

REGULAR MEETING
SAND CITY COUNCIL

AND

SUCCESSOR AGENCY OF THE
REDEVELOPMENT AGENCY

AGENDA

SAND CITY COUNCIL CHAMBERS

TUESDAY, AUGUST 5, 2014

7:00 P.M.



AGENDA
JOINT SAND CITY COUNCIL AND SUCCESSOR AGENCY
OF THE REDEVELOPMENT AGENCY

Regular Meeting – August 5, 2014
7:00 P.M.

CITY COUNCIL CHAMBERS
Sand City Hall, One Sylvan Park, Sand City, CA 93955

- 1. INVOCATION**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. COMMUNICATIONS**

Members of the public may address the City Council/Successor Agency on matters not appearing on the City Council/Successor Agency Agenda at this time for up to three minutes. In order that the City Clerk may later identify the speaker in the minutes of the meeting, it is helpful if speakers state their names. Public comments regarding items on the scheduled agenda will be heard at the time the item is being considered by the City Council/Successor Agency.

The City Council Chambers podium is equipped with a portable microphone for anyone unable to come to the podium. If you need assistance, please advise the City Clerk as to which item you would like to comment on and the microphone will be brought to you.

- A. Written
- B. Oral

- 5. CONSENT CALENDAR**

The Consent Agenda consists of routine items for which City Council approval can be taken with a single motion and vote. A Council member may request that any item be placed on the Regular Agenda for separate consideration.

- A. Approval of Sand City Council Meeting Minutes, July 15, 2014
- B. Approval of Sand City Council Special Meeting Minutes, July 28, 2014
- C. Approval of City RESOLUTION Authorizing a One (1) Year Time Extension of the Building Inspection and Plan Check Services Agreement with the City of Monterey
- D. Acceptance of Fort Ord Reuse Authority (FORA) Monthly Report, July, 2014
- E. Acceptance of 2014 League of California Cities Annual Conference Resolutions Packet

- F. Acceptance of City/Successor Agency Treasury Report, June 30, 2014
- G. Approval of City Donation/Contribution
 - 1) The Panetta Institute for Public Policy - \$500
 - 2) Jacob's Heart-KIDRAGEOUS Event "Matthews Golden Gallop" - \$500
- H. Informational Only: Review of Monterey Bay Restaurant Equipment CDP

6. CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

7. PRESENTATIONS

- A. Progress Report and Discussion on the Independent (10 minutes)

8. PUBLIC HEARING

- A. **SECOND READING:** Consideration of an **ORDINANCE** of the City of Sand City to Replace the Existing General Purpose Transactions and Use Tax at a Rate of One-Half of One Percent with a General Purpose Transactions and Use Tax at a Rate of One Percent to be Administered by the State Board of Equalization
- B. **FIRST READING:** Consideration of an **ORDINANCE** of the City of Sand City Adopting Chapter 9.28 of the Sand City Municipal Code Entitled Camping Restrictions

9. OLD BUSINESS

- A. Progress report on Public Works projects, Successor Agency Oversight Board, South of Tioga project, Coastal projects, and other Sand City community programs by City Engineer/Community Development Director/City Administrator.

10. NEW BUSINESS

- A. Consideration and Approval of City **RESOLUTION** Approving Placement on the November 4, 2014 Ballot of a Measure to Increase the General Purpose Transactions and Use Tax to One Percent
- B. Selection of Sand City Nominee for Representation on the Monterey County Commission on Disabilities
- C. Consideration of cancelling City Council meeting due to League of California Cities Conference

PURPOSE: It is proposed that the City Council cancel the City Council meeting scheduled for September 2, 2014 to minimize conflict with the League of California Cities Annual Conference on September 3-5, 2014

- D. Upcoming Meetings/Events

11. CLOSED SESSION

A. City Council /Agency Board to adjourn to Closed Session:

1) To confer with Legal Counsel regarding pending litigation in accordance with Government Code Section 54956.9(d)(1):

- a) Monterey Peninsula Water Management v. State Water Resources Control Board (No. M102101), and related cases
- b) Seaside v. Sand City (No. M120996) and related cross action
- c) Seaside v. Sand City (King Ventures) (No. M126354)

B. Re-adjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with 54957.1 of the Ralph M. Brown Act

12. ADJOURNMENT

Next Scheduled Council Meeting:
Tuesday, August 19, 2014
7:00 P.M.
Sand City Council Chambers
1 Sylvan Park, Sand City

This is intended to be a draft agenda. The City reserves the right to add or delete to this agenda as required.

The current Sand City agenda is available in PDF format on our website at:

www.sandcity.org/agenda

If you have a request for a disability-related modification or accommodation, including auxiliary aids or services, which will allow you to participate in a Sand City public meeting, please call the City Clerk at (831) 394-3054 extension 20, or give your written request to the City Clerk at One Sylvan Park, Sand City, CA 93955 at least 48 hours prior to the scheduled meeting to allow the City Clerk time to arrange for the requested modification or accommodation.

AGENDA ITEM

5A

**MINUTES
JOINT SAND CITY COUNCIL AND SUCCESSOR AGENCY
OF THE REDEVELOPMENT AGENCY**

Regular Meeting – July 15, 2014
7:00 P.M.
CITY COUNCIL CHAMBERS

Mayor Pendergrass opened the meeting at 7:00 p.m.

The invocation was led by Reverend Robert Hellam.

The Pledge of Allegiance was led by Police Chief Michael Klein.

Present: Council Member Blackwelder
Council Member Carbone
Council Member Hubler
Council Member Kruper
Mayor Pendergrass

Staff: Kelly Morgan, Interim City Administrator
David Bigger, Acting City Attorney
Leon Gomez, City Engineer
Michael Klein, Police Chief
Charles Pooler, Associate Planner
Linda Scholink, City Clerk

AGENDA ITEM 4, COMMUNICATIONS

A. Written communication distributed to the Council included a list of possible conflicts for the July 15, 2014 meeting, and an update on Agenda Item 5E, requesting that extension for CUP #553 be denied.

B. Oral

7:03 P.M. Floor opened to Public Comment.

There were no comments from the Public.

7:03 P.M. Floor closed to Public Comment.

AGENDA ITEM 5, CONSENT CALENDAR

A. Conditional Use Permits (CUP) and Coastal Development Permits (CDP) are subject to annual review by the City Council and City staff. Upon review of each of the following Use Permits, staff is recommending continued operation of the Use Permits to the City Council based on the finding that these uses are in compliance with their permits. There was no

discussion of the following use permits.

- (1) CUP #377, Hartzel Automotive (auto), 510-A California Avenue
- (2) CUP #399, Edgewater Center, (retail/multiple sites), 915, 925 Playa & 2030 California
- (3) CUP #419, Carmel Tile/Doubleday (showroom/storage), 1725 Contra Costa
- (4) CUP #495, Alternator & Starter Exchange (assembly), 352-B Orange Avenue
- (5) CUP #368, Jersey's (food service), 832 Playa Avenue
- (6) CUP 521, Michael Sweeney (storage), 467 Shasta Avenue
- (7) CUP #522, North Bay Rehabilitation (contractor), 701 Redwood Avenue
- (8) CDP 11-09, Rebecca Bernstein (hydrotherapy), 1807-B Contra Costa

- B. There was no discussion of the July 1, 2014 Sand City Council Meeting Minutes.
- C. There was no discussion of the Police Department Monthly Report, June 2014.
- D. There was no discussion of the Public Works Monthly Report, June 2014.
- E. The City **Resolution** approving Time Extensions to October 31, 2014 of Multiple Conditional Use (CUPs 450, 503, 508, 527, 532, 533, 540, 541, 544, 553) to continue as interim uses at their respective locations within the South of Tioga Area was amended to remove references to CUP #553.

The City Attorney brought to the Council's attention that the handout refers to changes regarding item 5E removing CUP #553.

Motion to approve the consent calendar items with amendments to item 5E was made by Council Member Blackwelder, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled from the consent calendar.

AGENDA ITEM 7, PRESENTATION

- A. **Presentation by Ron Pierce of Green Gopher Supply on behalf of the Non-Profit Organization Jacobs Heart for the KIDRAGEOUS Baby Matthew's Golden Gallop Fund Raising Event (10 minutes)**

Green Gopher Supply owner, Ron Pierce made a presentation to the Council on behalf of a fund raising event being sponsored by Jacobs Heart. On July 14, 2010, his family was blessed with another child whom

they named Matthew. During Matthew's 2 month checkup, the doctor expressed concern regarding Matthew's skin color and ordered a blood test for their son. Following the appointment and results of the blood test, they were informed that Matthew's white blood cell count was extremely high. They were soon airlifted by helicopter to the Lucille Packard Children's Hospital at Stanford. At the hospital, they were informed that Matthew had cancer, and that his type of cancer had a cure rate of only 20-30%. Matthew was diagnosed with infantile leukemia and was soon under life support. He proved to be a fighter, and received his first treatment at 2 months old. Matthew was moved to the Ronald McDonald House while undergoing several months of treatment. Further treatment included bone marrow transplants which took the family to Memphis Tennessee. He was able to go home after several months and the family spent each day enjoying life with Matthew. Unfortunately, in 2012 Matthew's body could no longer sustain the harmful effects of the treatment, and lost his forty day battle in ICU. During Matthews's battle, the family was blessed to have Jacob's Heart, an organization that helped the family throughout Matthew's hospitalizations and treatments. He petitioned the Council to support the, KIDRAGEOUS, Matthew's Golden Gallop event. This event would raise much needed funds for families, and members of the community whose children still battle with cancer.

Mayor Pendergrass thanked Mr. Pierce for his courage and the Council will consider a donation to the event. Vice Mayor Carbone inquired when the event would take place, and extended her condolences to Ron, Amy and family. Council Member Hubler who also experienced the loss of a child expressed his sincerest sympathy to Mr. Pierce and family.

The event will take place at the Custom House Plaza on September 14, 2014.

AGENDA ITEM 8, PUBLIC HEARINGS

{Council Members Blackwelder and Hubler stepped down from the dais due to a possible conflict of interest by residing within 500' of the subject property}

A. Consideration of City Resolution approving Conditional Use Permit 582 for Barry Brandt to Convert an Existing 490 Square Foot Office into a Residential Dwelling at 509 California Avenue

Associate Planner Charles Pooler presented an application by Barry Brandt to convert an existing 490 square foot office into a residential dwelling at 509 California Avenue. He depicted the location and surroundings on the Powerpoint for the Council's information. The property has sufficient space to accommodate two on-site parking spaces; however, the code specifies that one of these spaces be covered to satisfy the covered parking requirements. Staff recommends that the requirement for the carport be waived since this is a temporary use with an expiration date. The applicant informed Staff that modifications/repairs made to the structure would conform to acceptable Code standards. The property

consists of 8 lots, and Staff recommends that it be merged into 2 lots. The structure has a water allocation of 0.034 acre feet and is insufficient to accommodate the conversion. A draft resolution is attached to allocate an additional 0.049 acre feet from the City's water entitlement to subsidize on-site water credit to facilitate the project. The property owner informed Staff that the conversion from an office to residential use would be temporary until future development of the property. Staff recommends a five year time limit of the use permit to July 31, 2019 providing for interim use until future development of the site is proposed. The conversion to a residential use would remain consistent with the intended residential development for the East Dunes planning area. Staff recommends approval of the conditional use permit.

In response to Council Member Kruper's question regarding where the East Dunes property begins and ends, Associate Planner Pooler depicted the 'East Dunes' on the map.

7:25 P.M. The floor was opened for public comment.

Property owner Barry Brandt thanked Mr. Pooler for his work and efforts involving the proposed project. Mr. Brandt is fascinated with Sand City and would like to develop two residences in the area with the possibility of expanding to a third residential unit. The Green property was offered for public auction but he was unable to purchase it at the time. In conclusion, Mr. Brandt commented that he does not have a specific plan for the property other than developing the current site to a residential use.

Mayor Pendergrass asked Mr. Brandt if he was in agreement with the conditions of the use permit. Mr. Brandt answered that he was in agreement with permit conditions.

7:30 P.M. Floor closed to public comment.

Motion to approve the City **Resolution** by title, approving Conditional Use Permit 582 for Barry Brandt to convert an existing 490 square foot office into a residential dwelling at 509 California Avenue was made by Council Member Kruper, seconded by Council Member Carbone. AYES: Council Members Carbone, Kruper, and Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Members Blackwelder and Hubler. Motion carried.

Motion to approve the City **Resolution** by title, granting the City Administrator authorization to execute a Water Assignment Agreement and assign 0.049 acre feet of water from the Sand City Water Entitlement to Mr. Barry Brandt (Property Owner) accommodating a residential conversion at 509 California Avenue in Sand City was made by Council Member Carbone, seconded by Council Member Kruper. AYES: Council Members Carbone, Kruper, and Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Members Blackwelder and Hubler. Motion carried.

B. Consideration of City Resolution approving Conditional Use Permit 583 and Coastal Development Permit 14-03 for Wild Thyme Botanicals for the Manufacturing, Distribution, workshops, and sales of Handmade Soap and Skin Care Products at 1-John Street

Associate Planner Charles Pooler presented an application submitted by Andrea Smith of Wild Thyme Botanicals to utilize a commercial unit at 1-A John Street for manufacturing of handmade soap, natural skin care products, and other 'natural' products. The applicant intends to occupy the southern end of the unit and wishes to open to the public during weekday afternoons for on-site sales. She also proposes to conduct workshops in soap-making, aroma-therapy, and other similar items. The proposed manufacturing, wholesale/retail, storage, and workshop activities are consistent with the mixed-use zoning, and compatible with the neighboring commercial and residential uses. Mr. Pooler further explained the hours of operation for each of the intended uses. The property provides eleven parking spaces and is sufficient to meet the minimum requirement of 3 parking spaces for the intended use. Any potential overflow parking can be accommodated by the adjacent fenced property. The proposed use is not anticipated to generate excessive negative impacts. Loading/unloading activities can be adequately accommodated on-site without interfering with public streets. Evening and weekend classes should not pose a problem provided class sizes are not too large and hours do not extend beyond a late hour. Staff recommends approval of the coastal development and conditional use permit with staff's recommended conditions/restrictions.

7:38 P.M. The floor was opened to public comment.

The applicant Andrea Smith commented that she has been in business since 2001 as a home based business in Pacific Grove. She purchased a home in Marina in which she continued to do business, but has expanded since then. Sand City provides the ideal space and location to expand her business. She expressed her excitement in participating in the West End Celebration and plans to hold her 'grand opening' during that time. All her products are natural, and offers refillable products to the public in keeping with a green sustainable environment.

At the request of Council Member Kruper, Ms. Smith explained the different types of classes she will be offering in soap making, and aromatherapy.

7:41 P.M. Floor closed to public comment.

Motion to approve the City **Resolution** by title, approving Conditional Use Permit 583 and Coastal Development Permit 14-03 for Wild Thyme Botanicals for the manufacturing, distribution, workshops, and sales of handmade soap and skin care products at 1-John Street was made by Council Member Kruper, seconded by Council Member Carbone. AYES:

Council Members Carbone, Kruper, and Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Members Blackwelder and Hubler. Motion carried.

{Council Members Blackwelder & Hubler returned to the dais}

AGENDA ITEM 9, OLD BUSINESS

A. Review and Discussion of the 2014 West End Celebration

West End Event coordinator, Stephen Vagnini presented an update to the City Council. He also mentioned that as the Monterey County Tax Assessor, Sand City's assessed valuation has increased 6.4% and it is the first time in six years that this increase has occurred. Sponsorship for the West End Celebration has exceeded last year's monetary donation. Greater participation with local businesses has also occurred, with more food vendors expressing interest in participating. The footprint for the event has expanded, and a stage will be added along Redwood Avenue. Radio and newspaper advertising will be doubled this year and he anticipates an increase in public attendance. This year a six page program in the Weekly will be advertised. A fashion show will take place on Saturday at the Redwood stage that will use recycled and upcycled materials. The Friday night kick-off party will feature Nina Story, a great blues artist who will be joined by Casey Fraser. Mr. Vagnini encouraged the Council to purchase tickets early since last year they were sold out prior to the concert. Proceeds generated from the concert will go towards the festival. He will be meeting with Chief Klein and Staff in a few weeks to go over the logistics of the event.

Council Member Hubler commented that the City is fortunate to have Mr. Vagnini as this year's West End Celebration coordinator. He is appreciative of all the work that Mr. Vagnini does for the event. Vice mayor Carbone wished Mr. Vagnini a happy "belated birthday".

