25/2016)**
465	S	Whipple Street	Katherine Thompson	11-23-1992

V. NO DOUBLE PARKING ZONE

1. Franklin Street, from Oak to Pine Streets, east and west side. (9-23-1996)
2. Main Street, from Oak to Pine Streets, east and west side. (9-23-1996)
3. East Oak Street, 100 block north and south side. (9-23-1996)
4. East Redwood Avenue, 100 block north and south side. (9-23-1996)

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 25th day of July 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Dave Turner, Mayor

ATTEST:

_____
June Lemos, City Clerk

cc:
- ☐ Public Works Operations Manager
- ☐ Chief of Police
- ☐ Director of Public Works
- ☐ Police Services Technicians; Police Dept.
- ☐ Finance Department/Water Works
- ☐ Engineer Technician

City of Fort Bragg

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

File Number: 16-300

Agenda Date: 7/25/2016 **Version:** 1 **Status:** Consent Agenda

In Control: City Council **File Type:** Scope of Work

Agenda Number: 7E.

Approve Scope of Services for a Market Research Study Regarding Marketing and Promotion of Fort Bragg to Out-of-Area Visitors

During the Council's TOT ad-hoc committee's discussions with lodging owners regarding a possible increase in the City's Transient Occupancy Tax (TOT) rate, many lodging owners suggested that the City conduct market research to help inform its marketing and promotion goals and tactics. If Measures AA and AB are approved by the voters in the November 8, 2016 general election, the City will have substantial additional funds to direct to promotional efforts. Accordingly, it is timely to undertake market research and develop a clear data-driven strategy to ensure maximum effectiveness and efficiency of the City's marketing and promotional activities. The City's FY 2016-17 Budget allocates $18,000 for a market research study to address specific promotional goals and objectives. If approved by the Council, the attached Scope of Services will be included in a Request for Proposal (RFP) which will be issued to a broad list of qualified consultants. City staff and the Visit Fort Bragg committee have reviewed the attached Scope of Services.

SCOPE OF SERVICES – MARKET RESEARCH STUDY

MISSION: Inform the preparation of a cohesive and focused tourism and promotion strategy designed to increase visitor-related revenues, taxes and employment in Fort Bragg

The City of Fort Bragg is searching for a consultant(s) to conduct the following scope of services:

- Research Review: Review past and current market and visitor research to complete an analysis of the City's visitor profile as well as an assessment of local lodging assets

- Surveys: Assist in the compilation and analysis of two online surveys:
  - Community and tourism leaders survey to gain insight and input regarding current promotional and tourism related activities to aid in the development of a future tourism strategy
  - Visitor survey to gain insight and input regarding:
    - Visitor sentiment about the visitor's experience and the destination's brand
    - Understand the primary and secondary motivators for visiting the destination
    - Provide a foundation for a strategic marketing plan which includes defining effective messaging and target audience

- Website and Social Media ROI: Gain an understanding of the FortBragg.com website and social media's economic benefit through the development of accurate and statistically reliable estimates of visitor activity and resulting economic activity through visitation
  - This research will help:
    - Develop overall online profile users, including an analysis of travel intentions and behaviors providing a strategy for improving overall content and editorial calendars
    - Identify opportunities to improve the website and social media efforts before users do
    - Identify ways to improve functionality and effectiveness

- Strategic Branding and Marketing Plan: Development of a comprehensive Tourism and Promotion Strategy including branding/positioning, marketing organization structure including:
  - Program implementation
  - New product development (including festivals and events)
  - Front line training
  - Return on investment (ROI) measurements
  - Identifying the most lucrative target markets
  - Community relations including business outreach and involvement

- Community Workshop: Plan and hold a community-wide workshop reviewing results of past research analysis, online surveys, website and social media ROI as well as the outline for overall strategic branding and marketing. Based on feedback received at the workshop, develop a final strategic planning document with timeline, vision, mission, goals, tactics, etc.

City of Fort Bragg

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Text File

File Number: 16-301

Agenda Date: 7/25/2016 **Version:** 1 **Status:** Filed

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

Agenda Number: 7F.