B. Review and Discussion of July 7, 2014 OPR Letter on Sand City General Plan Elements

Interim City Administrator Kelly Morgan reported that the attached letter is to alert the Council that the City will need to respond to the State and assure them that staff will review the General Plan Element, and work to update the plan as necessary. Due to the recession and slow progress in California, there may not be too much to update. The South of Tioga proposed development may need new descriptions with the assistance of the Orosco Group. A letter will be submitted to the State explaining the City's plans for redevelopment within the South of Tioga area. Associate Planner Charles Pooler added that the Housing Element was approved in 2009 and has an expiration date of 2014. The planning department is working with Pacific Municipal Consultants (PMC) to review the Housing Element. Like the General Plan, the Housing Element may need to include the new housing developments (the Bungalows at East Dunes,

and the Garza Mixed-Use Project) that have been approved this year. The Housing Element should require minimal work, and Staff plans to meet with Tad Stearn, PMC's consultant to review the Housing Element. Mayor Pendergrass suggested that with the loss of the redevelopment agency, Staff research what Sand City can do as a charter city.

In response to Council Member Hubler's question whether the City has budgeted for the cost of the Housing Element update, Mr. Pooler responded that the cost was included as part of PMC's contract for fiscal year 2014-15 that was recently approved by the City Council.

C. Progress report on Public Works projects, Successor Agency Oversight Board, South of Tioga project, Coastal projects, and other Sand City community programs by City Engineer/Community Development Director/City Administrator.

City Engineer Leon Gomez reported that the desalination plant has been operable since July 9th with an approximate 17-19 acre feet of water being produced. The plant experienced some down time due to pump failure that was replaced by Cal-Am. To remain in compliance with the annual requirements of the Stormwater Program, Staff is preparing a mailer that will go out to all businesses within Sand City. This letter will contain information on illicit discharges, and other pertinent information on Stormwater regulations and requirements. Mr. Gomez also reported on the progress regarding the City's application for the water discharge permit.

Council Member Kruper inquired about the conditional use permit for Monterey Bay Restaurant. Planning Staff will research the issue to find out whether the restaurant has responded to complaints regarding the illicit discharge.

Chief Klein reported that Staff has conducted preliminary research on street sweeping services. There is a company that provides services to the City of Pacific Grove that may fit the needs of Sand City. He further reported on the past street sweeping service and the unlikelihood that Monterey Disposal will continue to provide services to Sand City. Staff is researching the development of an RFP with a company that provides services to the City of Salinas. Chief Klein further reported on the police cars and the condition of the present police department fleet.

Mr. Pooler reported that he received an email from Mr. Silva indicating that he received a letter from the Sanitation District stating that no additional modifications are needed to the existing sewer lines. Mr. Gomez added that he met with Mr. Silva's engineer regarding Stormwater requirements confirming that the project is in compliance with Stormwater guidelines.

Council Member Blackwelder reported that the Personnel Committee has conducted four interviews with possible candidates for the position of City Administrator. The Personnel Committee is scheduled to meet and discuss whether any of the candidates interviewed will be presented to the Council for their consideration.

AGENDA ITEM 10, NEW BUSINESS

A. Upcoming Meetings/Events

The City Clerk confirmed that 3 seats were still available for the 2014 MPCC Business Excellence Awards. Mr. Gomez expressed his interest in attending.

AGENDA ITEM 11, CLOSED SESSION

8:22 P.M.

A. City Council /Agency Board to adjourn to Closed Session:

1) To confer with Legal Counsel regarding pending litigation in accordance with Government Code Section 54956.9(d)(1):

- a) Monterey Peninsula Water Management v. State Water Resources Control Board (No. M102101), and related cases**
- b) Seaside v. Sand City (No. M120996) and related cross action**
- c) Seaside v. Sand City (King Ventures) (No. M126354)**

8:28 P.M.

B. Re-adjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with 54957.1 of the Ralph M. Brown Act

The Council received a report on Closed Session Item 11A1(b) and gave direction to its Legal Counsel.

AGENDA ITEM 12, ADJOURNMENT

Motion to adjourn the City Council meeting was made by Council Member Blackwelder, seconded by Council Member Kruper to the next regularly scheduled Council meeting on Tuesday, August 5, 2014 at 7:00 p.m. There was consensus of the Council to adjourn the meeting at 8:30 p.m.

Linda Scholink, City Clerk

AGENDA ITEM

5B

**MINUTES
JOINT SAND CITY COUNCIL AND SUCCESSOR AGENCY
OF THE REDEVELOPMENT AGENCY**

SPECIAL Meeting – Monday, July 28, 2014
5:00 P.M.
CITY COUNCIL CHAMBERS

Mayor Pendergrass opened the meeting at 5:01 p.m.

The Pledge of Allegiance was led by Police Chief Michael Klein.

Present: Council Member Blackwelder
Council Member Carbone
Council Member Hubler
Council Member Kruper
Mayor Pendergrass

Staff: Kelly Morgan, Interim City Administrator
Jim Heisinger, City Attorney
Michael Klein, Police Chief
Connie Horca, Deputy City Clerk

AGENDA ITEM 4, COMMUNICATIONS

A. Written communication distributed to the Council was a notice from the California Coastal Commission for an August 15, 2014 Hearing regarding the (SNG) Monterey Bay Shores Project

B. Oral

5:02 P.M. Floor opened for Public Comment.

There was no comment from the Public.

5:02 P.M. Floor closed to Public Comment.

AGENDA ITEM 5, PUBLIC HEARING

A. **FIRST READING: Consideration of an ORDINANCE of the City of Sand City to Replace the Existing General Purpose Transactions and Use Tax at a Rate of One-Half of One Percent with a General Purpose Transactions and Use Tax at a Rate of One Percent to be Administered by the State Board of Equalization**

City Attorney Jim Heisinger commented that the attached Ordinance

would repeal the existing ½ cent transactions tax and replace with a 1% transactions tax. This new tax will need two-thirds (2/3) vote of the Council, and approval by the voters at the November 4, 2014 General Municipal Elections. Sand City's present rate is 8%. The cities of Carmel, Del Rey Oaks, Marina, Pacific Grove, and Seaside have an 8.5% tax rate. This Ordinance would bring Sand City's rate up to par with surrounding Peninsula cities. A principal difference is that Sand City's proposed Ordinance does not have a sunset date.

5:05 P.M. Floor opened for Public Comment.

There were no comments from the Public.

5:05 P.M. Floor closed to Public Comment.

Motion to approve the First Reading of **Ordinance** of the City of Sand City to replace the existing General Purpose Transactions and Use Tax at a rate of One-Half of One Percent with a General Purpose Transactions and Use Tax at a Rate of One Percent to be administered by the State Board of Equalization was made by Council Member Blackwelder, seconded by Council Member Kruper. Roll Call Vote AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 6, NEW BUSINESS

A. Review and Approval of the "Ballot Argument in Favor of Measure"

Interim City Administrator Kelly Morgan commented that an amended 'ballot argument in favor of measure' was distributed to the Council to replace the existing ballot measure. It is a revised version that contains the allowable word count not to exceed a maximum of 300 words. Mr. Morgan summarized the guidelines on how the word count is established. The revised ballot argument in favor of measure contains 288 words.

Council Member Hubler commented on the first sentence regarding how the average voter would determine the language "again" in reference to financial difficulties. The meaning may be interpreted vaguely as it does not have a clear definition. He suggested that the word "again" be removed from the ballot argument in favor of the measure.

Mayor Pendergrass added that leaving out the word "again" indicates that something happened and implies a definition before the sentence.

There was consensus of the Council to remove the word "again" from the ballot argument in favor of measure.

Motion to approve the ballot argument in favor of measure as amended was made by Council Member Carbone, seconded by Council Member

Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

B. Discussion of Planning and Organizing Campaign in Support of Measure

Mayor Pendergrass summarized the Fair Political Practices Commission's guidelines to the Council regarding committee's and reporting requirements in relation to the planning and organizing of a campaign in support of the ballot measure. The Council discussed how to inform Sand City voters of the proposed measure. The City Attorney cautioned that City resources may not be used for campaign purposes. Council Member Blackwelder suggested that each Council Member inform the voters within their geographic region of residence. Mayor Pendergrass also suggested that the measure be assigned a letter prior to campaigning. The Council was in consensus to campaign in favor of the ballot measure as suggested by Council Member Blackwelder.

AGENDA ITEM 7, ADJOURNMENT

Motion to adjourn the City Council meeting was made by Council Member Blackwelder, seconded by Council Member Kruper to the next regularly scheduled Council meeting on Tuesday, August 5, 2014 at 7:00 p.m. There was consensus of the Council to adjourn the meeting at 5:20 p.m.

Connie Horca, Deputy City Clerk

AGENDA ITEM

5C

CITY OF SAND CITY

STAFF REPORT

JULY 30, 2014
(For City Council Review on August 5, 2014)

TO: Mayor and City Council

FROM: Charles Pooler, Associate Planner

SUBJECT: 1-Year Time Extension of the Contract with City of Monterey Building Department for Plans Examination and Inspection Services

BACKGROUND

Since 1994, the City of Monterey has provided quality and professional building inspection and plan check services to the City of Sand City on an “as needed” basis. The current service agreement contract, entered into in 2011, is subject to annual time extensions. This contract is set to expire on August 17, 2014. To continue building department services, a time extension of this service agreement is necessary. The time extension presented for Council’s consideration would commence on August 18, 2014 and end on August 18, 2015 (see Attachment 1, page 2).

DISCUSSION

The City Hall of Sand City has limited on-site staffing that necessitates additional services to maintain proper functioning of City activities. The City of Monterey’s Building Department and staff have proved to be dependable and professional in performing plan check services and building inspections. Furthermore, Sand City and Monterey staffs have maintained an excellent working relationship. Continuation of said services will best serve the building administration needs of the City at an economically efficient cost basis.

Paragraph 3 of the Service Agreement (Attachment 3, page 2 “Term of Agreement”) allows for consecutive one (1) year time extensions of the Service Agreement by written mutual agreement of both parties’ City Managers that specifies the renewal and end dates. Paragraph 3 of the Contract also allows for the annual adjustment of labor rates; subject to written agreement between the City Managers of both Cities. However, it should be noted that **no changes to the labor rates** are proposed as part of this Service Agreement’s time extension. The rates will remain as they have since 2011 at \$81 per hour for inspections and seventy-five percent (75%) of plan review fees collected by Sand City with a minimum plan review fee of \$84.

RECOMMENDATION

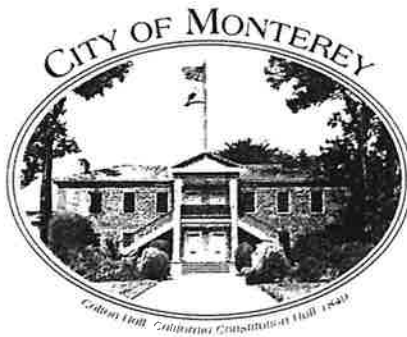
Staff recommends **APPROVAL** of the draft Resolution (Attachment 4) authorizing a 1-year time extension, commencing on August 18, 2014 and ending on August 18, 2015, of the Service Agreement (Contract) with the City of Monterey for Building Department plans examination and inspection services.

Attachments:

1. Renewal Letter from Monterey, dated July 24, 2014
2. Copy of Monterey's Certificate of Coverage
3. Service Agreement Contract adopted in 2011
4. Draft Resolution to grant 1-year time extension of Service Agreement

ATTACHMENT 1

Renewal Letter from City of Monterey
Dated: July 24, 2014



July 24, 2014

BUILDING SAFETY & INSPECTION

RECEIVED

JUL 28 2014

City of Sand City
Kelly Morgan
Interim City Administrator
1 Sylvan Park
Sand City, CA 93955

CITY OF SAND CITY

RE: Agreement to Extend Contract for Building and Plan Review Services

Dear Kelly Morgan:

Enclosed please find Agreement to Extend Contract for Building Inspection and Plan Review Services between the City of Monterey and City of Sand City.

Please sign where indicated, and return original to:

City of Monterey
Permit and Inspection Services division
580 Pacific Street, #4
Attn: Lisa Feliciano
City Hall
Monterey, CA 93940

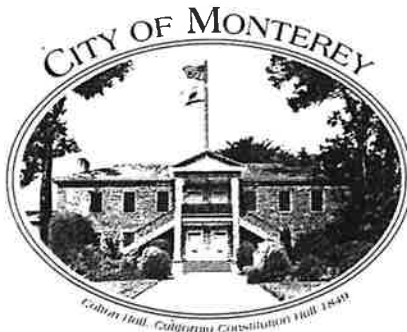
Upon receipt we will sign and send you a fully executed copy. Should you have any questions concerning this matter, please contact our office at 831-646-3891.

Sincerely,

Lisa J. Feliciano
Administrative Assistant, II

if

enc: Agreement for Extend Contract for Building Inspection and Plan Review Services



July 21, 2014

BUILDING SAFETY & INSPECTION

City of Sand City
Kelly Morgan
Interim City Administrator
1 Sylvan Park
Sand City, CA 93955

Re: Agreement to Extend Contract for Building and Plan Review Services

Dear Kelly Morgan:

The City of Monterey would like to extend its contract with City of Sand City, entered into August 18, 2011, for an additional 12 months. Said extension would commence August 18, 2014 and would terminate August 18, 2015.

It is agreed by the City and City of Sand City that all other terms and conditions of the original contract shall remain unchanged.

This extension is authorized by paragraph 3 of the original contract which allows for extensions of time granted by written agreement of both parties.

Please indicate your agreement by signing below and returning the original of this letter to me. Thank you for your cooperation.

Very Truly Yours,

Michael McCarthy,
City Manager

The undersigned, on behalf of City of Sand City, hereby agrees to the terms and conditions as set forth above:

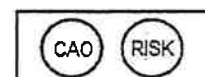
Dated: _____

By: _____

Kelly Morgan
Interim City Administrator

T00003-CA (v. 1.0 - 04/19/2013)

Agreement #: Ag-310 - Page 1 of 1



ATTACHMENT 2

City of Monterey's Certificate of Coverage

CERTIFICATE OF COVERAGE

DATE (MM/DD/YYYY)
6/27/2014

PRODUCER

Alliant Insurance Services, Inc.
100 Pine Street, 11th Floor
San Francisco CA 94111

THIS CERTIFICATE IS ISSUED AS A MATTER OF EVIDENCE 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 MEMORANDUM(S) OF COVERAGE BELOW.

THIS CERTIFICATE OF COVERAGE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING COVERAGE PROVIDER, AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: IF THE CERTIFICATE HOLDER IS AN ADDITIONAL COVERED PARTY, THE MEMORANDUM OF COVERAGE MUST BE ENDORSED. A STATEMENT ON THIS CERTIFICATE DOES NOT CONFER RIGHTS TO THE CERTIFICATE HOLDER IN LIEU OF SUCH ENDORSEMENT(S).

IMPORTANT: IF SUBROGATION IS WAIVED, SUBJECT TO THE TERMS AND CONDITIONS OF THE MEMORANDUM(S) OF COVERAGE AN ENDORSEMENT MAY BE REQUIRED. A STATEMENT ON THE CERTIFICATE DOES NOT CONFER RIGHTS TO THE CERTIFICATE HOLDER IN LIEU OF SUCH ENDORSEMENT(S).

NAMED COVERED PARTY

City of Sand City
1 Sylvan Park
Steve Mataizazzo
Sand City CA 93955

PROGRAM AFFORDING COVERAGE

A: Monterey Bay Area Self Ins.

B:

C:

COVERAGES

THIS IS TO CERTIFY THAT THE COVERAGE IS AFFORDED TO THE ABOVE NAMED MEMBER, AS PROVIDED BY THE MEMORANDUM(S) OF COVERAGE, FOR THE PERIOD SHOWN BELOW, NOT WITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE COVERAGE AFFORDED BY THE PROGRAM DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS, AND CONDITIONS OF SUCH MEMORANDUM(S) OF COVERAGE. THE FOLLOWING COVERAGE IS IN EFFECT.

JPA LTR	TYPE OF COVERAGE	MEMORANDUM NUMBER	COVERAGE EFFECTIVE DATE (MM/DD/YY)	COVERAGE EXPIRATION DATE (MM/DD/YY)	LIMITS	
	GENERAL LIABILITY				EACH OCCURRENCE	\$
	<input type="checkbox"/> COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire)	\$
	<input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR				MED EXPENSE (Any one person)	\$
					PERSONAL & ADV INJURY	\$
					GENERAL AGGREGATE	\$
					PRODUCTS-COMP/OP AGG	\$
	GEN'L AGGREGATE LIMIT APPLIES PER:					
	<input type="checkbox"/> MEMOR-ANDUM <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC					
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> ANY AUTO					\$
	<input type="checkbox"/> ALL OWNED AUTOS					
	<input type="checkbox"/> SCHEDULED AUTOS					
	<input type="checkbox"/> HIRED AUTOS					
	<input type="checkbox"/> NON-OWNED AUTOS					
	WORKERS' COMPENSATION AND EMPLOYERS LIABILITY				<input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE/OFFICER/MEMBER EXCLUDED?				E.L. EACH ACCIDENT	\$
	IF YES, DESCRIBED UNDER SPECIAL PROVISION BELOW				E.L. DISEASE - EA EMPLOYEE	\$
					E.L. DISEASE - POLICY LIMIT	\$
A	OTHER Public Entity Liability	MBA1415SAN008	7/1/2014	7/1/2015	\$1,000,000 \$10,000	Per Occur. Deductible
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL/PROVISIONS

The City of Monterey is included as Additional Covered Party with regards to the fire services, building inspections and plan checks. Auto Liability is included in the above limit.

RECEIVED

JUL 03 2014

CITY OF SAND CITY

CERTIFICATE HOLDER

City of Monterey, Attn: Finance Dept
735 Pacific St. #A,
Monterey CA 93940

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED MEMORANDUM(S) OF COVERAGE BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE MEMORANDUM(S) OF COVERAGE PROVISIONS.

AUTHORIZED REPRESENTATIVE

Michael P. Pimm

ATTACHMENT 3

Service Agreement Adopted in 2011

**AGREEMENT FOR BUILDING INSPECTION
AND PLAN REVIEW SERVICES**

City of Monterey and City of Sand City

THIS AGREEMENT for Building Inspection and Plan Review Services is made and entered into this 18th day of August, 2011, by and between the City of Monterey (hereinafter "Monterey"), a municipal corporation, as the service provider, and the City of Sand City, a municipal corporation (hereinafter "Sand City").

WHEREAS, Sand City desires to utilize the City of Monterey for plan review services, inspections of buildings related to approved plans and all applicable building-related codes, and administrative assistance related to these services, as outlined in detail in the attached Exhibit A; and

WHEREAS, Monterey is willing and qualified to provide such services to Sand City upon the terms and conditions set forth herein; and

WHEREAS, California Government Code section 54981 provides the City Councils of Monterey and Sand City with the authority to contract for performance of municipal services by the former within the territory of the later; and

WHEREAS, the City of Monterey authorized this agreement on June 7, 2011 by the passage of Resolution No. 11-073; and

WHEREAS, the City of Sand City authorized this agreement on [June 7, 2011] by the passage of Resolution No. [SC 11-57].

NOW, THEREFORE, in consideration of the recitals and the mutual obligations of the parties as herein expressed, Monterey and Sand City agree as follows:

1. **SERVICES TO BE PROVIDED.** The City of Sand City hereby engages Monterey to perform, and Monterey hereby agrees to perform, the services described in Exhibit A in conformity with the terms of this Agreement.

1.01. **FINAL DECISION AUTHORITY.** Sand City's City Manager, or designee, shall have final decision authority over the results of the services performed on behalf of Sand City, and all work performed by Monterey shall be to the satisfaction of Sand City's City Manager or designee. In instances where a dispute arises over the City Manager or designee's determination, Sand City's City Manager or designee shall render a final decision.

1.02. **DUTIES OF MONTEREY AND SAND CITY.** See Exhibit A.

1.03. **EXTRA WORK.** Monterey shall not perform extra work without written authorization from Sand City's City Manager or designee. Any extra work so authorized shall be within the general scope of work set forth in this Agreement.

2. **PAYMENTS BY SAND CITY.** Sand City shall pay Monterey in accordance with the payment provisions set forth in **Exhibit A**, subject to the limitations set forth in this agreement. Fees are generally based on percentage of fees collected by the City of Sand City.

3. **TERM OF AGREEMENT.**

3.01. **INITIAL TERM.** The term of this Agreement shall be from August 18, 2011 through August 17, 2012, unless sooner terminated pursuant to the terms set forth in section 8 herein.

3.02. **EXTENSIONS.** This Agreement may be extended by consecutive one (1) year periods, or for shorter extension periods as agreed to by the parties, by written mutual agreement of both parties' City Managers specifying the renewal and end dates. At the time of any extension, or at any other time during the term of the Agreement, the labor rates schedule (**Exhibit A**) may be adjusted by written agreement between the City Managers of each party. Should either party decide not to extend the Agreement beyond the initial (1) year or subsequent (1) year terms, notice of such decision shall be provided to the other party no later than 12 months before the expiration date of the Agreement.

4. **ADDITIONAL PROVISIONS/EXHIBITS.** The following attached exhibits are incorporated herein by reference and constitute a part of this Agreement.

Exhibit A Scope of Services/Payment Provisions

5. **PERFORMANCE STANDARDS.**

5.01. Monterey warrants that Monterey and Monterey's agents, employees, and subcontractors performing services under this Agreement are specially trained, experienced, competent, and appropriately licensed (if applicable) to perform the work and deliver the services required under this Agreement, and that they are not employees of Sand City.

5.02. Monterey, its agents, employees and subcontractors shall perform all work in a safe and skillful manner and in compliance with all applicable laws and regulations. All work performed under this Agreement that is required by law to be performed or supervised by licensed personnel shall be performed in accordance with such licensing requirements.

5.03. Monterey shall furnish all personnel necessary to carry out the specific services set forth in Exhibit A herein, except as otherwise specified in this Agreement. Monterey shall not use Sand City's premises, property (including equipment, instruments, or supplies) or personnel for any purpose other than in the performance of its obligations under this Agreement.

5.04. Monterey shall perform all services set forth in Exhibit A in a timely manner consistent with the time Monterey would perform similar services within its own jurisdiction whenever possible; however, Monterey projects shall be given priority over Sand City projects if scheduling conflicts arise and Monterey shall not be liable for any delays in performing Sand City's work if such delays are caused by such scheduling conflicts.

6. EXCLUSIONS

- a. All discretionary reviews including, but not limited to: California Environmental Quality Act; National Environmental Protection Act; Clean Water Act; National Pollutant Discharge Elimination System Storm Water Post-Construction or local codes and regulations.
- b. Review of project submittals for compliance with conditions of approval.
- c. Inspection of projects to determine if conditions of approval have been met.

7. PAYMENT CONDITIONS.

7.01. Payment for Monterey's services under this Agreement shall be made by Sand City upon the monthly submission to Sand City by Monterey of an invoice for services rendered by Monterey in the preceding month. Payment shall be made within thirty (30) days after receipt of such invoice. An additional two percent (2%) will be paid as a late payment carrying charge for each thirty days of delinquency thereafter. Any disputed invoices shall be brought to Monterey's attention within ten (10) days of receipt or invoices will be deemed acceptable.

7.02. Sand City and Monterey acknowledge that there may be partially completed projects at both the beginning and the end of term of this Agreement or any extensions thereof. There will therefore be cases when applicant fees have been paid to Sand City prior to the beginning of the term of this Agreement but the project is completed during the term of this Agreement, resulting in Monterey providing services on a project during the term of this Agreement but not receiving a percentage of the fees paid to Sand City for that project. There will also be cases when applicant fees are paid to Sand City during the term of this Agreement or any extensions thereof, but the project is not completed during the term of the Agreement or any extensions thereof, resulting in Monterey receiving a percentage of the fees for that project but not completing the services on that project. Sand City and Monterey agree that the payments to Monterey as provided in Exhibit A shall be deemed fair compensation for the work provided by Monterey during the term of this Agreement, regardless of the partially completed projects at the beginning and the end of the term of this Agreement or any extensions thereof.

7.03. Monterey shall receive payment for work performed pursuant to the payment provisions set forth in Exhibit A, regardless of whether Sand City elects to charge fees. For projects subject to waivers of fees, Sand City shall calculate the amount of fees otherwise due, and pay Monterey accordingly.

7.04. Monterey shall not receive reimbursement for travel expenses unless set forth in Exhibit A herein.

8. TERMINATION.

8.01. During the term of this Agreement, either party may terminate the Agreement for any reason by giving written notice of termination to the other party at least sixty (60) days prior to the effective date of termination. In the event of an adverse claim or litigation involving either party and related to the services of this Agreement, this Agreement may be terminated by either party

giving written notice at least thirty (30) days prior to the effective date of termination. Any termination notice shall set forth the effective date of termination.

8.02. Sand City may cancel and terminate this Agreement for good cause effective immediately upon written notice to Monterey. "Good cause" includes the failure of Monterey to perform the required services at the time and in the manner provided under this Agreement. If Sand City terminates this Agreement for good cause, Sand City may be relieved of the payment of any consideration to Monterey, and Sand City may proceed with the work in any manner which Sand City deems proper. The cost to Sand City shall be deducted from any sum due the Monterey under this Agreement.

8.03. Monterey may cancel and terminate this Agreement for good cause effective immediately upon written notice to Sand City. "Good cause" includes but is not limited to failure of Sand City to pay Monterey at the time and in the manner provided under this Agreement or other failure of Sand City to fulfill its responsibilities set forth in Exhibit A herein. Termination of this Agreement pursuant to this section shall not be construed to limit Monterey's right to obtain, by any means available at law, the amount Sand City still owes Monterey.

9. IMMUNITY.

As it is mandated by the California Building Code and Uniform Administrative Code, the Building Official is directed through employees or deputies to perform certain tasks as described in said Codes and, when acting in accordance with said Codes, is afforded certain protection from liability.

As Sand City's authorized representative, Monterey shall be recognized as having rights to any immunities it is entitled to. In no event shall any duties contained in Exhibit A, or otherwise herein, negate any legal protections or immunities available to the parties under state or federal law. Monterey's liability, including, without limitation, that referenced in Section 10 herein, shall be limited to an amount not to exceed the fee earned for each project.

10. INDEMNIFICATION.

10.01. Each party shall indemnify, defend and hold harmless the other party, to the extent allowed by law and in proportion to fault, against any and all third-party liability for claims, demands, costs or judgments (direct, indirect, incidental or consequential) involving bodily injury, personal injury, death, property damage or other costs and expenses (including reasonable attorneys' fees, costs and expenses) arising or resulting from the acts or omissions of its own officers, agents, employees or representatives carried out pursuant to the obligations of this Agreement.

10.02. Each party will protect, defend, indemnify and hold harmless the other party (including their officials, employees and agents as the same may be constituted now and from time to time hereafter) from and against any and all liabilities, losses, damages, expenses or costs, whatsoever (including reasonable attorneys' fees, costs and expenses), which may arise against or be incurred by the other party as a result of or in connection with any actual or alleged breach of this Agreement by either party.

10.03. These indemnity provisions shall survive the termination or expiration of this Agreement. Further, each party will be liable to the other party for attorneys' fees, costs and

expenses, and all other costs and expenses whatsoever, which are incurred by the other party in enforcing these indemnity provisions.

11. **INSURANCE.**

- 11.01 Each party shall maintain in effect, at its own cost and expense, the following insurance coverage provided either through a bonafide program of self-insurance, commercial insurance policies, or any combination thereof as follows:
- 11.02 Commercial General Liability or Public Liability with minimum limits of \$1,000,000 per occurrence and \$2,000,000 in the aggregate. Each party shall prove that is self insured to the limits specified or have its insurance policy endorsed to name the other party additionally insured.
- a. Auto Liability including owned, leased, non-owned, and hired automobiles, with a combined single limit of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate.
 - b. If a party employs others in the performance of this Agreement, that party shall maintain Workers' Compensation in accordance with California Labor Code section 3700 with a minimum of \$1,000,000 per occurrence for employer's liability, for the duration of time that such workers are employed.
 - c. Each party shall maintain in effect throughout the term of this agreement all risk property insurance, excluding earthquake and flood, on all permanent property of an insurable nature in an amount sufficient to cover at least 100% of the replacement costs of said property.
- 11.03 All insurance required by this Agreement shall:
- a. be placed (1) with companies admitted to transact insurance business in the State of California and with a current A.M. Best rating of no less than A:VI or with carriers with a current A.M. Best rating of no less than A:VII; or (2) disclosed self-insurance with limits acceptable to the other party
 - b. provide that each party's insurance is primary and non-contributing insurance to any insurance or self-insurance maintained by the other party and that the insurance of the other party shall not be called upon to contribute to a loss covered by a party's insurance.
 - c. subsequent to execution of this Agreement, each party shall file certificates of insurance with the other party evidencing that the required insurance is in effect.

12. **NON-DISCRIMINATION.** During the performance of this Agreement, Monterey, and its subcontractors, shall not unlawfully discriminate against any person because of race, religious creed, color, sex, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age (over 40), or sexual orientation, either in Monterey's employment practices or in the furnishing of services to recipients. Monterey shall ensure that the evaluation and treatment of its employees and applicants for employment and all persons receiving and requesting services are free of such discrimination. Monterey and any subcontractor shall, in the performance of this Agreement, fully comply with all federal, state, and local laws and regulations which prohibit

discrimination. The provision of services primarily or exclusively to such target population as may be designated in this Agreement shall not be deemed to be prohibited discrimination.

13. **INDEPENDENT CONTRACTOR.** In the performance of work, duties, and obligations under this Agreement, Monterey is at all times acting and performing as an independent contractor and not as an employee of Sand City. No offer or obligation of permanent employment with Sand City or particular Sand City department or agency is intended in any manner, and Monterey shall not become entitled by virtue of this Agreement to receive from Sand City any form of employee benefits including but not limited to sick leave, vacation, retirement benefits, workers' compensation coverage, insurance or disability benefits.

14. **NOTICES.** Notices required under this Agreement shall be delivered personally or by first-class, postage pre-paid mail to Sand City's and Monterey's contract administrators at the addresses listed below:

FOR SAND CITY:	FOR MONTEREY:
Steve Matarazzo City Manager City of Sand City	Fred Meurer City Manager City of Monterey
Name and Title 1 Sylvan Park Sand City, CA 93955	Name and Title 580 Pacific Street Monterey, CA 93940
Address	Address
831-394-3054	831-646-3760
Phone	Phone

15. **MISCELLANEOUS PROVISIONS.**

15.01. Conflict of Interest. Monterey represents that it presently has no interest and agrees not to acquire any interest during the term of this Agreement which would directly or indirectly conflict in any manner or to any degree with the full and complete performance of the professional services required to be rendered under this Agreement.

15.02. Amendment. This Agreement may be amended or modified only by an instrument in writing signed by Sand City and Monterey.

15.03. Waiver. Any waiver of any terms and conditions of this Agreement must be in writing and signed by Sand City and Monterey. A waiver of any of the terms and conditions of this Agreement shall not be construed as a waiver of any other terms or conditions in this Agreement.

15.04. Contractor. The term "Monterey" as used in this Agreement includes Monterey's officers, agents, and employees acting on Monterey's behalf in the performance of this Agreement.

15.05. Disputes. Monterey shall continue to perform under this Agreement during any dispute. Monterey and Sand City hereby agree to make good faith efforts to resolve disputes as quickly as possible. In the event any dispute arising from or related to this Agreement results in litigation or arbitration, the prevailing party shall be entitled to recover all reasonable costs incurred, including court costs, attorney fees, expenses for expert witnesses (whether or not called to testify), expenses for accountants or appraisers (whether or not called to testify), and other related expenses. Recovery of these expenses shall be as additional costs awarded to the prevailing party, and shall not require initiation of a separate legal proceeding.

15.06. Assignment and Subcontracting. The Monterey shall not assign, sell, or otherwise transfer its interest or obligations in this Agreement without the prior written consent of Sand City. None of the services covered by this Agreement shall be subcontracted without the prior written approval of Sand City. Notwithstanding any such subcontract, Monterey shall continue to be liable for the performance of all requirements of this Agreement.

15.07. Successors and Assigns. This Agreement and the rights, privileges, duties, and obligations of Sand City and Monterey under this Agreement, to the extent assignable or delegable, shall be binding upon and inure to the benefit of the parties and their respective successors, permitted assigns, and heirs.

15.08. Compliance with Applicable Law. The parties shall comply with all applicable federal, state, and local laws and regulations in performing this Agreement.