Approve Minutes of July 11, 2016

City of Fort Bragg

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

Meeting Minutes

City Council

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

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

AMENDED

MEETING CALLED TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

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

AGENDA REVIEW

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

1A. 16-288 Presentation of Proclamation Recognizing August 2, 2016 as National Night Out

Vice Mayor Peters presented a Proclamation Recognizing August 2, 2016 as National Night Out to Police Chief Lizarraga.

2. STAFF COMMENTS

Chief Lizarraga reported on the July 2 fireworks event and an upcoming Neighborhood Watch meeting. City Clerk Lemos provided information on the November election.

3. MATTERS FROM COUNCILMEMBERS

Councilmembers reported on the following matters:

- Mayor Turner - Mendocino Solid Waste Management Authority meeting and the Salmon Barbecue
- Vice Mayor Peters - Salmon Barbecue, feral cat problem in Noyo Harbor, Public Safety Committee meeting
- Councilmember Cimolino - Opioid Coalition meeting
- Councilmember Deitz- Modifications to Sprinkler Ordinance to be discussed at future Community Development Committee meeting
- Councilmember Hammerstrom - Parking at the fireworks event.

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

Bruce Blosser spoke about pollution on beaches. Sue Bocker and Ann Rennacker spoke about Consent Calendar items 7D and 7E. Ann Marie Weibel and David Gurney spoke about Consent Calendar item 7D. Junice Gleason gave remarks on the Fort Bragg Footlighters. Richard Mack talked about Green and Sober.

5. PUBLIC HEARING

5A. 16-287 Receive Report, Conduct Public Hearing, and Consider Adoption of City Council Resolution Approving an Application for Funding and Execution of a Grant Agreement and Any Amendments Thereto from the 2016 Funding Year of the State Community Development Block Grant (CDBG) Program

Special Projects Manager Owen gave the staff report on activities contained in the Community Development Block Grant (CDBG) application.

Mayor Turner opened the public hearing at 7:12 PM.

Junice Gleason outlined her concept of a community center in the Footlighters building, to be used by nonprofit and low income groups for a discounted rate of $100 per night. She stressed that there is a need for cultural activities and events in Fort Bragg, especially for low income persons, and that this project should be included in the CDBG application.

Mayor Turner closed the public hearing at 7:16 PM.

The City Council expressed support for helping the Footlighters community theater identify other funding opportunities. Footlighters was not included in the CDBG application, as cultural/arts organizations are generally not competitive for CDBG funding which is targeted to meeting the urgent needs of low income populations.

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

Aye: 5 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Deitz, Councilmember Hammerstrom and Mayor Turner

Enactment No: RES 3917-2016

6. CONDUCT OF BUSINESS

6A. 16-294 Receive Oral Status Report from KASL Consulting Engineers Regarding 2016 Streets and Alleys Rehabilitation Project and Provide Direction to Staff

Mayor Turner recessed the meeting at 7:23 PM; the meeting was reconvened at 7:27 PM.

The City Council received an oral report from Jack Scroggs of KASL Engineers.

Public Comment was received from Simon Smith.

Discussion: The Council generally agreed that more investigation should be conducted into whether or not additional right of way might be acquired for the North Sanderson Way portion of the project in order to protect the redwood trees. It was also agreed that more study should be given to alternate repair strategies for South Franklin Street rehab.

City Council directed staff to proceed with the design and engineering of the Streets and Alley Rehabilitation project and to further investigate whether

additional right of way acquisition might be needed for North Sanderson Way. The engineers are to analyze alternative repair strategies for South Franklin Street.

6B. 16-278 Receive Report, Provide Direction to Staff and Accept the City of Trails Feasibility Study

Community Development Director Jones presented the staff report on the City of Trails Project.
Public Comment in support of bike trails and bike parks was received from: Amy Wynn, Andrew Kawczak, Rowan Kawczak, David Gurney, and George Reinhardt.
Discussion: There was general agreement and support for including bike park amenities such as a bicycle "pump track" project in the City of Trails plan.