15.09. Headings. The headings are for convenience only and shall not be used to interpret the terms of this Agreement.

15.10. Time is of the Essence. Time is of the essence in each and all of the provisions of this Agreement.

15.11. Governing Law. This Agreement shall be governed by and interpreted under the laws of the State of California.

15.12. Non-exclusive Agreement. This Agreement is non-exclusive and both Sand City and Monterey expressly reserve the right to contract with other entities for the same or similar services.

15.13. Construction of Agreement. Sand City and Monterey agree that each party has fully participated in the review and revision of this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any amendment to this Agreement.

15.14. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Agreement.

15.15. Authority. Any individual executing this Agreement on behalf of Sand City or the Monterey represents and warrants hereby that he or she has the requisite authority to enter into this Agreement on behalf of such party and bind the party to the terms and conditions of this Agreement.

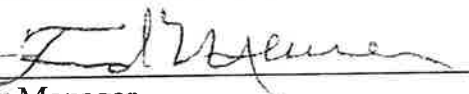
15.16. Integration. This Agreement, including the exhibits and any documents incorporated by reference, represent the entire Agreement between Sand City and the Monterey with respect to the subject matter of this Agreement and shall supersede all prior negotiations, representations, or agreements, either written or oral, between Sand City and the Monterey as of the effective date of this Agreement, which is the date that Sand City signs the Agreement.

15.17 Interpretation of Conflicting Provisions. In the event of any conflict or inconsistency between the provisions of this Agreement and the Provisions of any exhibit or other attachment to this Agreement, the provisions of this Agreement shall prevail and control.

15.18 Severability. If any of the provisions contained in the Contract are held illegal, invalid, or unenforceable, the enforceability of the remaining provisions shall not be impaired thereby. Limitations of liability and indemnities shall survive termination of the Contract for any cause. If a part of this Contract is valid, all valid parts that are severable from the invalid part remain in effect. If a part of this Contract is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

IN WITNESS WHEREOF, Sand City and Monterey have executed this Agreement as of the day and year written on the first page herein.

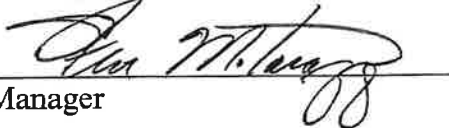
CITY OF MONTEREY

By: 
City Manager

Approved as to form:


Monterey City Attorney

CITY OF SAND CITY

By: 
City Manager

Approved as to form:


Monterey Risk Manager

EXHIBIT A
SCOPE OF SERVICES/PAYMENT PROVISIONS

I City of Monterey to Provide the Following:

A. Plan Review Services:

- ◆ Plan review services under the direction of ICC certified plan reviewers.
- ◆ Provide plan review for conformance to regulations contained in Sand City's adopted codes.
- ◆ Provide applicant or designee with a list of plan check correction comments to achieve conformance with Sand City's adopted codes.
- ◆ Expedited plan review will be available with prior approval (additional fees will be charged to the applicant).
- ◆ Provide all necessary liaisons with applicant or designee with regard to plan check comments.
- ◆ Perform review of revisions to plans that have been previously approved for permit issuance.
- ◆ Plan check turnaround times as follows, unless different turnaround times are agreed to by both City Managers:
 - ◆ 20 working days – new commercial building
 - ◆ 15 working days – new SFD, major remodel
 - ◆ 10 working days – minor projects
 - ◆ 5 working days – revisions or plan changes
 - ◆ Rechecks are half the original plan check time

B. Inspection Services:

- ◆ Building inspection services with 24-hour lead time (inspection requests received before 2:00pm will be scheduled for the next business day. Requests received after 2:00 pm will be scheduled the following business day). All inspectors will be ICC certified.
- ◆ Provide inspection of buildings to ensure compliance with the approved plans and all applicable codes.
- ◆ Emergency response 24/7. All responders will be ICC certified inspectors. A list of inspectors within 20-minutes response time will be provided to dispatch for after hours response.
- ◆ After hours, weekends and holiday emergency inspections available with 72-hour minimum notice and prior approval (additional fees will be required).
- ◆ Respond and report as required to Building Code violations.
- ◆ Residential Property Inspection Reports.

C. Staff Functions to Include

- ◆ Plans Examiners
- ◆ Building Inspectors
- ◆ Administrative assistance on an as-needed basis

II City of Sand City to Provide the Following:

A. *Plan Review Services:*

- ◆ An amount equal to 75% of the plan review fees collected. All fees to be established by the City of Sand City. There will be a minimum plan review fee of \$84.00. Revision fees will be based on \$84.00 per hour. Expedited plan review will be 90% of the fees collected.

B. *Building Inspection Services:*

- ◆ Inspection fees are based on \$81.00 per hour.
- ◆ Any after hour inspection requests will be charged at \$122.00 per hour with a two-hour minimum (72-hour minimum lead time).

ATTACHMENT 4

Draft Resolution Authorizing One (1) Year Time Extension

**CITY OF SAND CITY
RESOLUTION SC _____, 2014**

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY AUTHORIZING
A ONE (1) YEAR TIME EXTENSION OF THE BUILDING INSPECTION AND PLAN
CHECK SERVICES AGREEMENT WITH THE CITY OF MONTEREY**

WHEREAS, the City of Sand City requires part-time and periodic building inspection and plan check services for development and public safety within Sand City; and

WHEREAS, the City of Monterey has provided reliable high quality professional building inspection and plan check services on an as-needed basis to the City since 1994; and

WHEREAS, the current service Agreement adopted in 2011 by both the City of Sand City and the City of Monterey for plan check and inspection services, will soon expire on August 17, 2014; whereby continuation of said services requires a time extension of the service agreement; and

WHEREAS, Paragraph 3 of the service Agreement allows for consecutive one (1) year time extensions of this service Agreement by written mutual agreement of both parties.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Sand City the following:

1. The City of Monterey is hereby selected to continue serving as Sand City's building inspection and plan check provider in accordance with the Service Agreement terms, key points reiterated as follows:
 - A. Plan check service will be provided on an as-needed basis and charged to the City of Sand City at seventy-five percent (75%) of the building permit plan check fees collected for the applicable project.
 - B. The hourly rate for administrative services and building inspections (building-related services exclusive of plan checks) will be eighty-one dollars (\$81) per hour (this includes vehicle costs). There shall also be a minimum plan check fee of eighty-four dollars (\$84) payable to the City of Monterey.
 - C. The City of Monterey will work with Sand City staff and applicants to coordinate and schedule inspection times as conveniently as possible.
 - D. The City of Monterey will work with Sand City staff to organize the City's building administration services within the City Community Development Department functions.
 - E. The City of Monterey will assist the City of Sand City in administering Housing grant related programs as may be applicable from time-to-time.

2. The City Administrator for Sand City is hereby authorized to execute the one (1) year time extension of the Service Agreement for Building Inspection and Plan Check services to August 18, 2015.
3. The City of Monterey services approved for/by this Agreement shall be under the general supervision of Sand City's City Administrator.
4. Furthermore, it is hereby recognized and acknowledged that the individuals listed as the 'City Managers' under Paragraph 14 of the Service Agreement are no longer employed with either the City of Monterey or Sand City, and than Kelly Morgan is currently serving as the interim City Administrator for Sand City and Michael McCarthy as the new City Manager for Monterey as of 2014.

PASSED AND ADOPTED by the Sand City Council on this ___ day of August, 2014 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

ATTEST:

David K. Pendergrass, Mayor

Linda K. Scholink, City Clerk

AGENDA ITEM

5D

MEMORANDUM

TO: City Council
FROM: Mayor Pendergrass
DATE: July 29, 2014
SUBJECT: FORA Board Meeting, July 11, 2014

The Agenda has been enclosed for your reference. In reference to my accusations that Marina alleged violation of the Brown Act, the FORA Attorney is still reviewing the matter. I still maintain that in any meeting other than a regular agendized Council meeting, when a quorum of any Council is present that this constitutes a Brown Act violation when they bring no properly noticed agenda with them.

ITEMS 1 & 2

Procedural

ITEM 3, CLOSED SESSION

No reportable action taken.

ITEM 4, ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

See item 3.

ITEM 5 & 6

Procedural.

ITEM 7, CONSENT AGENDA

- a. Approve May 16, 2014 Board Meeting Minutes
- b. Approve May 30, 2014 Board Meeting Minutes
- c. Approve June 13, 2014 Board Meeting Minutes
- d. Approve June 20, 2014 Board Meeting Minutes
- e. Adopt Salary Schedule for Economic Development Specialist Position

All items approved unanimously.

ITEM 8, BUSINESS ITEMS

- a. Marina-Salinas Multimodal Corridor Plan
 - i. Transportation Agency for Monterey County Presentation
 - ii. Consider Supporting Recommended Corridor Alignment

Presentation and discussions only.

- b. Approve Preston Park FY 2014-15 Budget
Approved by majority vote.
- c. Quarterly Environmental Services Cooperative Agreement Update
Update only.
- d. Marina Coast Water District Update Presentation on Augmentation and Policy Issues
MCWD plans to create expanded water plans to meet the projected needs of FORA Reuse projects.
- e. Regional Urban Design Guidelines
 - i. Receive Update from Regional Urban Design Guidelines Task Force
 - ii. Select Consultant for Design Services
Presentation and action taken for selection of the recommended design consultant.
- f. Regional Trails Planning Update
Update of the Trail Plans through the Former Ford Ord.
- g. Authorize board chair to Execute letter of Unconditional Commitment to the City of Marina, per Government Code §54960.2, to Cease, Desist from and Not Repeat Challenged June 20, 2014

A letter from the FORA Board to the City of Marina stating that it will not discuss any pending document in regards to the Preston Park issues unless it's litigation. By doing this, FORA doesn't admit the Brown Act violation that Marina insists happened.

ITEM 9, PUBLIC COMMENT PERIOD

None received.

ITEM 10, EXECUTIVE OFFICER'S REPORT

All items referenced only.

ITEM 11, ITEMS FROM MEMBERS

None.

ITEM 12, ADJOURNMENT

Adjourned at 5:45 p.m.



FORT ORD REUSE AUTHORITY

920 2nd Avenue, Suite A, Marina, CA 93933

Phone: (831) 883-3672 | Fax: (831) 883-3675 | www.fora.org

REGULAR MEETING FORT ORD REUSE AUTHORITY BOARD OF DIRECTORS

Friday, July 11, 2014 at 2:00 p.m.
910 2nd Avenue, Marina, CA 93933 (Carpenters Union Hall)

AGENDA

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. CLOSED SESSION

- a. Conference with Legal Counsel - Existing Litigation, Gov Code 54956.9(a) – 2 Cases
 - i. Keep Fort Ord Wild v. Fort Ord Reuse Authority (FORA), Case Number: M114961
 - ii. The City of Marina v. Fort Ord Reuse Authority, Case Number: M11856

4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

5. ROLL CALL

6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

7. CONSENT AGENDA

ACTION

- a. Approve May 16, 2014 Board Meeting Minutes (pg. 1-4)
- b. Approve May 30, 2014 Board Meeting Minutes (pg. 5-10)
- c. Approve June 13, 2014 Board Meeting Minutes (pg. 11-19)
- d. Approve June 20, 2014 Board Meeting Minutes (pg. 20-22)
- e. Adopt Salary Schedule for Economic Development Specialist Position (pg. 23-24)

8. BUSINESS ITEMS

- a. Marina-Salinas Multimodal Corridor Plan (pg. 25)
 - i. Transportation Agency for Monterey County Presentation INFORMATION
 - ii. Consider Supporting Recommended Corridor Alignment ACTION
- b. Approve Preston Park FY 2014-15 Annual Budget (pg. 26-39) ACTION
- c. Quarterly Environmental Services Cooperative Agreement Update (pg. 40-42) INFORMATION
- d. Marina Coast Water District Update Presentation on Augmentation and Policy Issues (pg. 43) INFORMATION
- e. Regional Urban Design Guidelines (pg. 44-51)
 - i. Receive Update from Regional Urban Design Guidelines Task Force INFORMATION
 - ii. Select Consultant for Design Services ACTION
- f. Regional Trails Planning Update (pg. 52-65) INFORMATION

- g. Authorize Board Chair to Execute Letter of Unconditional Commitment to the City of Marina, per Government Code §54960.2, to Cease, Desist from, and Not Repeat Challenged June 20, 2014 Board Action

ACTION

9. PUBLIC COMMENT PERIOD

Members of the public wishing to address the Board of Directors on matters within their jurisdiction, but not on this agenda, may do so at this time for up to three minutes. Comments on agenda items are heard under the item.

10. EXECUTIVE OFFICER'S REPORT

- a. Outstanding Receivables (pg. 66)
- b. Habitat Conservation Plan Update (pg. 67-69)
- c. Administrative Committee (pg. 70-74)
- d. Veterans Issues Advisory Committee (pg. 75-77)
- e. Approved FY 2014/15 Fort Ord Reuse Authority Capital Improvement Program (pg. 78)
- f. Post Reassessment Advisory Committee (pg. 79-83)
- g. Travel Report (pg. 84-85)
- h. Public Correspondence to the Board (pg. 86)

INFORMATION
INFORMATION
INFORMATION
INFORMATION
INFORMATION
INFORMATION
INFORMATION
INFORMATION

11. ITEMS FROM MEMBERS

12. ADJOURNMENT

NEXT REGULAR BOARD MEETING: AUGUST 8, 2014

Persons seeking disability related accommodations should contact FORA 48 hrs prior to the meeting. This meeting is recorded by Access Monterey Peninsula and televised Sundays at 9 a.m. and 1 p.m. on Marina/Peninsula Chanel 25. The video and meeting materials are available online at www.fora.org.

AGENDA ITEM

5E

July 14, 2014

RECEIVED

TO: Mayors, City Managers and City Clerks
League Board of Directors

JUL 22 2014

RE: Annual Conference Resolutions Packet
Notice of League Annual Meeting

CITY OF SAND CITY

Enclosed please find the 2014 Annual Conference Resolutions Packet.

Annual Conference in Los Angeles. This year's League Annual Conference will be held September 3-5 in Los Angeles. The conference announcement has previously been sent to all cities and we hope that you and your colleagues will be able to join us. More information about the conference is available on the League's Web site at www.cacities.org/ac. We look forward to welcoming city officials to the conference.

Annual Luncheon/Business Meeting - Friday, September 5, 12:00 p.m. The League's Annual Business Meeting will be held at the Los Angeles Convention Center.

Resolutions Packet. At the Annual Conference, the League will consider the one resolution introduced by the deadline, Saturday, July 5, 2014, midnight. The resolution is included in this packet. Resolutions submitted to the General Assembly must be concurred in by five cities or by city officials from at least five or more cities. These letters of concurrence are included with this packet. We request that you distribute this packet to your city council.

We encourage each city council to consider the resolution and to determine a city position so that your voting delegate can represent your city's position on each resolution. A copy of the resolution packet is posted on the League's website for your convenience: www.cacities.org/resolutions.

The resolutions packet contains additional information related to consideration of the resolution at the Annual Conference. This includes the date, time and location of the meetings at which the resolution will be considered.

Voting Delegates. Each city council is encouraged to designate a voting delegate and two alternates to represent their city at the Annual Business Meeting. A letter asking city councils to designate their voting delegate and two alternates has already been sent to each city. Copies of the letter, voting delegate form, and additional information are also available at: www.cacities.org/resolutions. The deadline for submitting a voting delegate form prior to the Annual Conference is August 15, 2014.

**Please Bring This Packet to the Annual Conference
September 3 - 5, Los Angeles**



*Annual Conference
Resolutions Packet*

2014 Annual Conference Resolutions



116th Annual Conference

Los Angeles

September 3 - 5, 2014

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, one resolution has been introduced for consideration by the Annual Conference and referred to the League policy committees.

POLICY COMMITTEES: Two policy committees will meet at the Annual Conference to consider and take action on the resolution referred to them. The committees are Environmental Quality and Public Safety. These committees will meet on Wednesday, September 3, 2014, at the JW Marriott Hotel in Los Angeles. The sponsor of the resolution has been notified of the time and location of the meetings.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet at 1:00 p.m. on Thursday, September 4, at the Los Angeles Convention Center, to consider the reports of the two policy committees regarding the resolution. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY: This meeting will be held at 12:00 p.m. on Friday, September 5, at the Los Angeles Convention Center.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (47 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Session of the General Assembly. This year, that deadline is 12:00 p.m., Thursday, September 4. If the petitioned resolution is substantially similar in substance to a resolution already under consideration, the petitioned resolution may be disqualified by the General Resolutions Committee.

Resolutions can be viewed on the League's Web site: www.cacities.org/resolutions.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: mdesmond@cacities.org or (916) 658-8224

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's eight standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
 - (a) Focus public or media attention on an issue of major importance to cities.
 - (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.
 - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
 - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

LOCATION OF MEETINGS

Policy Committee Meetings

Wednesday, September 3, 2014
JW Marriott Los Angeles Hotel
900 West Olympic Boulevard, Los Angeles

Environmental Quality: 9:00 a.m. – 10:30 a.m.
Public Safety: 10:30 a.m. – 12:00 p.m.

General Resolutions Committee

Thursday, September 4, 2014, 1:00 p.m.
Los Angeles Convention Center
1201 South Figueroa Street, Los Angeles

Annual Business Meeting and General Assembly Luncheon

Friday, September 5, 2013, 12:00 p.m.
Los Angeles Convention Center
1201 South Figueroa Street, Los Angeles

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3

- 1 - Policy Committee Recommendation to General Resolutions Committee
- 2 - General Resolutions Committee
- 3 - General Assembly

ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
1	Illegal Marijuana Grow Site			

PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
1	Illegal Marijuana Grow Site			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: www.cacities.org. The entire Resolutions Packet will be posted at: www.cacities.org/resolutions.

KEY TO ACTIONS TAKEN ON RESOLUTIONS (*Continued*)

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

KEY TO ACTIONS TAKEN

- A Approve
- D Disapprove
- N No Action
- R Refer to appropriate policy committee for study

ACTION FOOTNOTES

* Subject matter covered in another resolution

** Existing League policy

*** Local authority presently exists

- a Amend+
- Aa Approve as amended+
- Aaa Approve with additional amendment(s)+
- Ra Refer as amended to appropriate policy committee for study+
- Raa Additional amendments and refer+
- Da Amend (for clarity or brevity) and Disapprove+
- Na Amend (for clarity or brevity) and take No Action+
- W Withdrawn by Sponsor

Procedural Note: Resolutions that are approved by the General Resolutions Committee, as well as all qualified petitioned resolutions, are reported to the floor of the General Assembly. In addition, League policy provides the following procedure for resolutions approved by League policy committees but *not* approved by the General Resolutions Committee:

Resolutions initially recommended for approval and adoption by all the League policy committees to which the resolution is assigned, but subsequently recommended for disapproval, referral or no action by the General Resolutions Committee, shall then be placed on a consent agenda for consideration by the General Assembly. The consent agenda shall include a brief description of the basis for the recommendations by both the policy committee(s) and General Resolutions Committee, as well as the recommended action by each. Any voting delegate may make a motion to pull a resolution from the consent agenda in order to request the opportunity to fully debate the resolution. If, upon a majority vote of the General Assembly, the request for debate is approved, the General Assembly shall have the opportunity to debate and subsequently vote on the resolution.

2014 ANNUAL CONFERENCE RESOLUTIONS

RESOLUTION REFERRED TO ENVIRONMENTAL QUALITY AND PUBLIC SAFETY POLICY COMMITTEES

1. **A RESOLUTION CALLING UPON THE GOVERNOR AND THE LEGISLATURE TO CONVENE A SUMMIT TO ADDRESS THE DEVASTATING ENVIRONMENTAL IMPACTS OF ILLEGAL MARIJUANA GROWS ON BOTH PRIVATE AND PUBLIC LANDS THROUGHOUT CALIFORNIA AND THE INCREASING PROBLEMS TO PUBLIC SAFETY RELATED TO THESE ACTIVITIES BY WORKING IN PARTNERSHIP WITH THE LEAGUE OF CALIFORNIA CITIES TO DEVELOP RESPONSIVE SOLUTIONS AND TO SECURE ADEQUATE FUNDING FOR COST-EFFECTIVE IMPLEMENTATION STRATEGIES.**

Source: Redwood Empire Division

Concurrence of five or more cities/city officials: Cities of Arcata; Blue Lake; Clearlake; Cloverdale; Crescent City; Eureka; Fort Bragg; Healdsburg; Lakeport; Trinidad; and Ukiah

Referred to: Environmental Quality and Public Safety Policy Committees

Recommendation to General Resolutions Committee:

WHEREAS, public concerns in response to widespread damage to fish and wildlife resources and degradation to California's environment, and threats to public safety resulting from illegal marijuana cultivation statewide requires urgent action by the Governor and the Legislature, and

WHEREAS, local governments and the public support the State's primary objectives in complying with environmental laws including the Clean Water Act, Porter-Cologne Water Quality Control Act, and Endangered Species Act and are supported by substantial public investments at all levels of government to maintain a healthy and sustainable environment for future citizens of California, and

WHEREAS, illegal marijuana cultivation activities include habitat destruction and fragmentation, poaching wildlife, illegal water diversions, unregulated use of fertilizers, pesticides, insecticides, rodenticides, soil amendments contaminating land and waters without regard for the cumulative impacts to the environment or public health, and

WHEREAS, changing global climate conditions are posing escalated threats in California to health, well-being, nature and property; as evidenced by critical water shortages across the state due to prolonged drought conditions, and

WHEREAS, illegal water diversion for the purpose of cultivating marijuana plantations poses a direct threat to California's endangered and threatened anadromous fish species, including coho salmon, Chinook salmon, steelhead trout and other aquatic species, especially at critical life phases during seasonally low flow conditions; and

WHEREAS, California is a leader in the global effort to fight climate change and is pursuing a broad, integrated strategy to reduce greenhouse gas emissions and conserve energy, yet in a recent Lawrence Livermore Lab study estimated that upwards of 10% of electricity usage statewide can be attributed to indoor marijuana cultivation; these sites are often the causation of fires and home invasion incidents due to criminal activity, and

WHEREAS, the presence of illegal marijuana growing sites on State and federal public lands is creating unsafe conditions for visitors; these lands are taxpayer supported and intended to be managed for recreation, resource conservation and the enjoyment by the public, and

WHEREAS, increasing violence and threats to public safety related to illegal marijuana grows is contributing to a sense of lawlessness and impacting nearby communities where criminal activities are expanding, and

WHEREAS, the issue of illegal marijuana grows has reached a crisis level across the state as evidenced by the murder of former League Board member, Fort Bragg Councilmember and veteran forester Jere Melo who was fatally shot down while investigating a report of a marijuana grow on private timberlands in northern California.

RESOLVED, at the League General Assembly, assembled at the League Annual Conference on September 5, 2014 in Los Angeles, that the League calls for the Governor and the Legislature to work with the League and other stakeholders to convene a summit to address the devastating environmental impacts of illegal marijuana grows on both private and public lands and the increasing problems to public safety related to these activities.

FURTHER RESOLVED, that the League will work with its member cities to educate State and federal officials regarding emerging concerns from their communities and citizenry and to the challenges facing local governments. Therefore, we request the Governor and the Legislature to work with the League to provide responsive solutions with adequate funding support and effective State and federal government leadership to address widespread environmental damage and associated threats to public safety impacting every region in the State of California.

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Background Information on Resolution No. 1

Source: Redwood Empire Division

Background:

When California voters approved Proposition 215 in 1996 there was little thought given to a wide range of problems which have emerged in association with the increased availability and demand for marijuana. Cities within the Redwood Empire Division have grappled with the impacts of illicit marijuana grow sites for decades. Yet in recent years the environmental degradation from marijuana growing operations and public safety threats has grown exponentially. In 2011, Fort Bragg City Council Member Jere Melo was fatally shot while investigating illegal marijuana cultivation on private timber lands in Mendocino County.

Illegal marijuana cultivation activities are causing extreme environmental degradation including habitat destruction and fragmentation, illegal water diversions, killing and poisoning wildlife, unregulated use of fertilizers, pesticides, rodenticides contaminating land and polluting waters without regard for the cumulative impacts to the environment and the public's health and safety. It is expensive to remediate this environmental destruction that often destroys significant, federal, state, local, tribal and private investments in restoring or protecting the surrounding landscape.

Public concern for widespread, landscape-level environmental damage resulting from unregulated growing operations and escalating violent crimes associated with the marijuana industry has reached a tipping point across the state. The Redwood Empire Division joins with other cities throughout the state in a call for action to reverse these trends.

Current Problem Facing California's Cities:

Cities throughout California state have struggled with regulating medical marijuana dispensaries and grow houses along with the associated community impacts of those facilities and land use activities. Many unforeseen environmental impacts and public safety concerns are now emerging as a consequence of increased production and demand for marijuana.

Critical water shortages across the state due to prolonged drought conditions have resulted in the Governor declaring a Drought State of Emergency. Illegal water diversions for the purposes of cultivating marijuana plantations are increasing throughout the state. These activities impact agricultural production and domestic water use. The cumulative impacts to watershed health are considerable and pose direct threats to California's salmon, trout and other sensitive aquatic species, especially at critical life stages during seasonally low flow conditions. In addition, under drought conditions, the risk of fire is elevated. The presence of marijuana grow sites in fire prone areas contributes to potential wildfire risks at the Wildland/Urban Interface.

The presence of illegal marijuana growing sites on state and federal public lands creates unsafe conditions for visitors. These lands are managed with taxpayer support and are intended to be for enjoyment by the public, recreation and conservation. However, the increasing level of violence and threats to public safety related to illegal marijuana grows on both private and public lands are contributing to a sense of lawlessness and impacting nearby communities where criminal activities are expanding.

The lack of oversight of marijuana cultivation operations to ensure compliance with existing state and federal environmental regulations is impacting water quality and quantity statewide. The current legal and regulatory framework is inadequate to address numerous environmental issues, as well as public health and safety.

Redwood Empire Division Resolution:

The Division's resolution seeks to address the devastating environmental impacts of illegal marijuana grows on both private and public lands throughout California and the rising threat to public safety relating to these illegal sites. The resolution will provide the League with the direction to call upon the Governor and State Legislature to convene a summit to develop responsive solutions, and secure adequate funding for implementation strategies.

The issues surrounding marijuana production and distribution are complex and require a comprehensive statewide approach. California cities need to have a strong voice in this process. The mission of the League of California Cities is to enhance the quality of life for all Californians and we believe that our strength lies in the unity of our diverse communities on issues of mutual concern.

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League of California Cities Staff Analysis on Resolution No. 1

Staff: Tim Cromartie (916) 658-8252
Committee: Public Safety Policy Committee

Summary:

This Resolution seeks to highlight the environmental and public safety issues triggered by illegal marijuana cultivation, and calls upon the League, the Governor and the Legislature to take action by convening a summit to address the environmental impacts of such cultivation sites. It also calls upon the State of California to provide solutions in response, including sufficient funding to decisively address the problem.

Background:

The sponsor of this resolution argues that when California voters approved Proposition 215 in 1996, little thought was given to a wide range of problems which have emerged in association with the increased availability and demand for marijuana. Cities within the Redwood Empire Division have grappled with the impacts of illicit marijuana cultivation sites for decades. Yet in recent years the environmental degradation from marijuana growing operations and public safety threats has grown exponentially. In 2011, Fort Bragg City Council Member Jere Melo was fatally shot while investigating illegal marijuana cultivation on private timber lands in Mendocino County.

Illegal marijuana cultivation activities are causing extreme environmental degradation including habitat destruction and fragmentation, illegal water diversions, killing and poisoning wildlife, unregulated use of fertilizers, pesticides, rodenticides contaminating land and polluting waters without regard for the cumulative impacts to the environment and the public's health and safety. It is expensive to remediate this environmental destruction which often destroys significant, federal, state, local, tribal and private investments in restoring or protecting the surrounding landscape.

Critical water shortages across the state due to prolonged drought conditions have resulted in the Governor declaring a Drought State of Emergency. Illegal water diversions for the purposes of cultivating marijuana plantations are increasing throughout the state. These activities impact agricultural production and domestic water use. The cumulative impacts to watershed health are considerable and pose direct threats to California's salmon, trout and other sensitive aquatic species, especially at critical life stages during seasonally low flow conditions. In addition, under drought conditions, the risk of fire is elevated. The presence of marijuana grow sites in fire prone areas contributes to potential wildfire risks at the Wildland/Urban Interface.

The lack of oversight of marijuana cultivation operations to ensure compliance with existing state and federal environmental regulations is impacting water quality and quantity statewide. The current legal and regulatory framework is inadequate to address numerous environmental issues, as well as public health and safety.

Public concern for widespread environmental damage resulting from unregulated growing operations and escalating violent crimes associated with the marijuana industry has reached a tipping point across the state. The Redwood Empire Division joins with other cities throughout the state in a call for action to reverse these trends.

Note: The League of Cities has joined with the California Police Chiefs Association to co-sponsor legislation, SB 1262 (Correa), to establish a regulatory scheme for medical marijuana that protects local control, addresses the public safety concerns triggered by marijuana regulation, and imposes health and safety standards on marijuana for the first time. However, the measure does not address environmental issues, due to the expense and complexity associated with adding that objective to a bill that already has far-reaching regulatory goals combined with a critical need to contain state costs.

Fiscal Impact:

If the policy advocated by the Resolution is implemented by the state, there will be ongoing and unspecified costs to the State General Fund for enforcement activities, primarily in the rural counties where many of the illicit marijuana cultivation sites are located. Conservatively, the annual costs could run in the hundreds of thousands to low millions to patrol likely grow sites, crack down on illegal water diversion activities, and provide consistent environmental clean-up made necessary by illegal rodenticides and pesticides.

Comment:

To assure success, counties will have to be actively involved in any policy change geared toward rigorous and consistent enforcement against illegal marijuana grows, given the fact that many of the cultivation sites are located in rural areas under the direct authority of county governments. This will require a dialogue with counties, during which the question of local political will to enforce the law, in addition to securing the necessary funding, will arise. If counties should opt not to play an active part in an aggressive enforcement strategy, the chances of success are questionable.

Existing League Policy:

Related to this Resolution, existing policy provides:

- The League opposes the legalization of marijuana cultivation and use for non-medicinal purposes.
- Reaffirming that local control is paramount, the League holds that cities should have the authority to regulate medical marijuana dispensaries, cooperatives, collectives or other distribution points if the regulation relates to location, operation or establishment to best suit the needs of the community.
- The League affirms that revenue or other financial benefits from creating a statewide tax structure on medical marijuana should be considered only after the public safety and health ramifications are fully evaluated.

LETTERS OF CONCURRENCE
Resolution No. 1
Illegal Marijuana Grow Site



736 F Street
Arcata, CA 95521

July 2, 2014

City Manager (707) 822-5953	Environmental Services 822-8184	Police 822-2428	Recreation 822-7091
Community Development 822-5955	Finance 822-5951	Public Works 822-5957	Transportation 822-3775

José Cisneros, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Public Safety Impacts of Illegal Marijuana Grows Resolution

Dear President Cisneros:

The Arcata City Council supports the Redwood Empire Division's effort to submit a resolution for consideration by the General Assembly at the League's 2014 Annual Conference in Los Angeles.

The Division's resolution seeks to address the devastating environmental impacts of illegal marijuana grows on both private and public lands throughout California, and the increasing threat to public safety relating to these illegal sites. The resolution will provide the League with the direction to call upon the Governor and State Legislature to convene a summit to develop responsive solutions and to secure adequate funding for implementation strategies. ALL of the rural areas adjacent to the City of Arcata and throughout Humboldt County have been greatly affected by the devastating environmental impacts of illegal marijuana grows!

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact me at any time at mwheatley@cityofarcata.org if you have any questions.

Sincerely,



Mark E. Wheatley, Mayor

cc: Kathryn Murray, President, Redwood Empire Division, c/o Sara Rounds, Regional Public Affairs Manager, LOCC Redwood Empire Division, via email srounds@cacities.org



CITY OF BLUE LAKE

Post Office Box 458, 111 Greenwood Road, Blue Lake, CA 95525
Phone 707.668.5655 Fax 707.668.5916

June 30, 2014

José Cisneros, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Public Safety Impacts of Illegal Marijuana Grows Resolution

Dear President Cisneros:

The City of Blue Lake supports the Redwood Empire Division's effort to submit a resolution for consideration by the General Assembly at the League's 2014 Annual Conference in Los Angeles.