A motion was made by Vice Mayor Peters, seconded by Councilmember Cimolino, that the feasibility study be approved with minor corrections to include bike park amenities in the plan. The motion carried by the following vote:

Aye: 5 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Deitz, Councilmember Hammerstrom and Mayor Turner

6C. 16-295 Receive Report from Transient Occupancy Tax (TOT) Ad-Hoc Committee and Consider Approval of Argument in Support of TOT Ballot Measure (Measure AA) to be Submitted for Inclusion on the November 8, 2016 General Election Ballot

City Manager Ruffing presented the staff report on the Argument in Support of Measure AA, transient occupancy tax (TOT) increase.
Public Comment in opposition to the TOT increase was received from David Gurney.
Discussion: Minor changes were made to the wording of the argument, to include support for the Advisory Measure, Measure AB. In addition to the City Council's endorsement of the Argument in Favor of the Measures, the Ad Hoc Committee was directed to gather four other signatures in support of Measures AA and AB.

A motion was made by Councilmember Hammerstrom, seconded by Vice Mayor Peters, that the argument in support of Measures AA and AB be approved as amended. The motion carried by the following vote:

Aye: 5 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Deitz, Councilmember Hammerstrom and Mayor Turner

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

7. CONSENT CALENDAR

Mayor Turner requested that Item 7D be removed from the Consent Calendar, citing a conflict of interest declared by Councilmember Deitz who owns property near the subject project.

Approval of the Consent Calendar

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

Aye: 5 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Deitz, Councilmember Hammerstrom and Mayor Turner

7A. 16-293 Approve Modifications to City Council's Goals and Objectives as Discussed on April 11, 2016

This matter was approved on the Consent Calendar.

7B. 16-289 Authorize Mural for the Restroom in the Cypress Street Parking Lot at Noyo Headlands Park

This matter was approved on the Consent Calendar.

7C. 16-285 Adopt City Council Resolution Confirming the Continued Existence of a Local Drought Emergency in the City of Fort Bragg

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 3918-2016

7E. 16-286 Adopt City Council Resolution Authorizing City Manager to Execute a Memorandum of Understanding Between the City of Fort Bragg and the Noyo Harbor District Regarding Transfer of Up to 16,000 Cubic Yards of Dredge Sands to the City of Fort Bragg for the Coastal Restoration & Trail Project in Exchange for a Tipping Fee of $10.00 per Cubic Yard for Construction of Phase II of the Fort Bragg Coastal Trail

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 3919-2016

7F. 16-291 Adopt City Council Resolution Approving Side Agreement Amending Article 5, Section 10 of the Memorandum of Understanding between the City of Fort Bragg and the Fort Bragg Police Association Effective April 13, 2015 through June 30, 2017 Regarding K-9 Officer Pay

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 3920-2016

7G. 16-296 Adopt City Council Resolution Reciting the Fact of the Special Election Held on June 7, 2016, Declaring the Result and Such Other Matters as Provided by Law

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 3921-2016

7H. 16-281 Receive and File Minutes of May 11, 2016 Public Safety Committee Meeting

These Committee Minutes were received and filed on the Consent Calendar.

7I. 16-280 Receive and File Minutes of May 17, 2016 Community Development Committee Special Meeting

These Committee Minutes were received and filed on the Consent Calendar.

7J. 16-282 Receive and File Minutes of May 19, 2016 Public Works and Facilities Committee Meeting

These Committee Minutes were received and filed on the Consent Calendar.

7K. 16-277 Approve Minutes from Special Meeting of June 16, 2016

These Minutes were approved on the Consent Calendar.

7L. 16-283 Approve Minutes of June 27, 2016

These Minutes were approved on the Consent Calendar.

ITEMS REMOVED FROM CONSENT CALENDAR

7D. 16-279 Adopt City Council Resolution Approving Professional Services Agreement with Michael Baker International for Preparation of Hare Creek Center Environmental Impact Report and Authorizing City Manager to Execute Same (Amount not to Exceed $66,105.00; Funded by Developer Deposit Account DDA-016)

Councilmember Deitz left the chamber at 9:40 PM.
All Councilmembers were in agreement that the matter concerning the Hare Creek Center Environmental Impact Report should return to the Council as a conduct of business item to allow for further discussion and public comment.

8. CLOSED SESSION

ADJOURNMENT

Mayor Turner adjourned the meeting at 9:46 PM.

_____
DAVE TURNER, MAYOR

_____
June Lemos, City Clerk

IMAGED (_____)