The Division's resolution seeks to address the devastating environmental impacts of illegal marijuana grows on both private and public lands throughout California and the increasing threat to public safety relating to these illegal sites. The resolution will provide the League with the direction to call upon the Governor and State Legislature to convene a summit to develop responsive solutions and to secure adequate funding for implementation strategies.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Lana Manzanita, Mayor Pro-Tem at 707-497-8159 or joe2zither1@gmail.com, if you have any questions.

Sincerely,

Lana Manzanita
Mayor Pro-Tem
City of Blue Lake

cc: Kathryn Murray, President, Redwood Empire Division c/o
Sara Rounds, Regional Public Affairs Manager, LOCC Redwood Empire Division,
srounds@cacities.org



City of Clearlake

14050 Olympic Drive, Clearlake, California 95422
(707) 994-8201 Fax (707) 995-2653

July 2, 2014

José Cisneros, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Public Safety Impacts of Illegal Marijuana Grows Resolution


Dear President Cisneros:

The City of Clearlake supports the Redwood Empire Division's effort to submit a resolution for consideration by the General Assembly at the League's 2014 Annual Conference in Los Angeles.

The Division's resolution seeks to address the devastating environmental impacts of illegal marijuana grows on both private and public lands throughout California and the increasing threat to public safety relating to these illegal sites. The resolution will provide the League with the direction to call upon the Governor and State Legislature to convene a summit to develop responsive solutions and to secure adequate funding for implementation strategies. The City of Clearlake is experiencing significant issues with illegal grows in the city limits. Individuals are squatting on lands not belonging to them and planting large grows. Grows are being planted near and along creeks going through the city with unknown substances potentially leeching into the waterways. Others are renting properties and clear cutting them of oak and other trees for plant sites often without the knowledge of the property owner. Homeowners tell of not being able to enjoy their own properties with grow sites next to them creating untenable odors, spewing of foul language and concern of threats to their personal safety if they complain. We hear often the concern of increased crime due to the grows in the city.

As a member of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Joan Phillippe at 707-994-8201 x120 or city.administrator@clearlake.ca.us, if you have any questions.

Sincerely,


Joan L. Phillippe
City Manager

cc: Kathryn Murray, President, Redwood Empire Division c/o
Sara Rounds, Regional Public Affairs Manager, LOCC Redwood Empire Division,
srounds@cacities.org



June 25, 2014

José Cisneros, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Public Safety Impacts of Illegal Marijuana Grows Resolution

Dear President Cisneros:

The City of Cloverdale supports the Redwood Empire Division's effort to submit a resolution for consideration by the General Assembly at the League's 2014 Annual Conference in Los Angeles.

The Division's resolution seeks to address the devastating environmental impacts of illegal marijuana grows on both private and public lands throughout California and the increasing threat to public safety relating to these illegal sites. The resolution will provide the League with the direction to call upon the Governor and State Legislature to convene a summit to develop responsive solutions and to secure adequate funding for implementation strategies. Throughout the Redwood Empire region including the City of Cloverdale, illegal marijuana grows negatively impact our environmental health and public safety. Last year, the Cloverdale Police Department eradicated over 300 plants within our City Limits. Please note that Cloverdale is a total of 2.5 square miles. These plants use scarce water resources during a water shortage emergency caused by the current drought and contribute to lawlessness that threatens the public safety of our citizens.

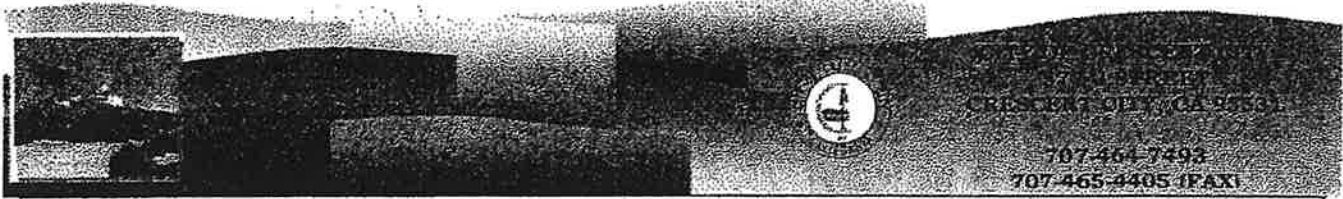
On a personal level, the City of Cloverdale continues to be heartsick for the loss of City of Fort Bragg Council Member JereMelo. Jere was murdered as a result of investigating an illegal marijuana grow. Jere was an exceptional leader in our region, the League of California Cities and the State of California. The City of Cloverdale misses him greatly.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Cloverdale City Manager Paul Cayler at 707-894-1710, if you have any questions.

Sincerely,

Carol Russell
Mayor
City of Cloverdale

cc: Kathryn Murray, President, Redwood Empire Division c/o
Sara Rounds, Regional Public Affairs Manager, LOCC Redwood Empire Division,
srounds@cacities.org



Mayor Rick Holley * *Mayor Pro Tem Ron Gastineau*
Council Member Richard Enea * Council Member Kelly Schellong * Council Member Kathryn Murray
City Clerk Robin Patch * City Attorney Robert N. Black * City Manager Eugene M. Palazzo

June 23, 2014

José Cisneros, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Public Safety Impacts of Illegal Marijuana Grows Resolution

Dear President Cisneros:

The City of Crescent City supports the Redwood Empire Division's effort to submit a resolution for consideration by the General Assembly at the League's 2014 Annual Conference in Los Angeles.

The Division's resolution seeks to address the devastating environmental impacts of illegal marijuana grows on both private and public lands throughout California and the increasing threat to public safety relating to these illegal sites. The resolution will provide the League with the direction to call upon the Governor and State Legislature to convene a summit to develop responsive solutions and to secure adequate funding for implementation strategies. Illegal marijuana grows have a devastating impact on the State and federal public lands surrounding our community. They create unsafe conditions for our visitors. The use of unregulated fertilizers, pesticides, insecticides and rodenticides contaminate the land and ground water.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Eugene Palazzo, City Manager at 707-464-7483 ex 232 or epalazzo@crescentcity.org, if you have any questions.

Sincerely,

Richard Holley
Mayor
Crescent City

cc: Kathryn Murray, President, Redwood Empire Division c/o
Sara Rounds, Regional Public Affairs Manager, LOCC Redwood Empire Division,
srounds@cacities.org



CITY OF EUREKA

531 K Street • Eureka, California 95501-1146

CITY MANAGER

• (707) 441-4144
fax (707) 441-4138

June 26, 2014

José Cisneros, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Public Safety Impacts of Illegal Marijuana Grows Resolution

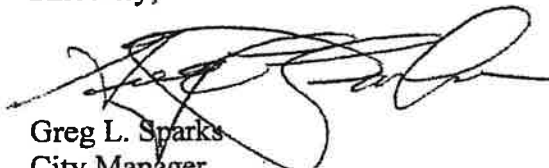
Dear President Cisneros:

The City of Eureka supports the Redwood Empire Division's effort to submit a resolution for consideration by the General Assembly at the League's 2014 Annual Conference in Los Angeles.

The Division's resolution seeks to address the devastating environmental impacts of illegal marijuana grows on both private and public lands throughout California and the increasing threat to public safety relating to these illegal sites. The resolution will provide the League with the direction to call upon the Governor and State Legislature to convene a summit to develop responsive solutions and to secure adequate funding for implementation strategies. Our city has seen an increase in gang activity and organized crime within the Greater Eureka Area as a result of illegal growing operations. Our law enforcement and community safety have been negatively impacted by these criminal activities.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact City Manager Greg Sparks at 707.441.4140 or gsparks@ci.eureka.ca.gov, if you have any questions.

Sincerely,



Greg L. Sparks
City Manager
City of Eureka

cc: Kathryn Murray, President, Redwood Empire Division c/o
Sara Rounds, Regional Public Affairs Manager, LOCC Redwood Empire Division,
srounds@cacities.org



CITY OF FORT BRAGG

Incorporated August 5, 1889
416 N. Franklin St.
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802
<http://city.fortbragg.com>

June 23, 2014

José Cisneros, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Public Safety Impacts of Illegal Marijuana Grows Resolution


Dear President Cisneros:

The City of Fort Bragg supports the Redwood Empire Division's effort to submit a resolution for consideration by the General Assembly at the League's 2014 Annual Conference in Los Angeles.


The Division's resolution seeks to address the devastating environmental impacts of illegal marijuana grows on both private and public lands throughout California and the increasing threat to public safety relating to these illegal sites. The resolution will provide the League with the direction to call upon the Governor and State Legislature to convene a summit to develop responsive solutions and to secure adequate funding for implementation strategies. The City of Fort Bragg lost City Councilmember and former Mayor Jere Melo in August 2011 when he walked into an illegal grow site and was shot and killed by the person guarding said site.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact City Manager Linda Ruffing at 707-961-2823 or lruffing@fortbragg.com, if you have any questions.

Sincerely,


Dave Turner
Mayor


Scott Deitz
Councilmember


Meg Courtney
Vice Mayor


Doug Hammerstrom
Councilmember


Heidi Kraut
Councilmember

cc: Kathryn Murray, President, Redwood Empire Division c/o Sara Rounds, Regional Public Affairs Manager, LOCC Redwood Empire Division, sounds@cacities.org



CITY OF HEALDSBURG ADMINISTRATION

401 Grove Street
Healdsburg, CA 95448-4723

Phone: (707) 431-3317
Fax: (707) 431-3321

Visit us at www.ci.healdsburg.ca.us

June 30, 2014

José Cisneros, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Public Safety Impacts of Illegal Marijuana Grows Resolution

Dear President Cisneros:

The City of Healdsburg supports the Redwood Empire Division's effort to submit a resolution for consideration by the General Assembly at the League's 2014 Annual Conference in Los Angeles.

The Division's resolution seeks to address the devastating environmental impacts of illegal marijuana grows on both private and public lands throughout California and the increasing threat to public safety relating to these illegal sites. The resolution will provide the League with the direction to call upon the Governor and State Legislature to convene a summit to develop responsive solutions and to secure adequate funding for implementation strategies.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact me either by phone at (707) 431-3317 or by e-mail at jwood@ci.healdsburg.ca.us if you have any questions.

Sincerely,

James D. Wood
Mayor
City of Healdsburg

cc: Kathryn Murray, President, Redwood Empire Division
c/o Sara Rounds, Regional Public Affairs Manager,
LOCC Redwood Empire Division, srounds@cacities.org

CITY OF LAKEPORT

*Over 100 years of community
pride, progress and service*



July 1, 2014

José Cisneros, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: ENVIRONMENTAL AND PUBLIC SAFETY IMPACTS OF ILLEGAL MARIJUANA GROWS RESOLUTION

Dear President Cisneros:

The City of Lakeport supports the Redwood Empire Division's effort to submit a resolution for consideration by the General Assembly at the League's 2014 Annual Conference in Los Angeles.

The Division's resolution seeks to address the devastating environmental impacts of illegal marijuana grows on both private and public lands throughout California and the increasing threat to public safety relating to these illegal sites. The resolution will provide the League with the direction to call upon the Governor and State Legislature to convene a summit to develop responsive solutions and to secure adequate funding for implementation strategies.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact me at (707) 263-5615, Ext. 12 or by email at kparlet@cityoflakeport.com if you have any questions.

Sincerely,

Kenneth Parlet, II
Mayor

cc: Kathryn Murray, President, Redwood Empire Division c/o
Sara Rounds, Regional Public Affairs Manager, LOCC Redwood Empire Division, srounds@cacities.org

CITY OF TRINIDAD
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223
Fax: (707) 677-3759



July 2, 2014

José Cisneros, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Public Safety Impacts of Illegal Marijuana Grows Resolution

Dear President Cisneros:

The City of Trinidad supports the Redwood Empire Division's effort to submit a resolution for consideration by the General Assembly at the League's 2014 Annual Conference in Los Angeles.

The Division's resolution seeks to address the devastating environmental impacts of illegal marijuana grows on both private and public lands throughout California and the increasing threat to public safety relating to these illegal sites. The resolution will provide the League with the direction to call upon the Governor and State Legislature to convene a summit to develop responsive solutions and to secure adequate funding for implementation strategies.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue.

Sincerely,

A handwritten signature in black ink that reads "Julie Fulkerson".

Julie Fulkerson
Mayor

Cc: Sara Rounds, Regional Public Affairs Manager, LOCC Redwood Empire Division



June 30, 2014

José Cisneros, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Public Safety Impacts of Illegal Marijuana Grows Resolution

Dear President Cisneros:

The City of Ukiah supports the Redwood Empire Division's effort to submit a resolution for consideration by the General Assembly at the League's 2014 Annual Conference in Los Angeles.

The Division's resolution seeks to address the devastating environmental impacts of illegal marijuana grows on both private and public lands throughout California and the increasing threat to public safety relating to these illegal sites. The resolution will provide the League with the direction to call upon the Governor and State Legislature to convene a summit to develop responsive solutions and to secure adequate funding for implementation strategies.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Jane Chambers, City Manager, at 7407-463-6210 or jchambers@cityofukiah.com, if you have any questions.

Sincerely,

Philip E. Baldwin
Mayor

Mary Anne Landis
Vice Mayor

Benj Thomas
Councilmember

Douglas F. Crane
Councilmember

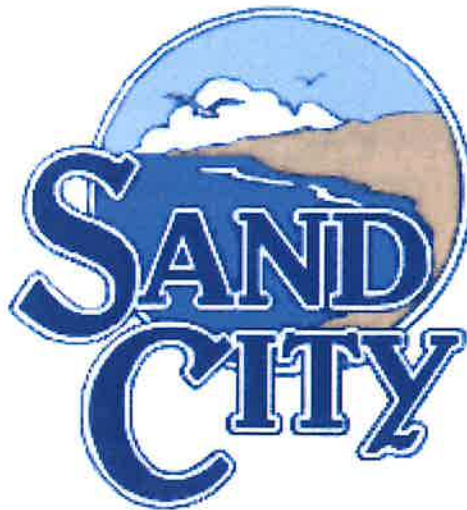
Steve Scalmanini
Councilmember

Cc: Kathryn Murray, President, Redwood Empire Division c/o
Sara Rounds, Regional Public Affairs Manager, LOCC Redwood Empire Division,
srounds@cacities.org

AGENDA ITEM

5F

**CITY AND SUCCESSOR AGENCY
OF
SAND CITY**



**TREASURY REPORT
JUNE 30, 2014**

AGENDA ITEM

5G

Memo

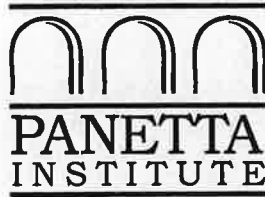
To: City Council
From: Interim City Administrator/Executive Director
Date: July 31, 2014
Subject: Review of City Contributions/Donations

Enclosed is a request from two organizations for support and contribution for FY 2014-15. After reviewing these requests, the following donation is recommended:

- 1) Panetta Institute for Public Policy - \$500
- 2) KIDRAGEOUS "Matthews Golden Gallop" - \$500

If any Council member wants to discuss these requests or to propose a different contribution, then this item should be pulled from the consent calendar for discussion with the full Council.

The following finding is specified in the annual City/Successor Agency Budget: *"The Sand City Council finds that it is a valid public purpose and in the best interest of this small city to support and participate in various community programs and activities of the larger Monterey Peninsula area. This support includes not only the City's financial contributions outlined in the attached pages but also the active involvement/participation by council members, city staff, Sand City businesses and citizens. This is Sand City's pledge and commitment of support for the larger regional community in which it is an active and dedicated member".*



The Panetta Institute for Public Policy

July 2, 2014

RECEIVED

JUL 09 2014

The Hon. David Pendergrass
City of Sand City
City Hall
One Sylvan Park
Sand City, California 93955

CITY OF SAND CITY

Dear Dave:

The Panetta Institute's most recent survey of U.S. college students brings sobering news for all of us who care about the health of our democracy and our country's ability to address major problems – and it strongly underlines the importance of the Institute's mission.

The April study shows students overall turning inward, less focused on international issues, disenchanted with political leaders and generally disengaged from the political process. Although interest in the possibility of running some day for elective office has risen since 2012, interest in service-oriented experiences such as AmeriCorps, VISTA or Teach for America has fallen to an all-time low.

Much of this is understandable, in light of more than a decade of U.S. involvement in costly overseas conflicts and a painfully slow economic recovery. But it also reminds us how important it is to find, inspire and prepare those students who are bucking the trend – who want to embrace public service and take on the public policy challenges of the future.

That's what we do at the Panetta Institute, and we cannot do it without your help.

We need your financial support now in order to continue and expand our efforts which, for seventeen years, have stimulated greater civic involvement by citizens of all ages and broadened the knowledge and skills of tomorrow's leaders.

We can point to countless examples of students in particular whose lives the Institute has touched in decisive ways:

- The Institute's Congressional Intern Program has served as a springboard to a public service career for scores of student participants who otherwise would not have had a chance to step into a substantive role in government or community service. Present-day congressional aides, nonprofit administrators, candidates for office and other aspiring public servants tell us again and again that the Panetta Institute made the critical difference for them – particularly because our program covered the airfare, lodging and living expenses that otherwise would have made their eleven-week stay in Washington unaffordable.
- We hear similarly enthusiastic reports from dozens of former student government officers from across California who have participated over the years in our Education for

Leadership in Public Service course. The intensive, week-long seminar involves these students in direct interaction with a variety of visiting national, state and local leaders and engages them in role-playing exercises designed to improve the leadership and consensus-building skills they will need if they choose a future in public service.

- Our widely acclaimed Leon Panetta Lecture Series, which introduces major policy makers, journalists and political thinkers to adults of all ages on the Monterey Peninsula, also has a special component for young people in the area who might someday seek a role in public life. In addition to addressing the series subscribers, our speakers meet first with students from local high schools, colleges and military installations to answer their questions on the subjects about to be discussed.
- Meanwhile, our Policy Research Fellows Program offers a golden opportunity to a select group of upper-division law students from the area. Working directly with the Institute's teachers and leaders, they gain invaluable experience researching public policy issues of relevance to our various programs.
- And for a much younger group, we have Monterey County Reads. Coordinated by the Institute since 1997, this highly successful program recruits hundreds of reading assistance volunteers and deploys them to the county's elementary schools, where they work one-to-one with children in the early grades who are having trouble with their reading – greatly improving their chances of growing up to be successful, active participants in our democracy.

In these and many other ways, the Panetta Institute is making real, observable progress against the headwinds of political disengagement and indifference.

But we need your assistance to continue this effort – to keep inspiring greater civic involvement and providing the mentors, real-world experiences and hands-on training that can help tomorrow's leaders be prepared for the challenges they will face.

To help us reach the students and others who want to devote their talents to serving the public or simply be better citizens, please give now, as generously as you can, to the Panetta Institute for Public Policy. Your donation is tax deductible and will be put to immediate, efficient and effective use.

With thanks for any amount you may be able to give ...


Sincerely,



Leon E. Panetta
Chairman

LEP/SMP:jf/p
Enclosures

*Thank you Dave -
for your long
service to the
community and your
support!*



Sylvia M. Panetta
Co-Chair and CEO

Connie Horca

From: SandCityMyr@aol.com
Sent: Wednesday, July 30, 2014 11:41 PM
To: Connie@SandCityCA.org
Subject: Re: KIDRAGEOUS Event

Let's donate \$500 in the name of Matthew Pierce, and place under the Aug 5th 'Consent'. It's possible that some council member may want us to give more, we'll see.

***Thanks,
Mayor***

In a message dated 7/30/2014 1:23:09 P.M. Pacific Daylight Time, Connie@SandCityCA.org writes:

Mayor,

How much will we be donating to the KIDRAGEOUS Event on behalf of Matthew Pierce?

Thanks.

Connie Horca

Deputy City Clerk

City of Sand City

831-394-3054 ex. 22



*"What the heart gives away is never gone.
It is kept in the hearts of others."*

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Cassandra's mom
Maritza Loyola
Jerry's sister
Trisha Meraz
Dustin's mom
Manny Solano

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Amber Isidro
Heather Jakobsen
Maritza Loyola
Paul McCrone
Trisha Meraz
Lourdes Salinas
Michelle Marlow
Viridiana Regalado
Fred Rojas

**Founder &
Executive Director**
Lori Butterworth

Kidrageous Team

Michelle Riddle
Heather Devencenzi
Jennifer Watson
Bonnie Peters
Trinity Magas
Julie O'Rourke
Oliver Borg
Aimee Grijalva

MISSION:

*To improve the quality of
life for children with
cancer and support their
families in the challenges
they face.*

2007 Freedom Blvd.
Freedom, CA 95019

724.9100

jacobsheart.org

I want to tell you a story of a Jacob's Heart family.

The story is my own and I will be honest I didn't willingly join the Jacob's Heart family. However, today I am more than just a willing member but also a proud one. I am so thankful that over three years ago, Jacob's Heart adopted my family into their ever growing circle of families who are stricken with the devastating diagnosis "your child has cancer".

Jacob's Heart first reached out to my family in the dark days of diagnosis when we found out that our baby Matthew had leukemia at only two months old. We would be med-flighted out of CHOMP Hospital in Monterey and flown to Stanford where he would be placed on an experimental cancer treatment protocol. Matthew would live his first year of life in and out of an oncology unit located at Lucille Packard Children's Hospital as he underwent an intense and toxic chemo treatment protocol. Overnight our household income would go from two to one when I would have to quit my job and care for Matthew. Jacob's Heart contacted us and immediately started to send us monthly gas cards and if their budget allowed grocery cards. These gift cards became a welcome gift in the mail as Ron and I would often have to both make the trip up to Stanford in a day just so the other parent could shower and eat dinner. Jacob's Heart also provided services to my children and family who were left at home. They held fun events and provided pizza nights so cancer stricken families could support each other and have some normal interaction. I had a case worker who would call and analyze what seemed to be our forever changing needs. She would call often giving whatever advice and help she could offer. One day during one of our conversations I broke down and was overcome with emotion. Unable to speak, I remember her calm voice telling me to give myself a break....."just breathe" she kept soothingly saying until I had calmed again. This was hardly some admin on the phone obtaining a day's wage, she was invested into our fight and struggle.

Matthew was now in a successful remission and for a short time we were able to show our boy that a wonderful world existed outside the hospital. I remember Matthew attending an event that Jacob's Heart holds in the month of September, which is National Childhood Cancer Awareness Month. It was their annual Kidrageous Carnival. It had been a long time since Matthew had felt well enough to even do something fun and even longer since we had done an activity together as a family. It was only after a few encouraging calls from my case worker that I had decided to attend. I am so thankful now that she encouraged me to go, it is one of the memories my family now holds very dear. The annual Kidrageous carnival is quite an extravagant event with live music, face painting, carnival rides, and amazing food. It was so wonderful to enjoy a festival all in your honor or at least it felt that way, every Jacob's Heart family was given VIP treatment. A few months after this carnival it would be Christmas time and this particular Christmas would be extra special for us. It would be the one and only

*"What the heart gives away is never gone.
It is kept in the hearts of others."*

Board of Directors

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Audra Earle
Marjorie Glover
Amber Isidro
Cassandra's mom
Maritza Loyola
Jerry's sister
Trisha Meraz
Dustin's mom
Manny Solano

Family Advisory Board

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Jessica Fitz
Amber Isidro
Lise Jakobsen
Maritza Loyola
Paul McCrone
Trisha Meraz
Lourdes Salinas
Michelle Marlow
Viridiana Regalado
Fred Rojas

Founder & Executive Director
Lori Butterworth

Kidrageous Team

Michelle Riddle
Heather Devencenzi
Jennifer Watson
Bonnie Peters
Trinity Magas
Julie O'Rourke
Oliver Borg
Aimee Grijalva

MISSION:
To improve the quality of life for children with cancer and support their families in the challenges they face.

2007 Freedom Blvd.
Freedom, CA 95019

24.9100

jacobsheart.org

Christmas that Matthew would have at home with his family. It was the most incredible Christmas ever and once again Jacob's Heart was a part of making that happen. They hold an annual Christmas toy drive for their cancer families that allows local residents to adopt a local cancer kid and his family for the year. Whomever adopted us that year went above and beyond all our expectations. Our tree was overwhelmed with special gifts for each family member. My house was filled with squealing and laughter. I will forever cherish that one Christmas, and I will never forget the look of happiness on Matthew's face as he experienced Christmas like every child should. At that point in time we could not provide that caliber of Christmas for our family. Christmas was a struggle for us not only because it was unaffordable, but Ron and I struggled for the "Holiday Spirit". It would be our immediate family, friends, and Jacob's Heart that would give our family the most amazing Christmas one could wish for.

A week after Christmas Matthew would relapse and we would fly to St. Jude's Children Hospital in Memphis, Tennessee. For nearly 9 months we would be in a desperate pursuit to save our son's life. Once again Matthew would endure more experimental cancer treatment as most cancer treatment for children is experimental because pediatric cancer is severely underfunded and is in much need of support. Jacob's Heart is well aware of the lack of support that children diagnosed with cancer must face. They are dedicated to fight alongside by providing various types of support. Now Matthew and I were further than we had ever been from our family and support system but Jacob's Heart continued to seek ways to help us. They were in constant communication in asking how they could support my children and husband at home and also Matthew and I while we battled on in Memphis. They evolved with us as our course of treatment evolved. Matthew would endure two bone marrow transplants while at St. Jude's and we were given nine more precious months with our sweet boy. Sadly, the accumulative effects of harsh cancer treatment had caused a lot of damage to Matthew's little body. His lungs gave out on him Christmas day 2012. He would continue to fight being the dauntless cancer warrior that he was for over 40 days in the ICU. My magnificent little soldier went down fighting February 8, 2013.

During Matthew's battle we had several cancer organizations whom gave us support. Now that Matthew is no longer with us there is only one organization that still continues to offer support to my family and that is Jacob's Heart. We did not just lose that precious boy but my Jacob's Heart family did too. I was so touched by the director of Jacob's Heart at my son's celebration of life ceremony. She waited in a long line to greet me and with tears in her eyes she placed into my hands a bear. He had angel wings and a small Jacob's Heart logo inscribed on his belly. It was a sweet token that I now cherish with other keepsakes in Matthew's memory box. Jacob's Heart has continued to support us through our grieving process. Jacob's Heart understands that when a child is diagnosed with cancer the whole family becomes affected by that diagnosis.

*"What the heart gives away is never gone.
It is kept in the hearts of others."*

Board of Directors

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Melissa McDill
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Robert Kaswen
- Secretary:**
Bonnie Peters
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Judith Barbata
Nanci Dobbins
Audra Earle
Marjorie Glover
Amber Isidro
Cassandra's mom
Maritza Loyola
Jerry's sister
Trisha Meraz
Dustin's mom
Manny Solano

The services being offered to families at Jacob's Heart continue to grow and adapt with the family as their individual needs continue to grow and change through the various stages of a cancer battle. Such as diagnosis, treatment, survivorship, and sadly the devastating process a family must face when cancer takes their loved one. Obviously this is not your normal non-profit. Jacob's Heart holds the prestigious gold star rating from GuideStar (<http://www.guidestar.org/>). A gold star rating is the highest award possible that a non-profit can achieve for transparency and for utilizing donated funds appropriately. They have earned every bit of that gold star rating and my family is one of many testimonies.

Since Jacob's Heart was founded 16 years ago they have served 206 children in Monterey County diagnosed with cancer. Monterey County has lost 58 of those little cancer warriors as well as future members to our community. We lost doctors, lawyers, inventors, ball players, mothers, fathers, brothers and sisters.

Family Advisory Board

- Carlos Anaya
Jessica Fitz
Amber Isidro
Melissa Jakobsen
Maritza Loyola
Paul McCrone
Trisha Meraz
Lourdes Salinas
Michelle Marlow
Viridiana Regalado
Fred Rojas

My son, Matthew Robert Pierce was number 57.

Founder & Executive Director
Lori Butterworth

I am asking you to help us show our love and support for our very own cancer warriors. Jacob's Heart is organizing Kidrageous events during the month of September 2014. These events will raise money to help maintain and further the services offered at Jacob's Heart and awareness about pediatric cancer. They will also honor our local warriors and angels on the frontline of this disease. Baby Matthew's Golden Gallop will be one of these Kidrageous events and is the only event scheduled here in Monterey. This will be wonderful opportunity for Monterey County to give back to an amazing organization that serves some of the most vulnerable members of our community.

Kidrageous Team

- Michelle Riddle
Heather Devencenzi
Jennifer Watson
Bonnie Peters
Trinity Magas
Julie O'Rourke
Oliver Borg
Aimee Grijalva

Thank you for reading and sharing our story,

Aimee Grijalva
Mother of Matthew Robert Pierce



MISSION:
To improve the quality of life for children with cancer and support their families in the challenges they face.

2007 Freedom Blvd.
Freedom, CA 95019

724.9100

jacobsheart.org

AGENDA ITEM

5H

CITY OF SAND CITY

STAFF REPORT

JULY 31, 2014

TO: Mayor and City Council

FROM: Charles Pooler, Associate Planner

SUBJECT: Review of Monterey Bay Restaurant Equipment CDP

At the July 15th Council Meeting, an inquiry was made in regards to Coastal Development Permit (CDP 97-05) and the Monterey Bay Restaurant Equipment operation at 325 Elder Avenue. Staff's understanding was that the inquiry was due to illegal water runoff from that facility. The Coastal Development Permit was originally issued to Monterey Bay Restaurant Equipment in August of 1997, and was amended in 2011 to address outside displays along a small segment of Elder Avenue.

According to the Minutes of the June 17th Council Meeting, the City Engineer reported to the Council that a letter was sent (see Attachment 1) to the Restaurant Equipment business regarding an illicit discharge, but that there had been no response at that time. Since the June 15th meeting, the owner of the Restaurant Equipment business has denied responsibility for the discharge, and claims that it was from some other source. The City Engineer is currently investigating the Kuki's Catering operation, owned by Teri Takikawa, at 354 Orange Avenue as a potential culprit, and has issued a letter (see Attachment 2). The City Engineer informed Planning staff that there have been no further identified illicit discharges from the Restaurant Equipment operation.

There is no specific condition of CDP 97-05 (Attachment 3) that prohibits water runoff. However, Condition No. 7 of CDP 97-05 states that "*The applicant shall comply with all requirements of the City Engineer.*" If illicit discharges from the Restaurant Equipment operation commence, recommence, and/or continue contrary to the City Engineer's direction to cease such practices (see Attachment 1), that could be considered a violation of the Permit and potential grounds for permit amendment or termination. Furthermore, if such illicit discharges are considered a "Public Nuisance", then continuation of such discharges would be a violation of Permit Condition No. 19. The burden of proof to accurately identify the discharge source falls upon the City. If the City Council decides that CDP 97-05 requires further review and possible action, a public hearing must be scheduled (necessitating noticing requirements) in order for the Council to take action (amendment or termination) in regards to said Permit.

No Council action is solicited by staff at this time, but Council direction is welcomed.



April 10, 2014

Monterey Bay Restaurant Equipment Inc.
325 Elder Avenue
Sand City, California 93955

Subject: Report of Illicit Discharge to Municipal Storm Drain System

To Whom It May Concern:

On March 18, 2014 the City received a report of an apparent "illicit discharge" from your place of business to the City's storm drain system. An illicit discharge is any direct or indirect discharge to the City's storm drain system that is not entirely composed of storm water and may contribute to pollution.

The discharge was reported to be milky white in color and originate from the cleaning of equipment on the driveway apron at the rear frontage of your business on Ortiz Avenue. The discharge was reported to continue within the gutter of Ortiz Avenue and across Catalina Street, whereupon it entered a storm drain inlet. The discharge also left a visible, dark residue in the gutter.

On March 20, 2014, I conducted a visual inspection of the area whereupon it was readily apparent that grease, oil, or other substances had been carried onto Ortiz Avenue and ultimately into the City's storm drain system from the cleaning of restaurant equipment or similar activities at your place of business. Please note, illicit discharges are prohibited under Sand City Municipal Code Chapter 13.05.060. Please discontinue any activities that may cause an illicit discharge to the City's storm drain system. This letter constitutes official notification of a municipal code violation. If illicit discharges continue to occur at your place of business, enforcement procedures in accordance with the City's Municipal Code will be implemented.

The City of Sand City is regulated by the State Water Resources Control Board to monitor and prevent non-storm water discharges to the City's storm drain system. Attached for your reference is information regarding best practices for businesses of your type regarding protection of storm water. You may also find information on the Monterey Regional Storm Water Management Program website at www.montereysea.org. Please take time to review this information with all of your employees.

If you have any further questions or concerns please feel free to contact me at the number below.

Sincerely,


Leon D. Gomez
City Engineer
(831) 373-1333

Attachment: Best Management Practices for Commercial Business
(Food Service Industry)

City Hall
1 Sylvan Park,
Sand City, CA
93955

Administration
(831) 394-3054

Planning
(831) 394-6700

FAX
(831) 394-2472

Police
(831) 394-1451

FAX
(831) 394-1038

Incorporated
May 31, 1960

July 30, 2014



Kuki's LLC
Attn: Teri Takikawa
354 Orange Avenue
Sand City, California 93955

Subject: Report of Illicit Discharge to Municipal Storm Drain System

On July 18, 2014 the City received a report of an apparent "illicit discharge" from your place of business to the City's storm drain system. An illicit discharge is any direct or indirect discharge to the City's storm drain system that is not entirely composed of storm water (i.e. rain water) and may contribute to pollution.

The discharge was reported to originate from the cleaning of cooking grates and/or related food preparation equipment on the driveway apron at your place of business. The discharge was reported to continue within the gutter along Orange Avenue and across to Catalina Street. The discharge also left a visible, dark residue in the street.

Please note, even food wastes are considered pollutants by state and federal regulations governing storm water quality. Even if food wastes and associated material are washed upon the driveway to your property, the material will ultimately drain to the street and enter the City's storm drain system. Illicit discharges are prohibited under Sand City Municipal Code Chapter 13.05. Attached is a highlight excerpt from the code for your reference. Please discontinue any activities that may cause an illicit discharge to the City's storm drain system. This letter constitutes official notification of a municipal code violation. If illicit discharges continue to occur at your place of business, enforcement procedures in accordance with the City's Municipal Code will be implemented.

The City of Sand City is regulated by the State Water Resources Control Board to monitor and prevent non-storm water discharges to the City's storm drain system. Attached for your reference is information regarding best practices for businesses of your type regarding protection of storm water. You may also find information on the Monterey Regional Storm Water Management Program website at www.montereysea.org. Please take time to review this information with all of your employees.

If you have any further questions or concerns please feel free to contact me at the number below.

Sincerely,

Leon D. Gomez
City Engineer
(831) 373-1333

Attachment: Best Management Practices for Commercial Business (Food Service Industry)
City Municipal Code 13.05 Stormwater Management (highlighted)

City Hall
1 Sylvan Park,
Sand City, CA
93955

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Incorporated
May 31, 1960

~~JUL 31 1997~~

RECEIVED

CITY OF SAND CITY
COASTAL DEVELOPMENT PERMIT 97-05

Monterey Bay Restaurant Equipment

WHEREAS, Mr. Bill Locklar, owner and operator of *Monterey Bay Restaurant Equipment*, has submitted an application to the City of Sand City for Coastal Development approval for the establishment of a restaurant equipment retail, wholesale and manufacturing business into an existing building located at 325 Elder Avenue, Sand City (APN 011-242-007 & 008); and,

WHEREAS, the City Council of the City of Sand City, on June 17, 1997, has found and determined that the proposed use will not adversely affect the character of the surrounding neighborhood, nor be injurious or detrimental to adjoining properties or the rights of the owners therein, and this Coastal Development Permit shall be granted upon the conditions hereinafter set forth; and

WHEREAS, the City Council of the City of Sand City has accepted the findings for approving this Coastal Development Permit as outlined in the City Staff Report, dated June 6, 1997; and

NOW THEREFORE, the City Council of the City of Sand City hereby grants and issues this Coastal Development Permit 97-05 upon the following terms and conditions:

1. This Combined Development Permit is not valid and the use of the property shall not commence unless and until a copy of this permit, signed by the permittee and the landowner, acknowledging receipt of this permit and acceptance of the terms and conditions, is returned to the City's Planning Department. This permit shall expire within two (2) years after adoption if the proposed use does not commence within that time.
2. Coastal Development Permit 97-05 is for the purpose of permitting *Monterey Bay Restaurant Equipment* to utilize 325 Elder Avenue for storage, wholesale, retail, and manufacturing of restaurant related equipment, with secondary office uses. There shall be no expansion of this operation beyond those uses permitted by this Permit without prior approval of an amendment to this Permit or the issuance of a new Coastal Development Permit.
3. All requirements of the Monterey County Health Department shall be met. The applicant shall submit any necessary documentation and acquire any required permits from the Health Department at their discretion.

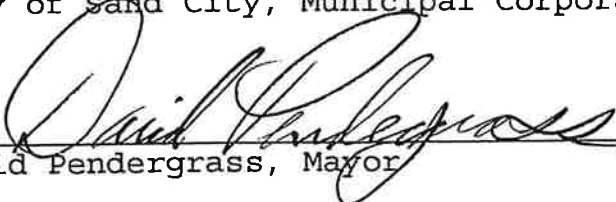
4. All requirements of the Sand City Police Department shall be met prior to using the property. Adequate locks shall be maintained on all doors.
5. All requirements of the Monterey Building Department, Fire Department and the Uniform Building Code (1994 ed.) shall be met to the satisfaction of the Building and Fire Inspectors. Tenant improvement construction plans must be drawn up by a professional architect or engineer for review and approval by the City's Building Department. The applicant shall obtain a Building Permit prior to the commencement of any construction work. A final inspection and approval shall be made by the Fire Inspector prior to occupancy of the building.
6. The applicant shall comply with all requirements of the Seaside County Sanitation District. Any and all improvements required by the Seaside County Sanitation District shall be implemented.
7. The applicant shall comply with all requirements of the City Engineer.
8. A minimum of twenty (20) on-site parking stalls shall be maintained for the exclusive use of the *Monterey Bay Restaurant Equipment* employees and patrons; of which one (1) shall be a van accessible handicapped parking space per the requirements of the Building Department. On-site parking spaces shall be maintained in accordance with the requirements of the Sand City Municipal Code. The existing parking layout shall be maintained, and the striping for these on-site parking spaces shall be repainted.
9. No motorized vehicles shall be parked or stored outside the building or at off-site parking locations within the City for a period exceeding twelve (12) hours. Any loading or unloading of materials shall only be between the hours of 8:00 am and 6:00 pm Monday thru Friday to minimize noise impacts to nearby residences. Loading and unloading activities shall not impede traffic in public rights-of-way.
10. No trash, litter, boxes, crates, debris, or other used and/or discarded materials shall be stored outside the building, except on the prescribed trash pick-up days. All trash, litter, boxes, crates, debris, or other used and/or discarded materials shall be stored in designated approved type containers. If there is to be a trash dumpster kept on-site outside of the building, then a trash enclosure shall be constructed, per the review and requirements of the City's Design Review Committee.
11. The building and site shall be maintained in a clean, weed-free, and litter-free condition.

12. The applicant shall not establish any fencing on the property for the purpose of establishing an outdoor storage yard on-site. No outdoor storage of materials, equipment or debris shall be permitted. All storage shall be contained within the building.
13. Any and all noise generated by the operation of this business at the approved location shall be contained within the building, and shall not disturb the nearby residential units or properties. Excessive noise levels which disturb surrounding properties shall be grounds for revoking this Coastal Development Permit. Any complaints submitted to the City regarding this operation shall be considered a disturbance and possibly a nuisance by City staff.
14. All exterior lighting shall be confined to the site and shall reflect away from all public rights-of-way and surrounding properties. Night lights are to be turned on during hours of darkness. These lights shall be maintained functional.
15. No additional water shall be allocated to this property unless and until the City Council authorizes the release of water from the City's reserves for this specific business's use. If the Council decides not to authorize the release of water, then the applicant may be limited as to the use of the building, regardless of those uses permitted by this permit.
16. This business shall be conducted entirely inside the building. Any special outside promotional displays or activities shall require advanced approval from the Director of Community Development.
17. All signage at the site for this business shall be approved by the City's Design Review Committee prior to the establishment of any signs. Signs shall not be established off-site without prior approval by the Community Development Director. City staff reserves the right to remove and discard any and all signs that have not received the appropriate City approvals.
18. Any questions of intent or interpretation regarding any condition within this permit shall be resolved by the Community Development Director, City Administrator, or the City Council.
19. Use of the property shall be conducted in such a way that it does not constitute a nuisance to the surrounding neighborhood. If the City Council finds at any time that any use of the property constitutes a nuisance or is otherwise detrimental to the neighborhood or to the community, such use shall be discontinued or modified as may be required by the City Council. Failure to comply with such direction of the City Council will result in the revocation of this permit.

20. This permit shall be reviewed annually, beginning June 1998, at which time the City Council shall determine compliance with the conditions of approval of this permit. Failure to comply with the conditions of this permit may, with such direction by the City Council, result in the revocation of this permit.
21. If the City Council determines that any of the terms or conditions of this permit has been violated, written notice shall be issued, that if such violations are not corrected or removed within thirty (30) days, the City Council shall act to consider revoking this permit and may then order this permit revoked.
22. The terms and conditions of this permit shall apply to this property for as long as this type of use occupies this space; and it is the intention of the City Council and the permittee to bind all future owners and possessors of the subject property to the terms and conditions of this permit.
23. The issuance of this permit is not intended and shall not supersede or override any requirements or licensing of any other City, County, State, or Federal agency.
24. This permit may be assigned to any qualified person, or organization upon review and approval of the new use by the City Planner, providing assignee files with the City an affidavit accepting all terms and conditions of the permit.
25. The applicant shall obtain a Certificate of Occupancy from the City prior to the occupancy the building and commencement of the business.
26. The applicant shall acquire, maintain and annually renew a City Business License for the duration of this business.

NOW THEREFORE, this Coastal Development Permit 97-05 is hereby issued to the within named permittee.

City of Sand City, Municipal Corporation



 David Pendergrass, Mayor

DATED: June 20, 97

ATTEST: 

 Kelly Morgan, City Clerk

Combined Development Permit (CDP 97-05)

This is to certify that this Coastal Development Permit (CDP) 97-05 contains the conditions specified by the City Council in approving this permit.

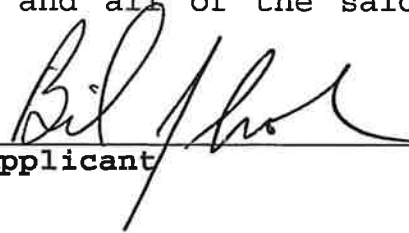


Charles Pooler
Planning Assistant

APPLICANT ACCEPTANCE (CDP 97-05)

The Coastal Development Permit is hereby accepted upon the express terms and conditions hereof, and the undersigned agrees to strictly conform to and comply with each and all of the said terms and conditions.


DATED: 8-11-97

BY: 
Applicant

CONSENT OF OWNER (CDP 97-05)

Consent is hereby granted to the permittee to carry out the terms and conditions of this Coastal Development Permit.

DATED: 8/26/97

BY: 
Landowner

CITY OF SAND CITY
AUG 29 1997
RECEIVED

**CITY OF SAND CITY
RESOLUTION SC 11-16, 2011**

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY AMENDING COASTAL
DEVELOPMENT PERMIT 97-05 (MONTEREY BAY RESTAURANT EQUIPMENT) TO ALLOW
OUTSIDE DISPLAYS IN AREA ADJACENT TO THE BUILDING
LOCATED AT 325 ELDER AVENUE**

WHEREAS, Mr. Bill Locklar, owner of Monterey Bay Restaurant Equipment, Inc., has a coastal development permit for a retail, wholesale and manufacturing business specializing in restaurant equipment and supplies, located at 325 Elder Avenue (APN 011-242-007,008); and

WHEREAS, outside displays of tables and chairs have been placed within the public right-of-way from time-to-time and said displays are not permitted by conditions of Coastal Development Permit 97-05, originally approved by the City Council in 1997; and

WHEREAS, said outside displays obstruct parking areas within the public right-of-way of Elder Avenue and the City of Sand City is attempting to remove or severely limit such obstructions within the public right-of-way on a citywide basis in order to facilitate adequate parking; and

WHEREAS, the City Council wants to be reasonable in its application of conditions that facilitate the business located at 325 Elder Avenue; and if it is determined through public hearing and testimony by the business owner, that an outside display area is desired somewhere adjacent to the business, but not within the roadway, then a small area for such purpose adjacent to the building on Elder would not be detrimental to the public welfare considering the fact that Elder, at this location, is a dead end street and sidewalk access on the north side of the property is limited to access to the building only.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Sand City that Coastal Development permit 97-05 is hereby amended by revising condition 16 as follows:

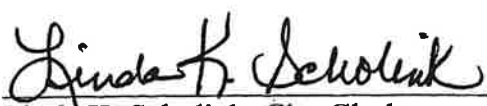
Condition 16: "This business shall be conducted entirely inside the building, except that a small area along the Elder Street building frontage, no greater than 100 square feet, is allowed for outside display and employee seating. Should a portion of this area be within the public sidewalk area, a revokable encroachment permit shall be issued by the City Engineer."

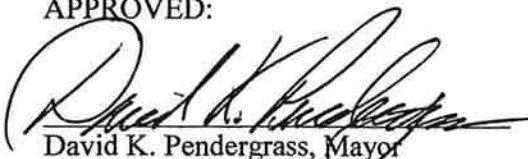
BE IT FURTHER RESOLVED that a new coastal development permit shall be issued by the Community Development Department reflecting the change in condition 16.

PASSED AND ADOPTED by the City Council of Sand City on this 1st day of February, 2011 by the following vote:

AYES: Council Members Carbone, Hubler, Kruper, Pendergrass
NOES: None
ABSENT: None
ABSTAIN: Council Member Blackwelder

ATTEST:


Linda K. Scholink, City Clerk

APPROVED:

David K. Pendergrass, Mayor

AGENDA ITEM

8A

MEMO

To: Mayor, City Council
From: Kelly Morgan, Interim City Administrator
Date: July 24, 2014
Subject: Transactions Tax Ballot Measure



During the FY 2014-15 Budget review process, the Sand City Council agreed to schedule a Transactions and Use Tax Ballot measure for the November 2014 General Election. To complete the requirements for organizing a "Transactions Tax Ballot Measure", the following steps will be necessary:

AT THE JULY 28, SPECIAL COUNCIL MEETING

- A. Review and approval of the First Reading of the General Purpose Transactions and Use Tax Ordinance
- B. Review and approval of the "Ballot Argument in Favor of Measure"-
- C. Discussion of planning and organizing campaign support for Measure-

AT THE AUGUST 5, 2014 COUNCIL MEETING

- A. Approval of the Second Reading of the General Purpose Transaction and Use Tax Ordinance
- B. Review and approval of Resolution Approving Placement on the November 4, 2014 Ballot of a Measure to Increase the General Purpose Transactions and Use Tax to One Percent
- C. Continuation of planning and organizing campaign support for Measure-

It was decided that Sand City should pursue a "General Purpose Transactions Tax" increase. This General Purpose Measure requires a Majority Vote of the voters while a "Special Purpose Transactions Tax" increase requires a 2/3's vote of the voters. This new revenue is considered necessary because the City's finances have grown ever more constrained with the elimination of redevelopment programs and subsequent loss of property tax increment revenues. Plus the general economic recession has also reduced other Sand City revenues. In the FY 2014-15 Budget, Sand City was/is facing over a \$400,000 deficit if more revenues are not obtained – or more reductions in City services are not implemented. It was felt that this proposed tax increase was justified by Sand City's financial condition, and by the fact that Sand City has one of the lowest over-all tax rates in the Monterey Peninsula Area. There are 5 cities with a total sales, use and transactions tax rate of 8.50% (Carmel, Del Rey Oaks, Marina, Pacific Grove, and Seaside) while Salinas and Sand City have total rates of only 8.00%. In the last year of the previous redevelopment program, Sand City was receiving over \$1.5 million/year in property increment taxes, and now with just the regular city's share of property taxes, this income has dropped to only \$100,000 per year (plus another allowance of

\$200,000 from the State for "Successor Agency Admin fees). This is a major loss of income for Sand City (\$1 Million+/-).

It is anticipated that if the Transactions Tax Measure is passed that this Measure will produce approximately \$1 Million for a full year of this income. However in FY 2014-15, Sand City will receive only about 3 months (after implementation of the Ballot Measure) of this new income that will add only about \$250,000 additional revenue for this fiscal year. For over 20 years, Sand City has enjoyed a healthy, vibrant economic base, however, the City Council is aware that Sand City is very dependent on its sales/transactions tax revenue which currently represents over 50% of the City's annual revenues. It is recognized by the City that new revenues are needed (such as TOT revenues on pending resort projects) to provide a more balanced economy for Sand City.

Faced with this dilemma, the Sand City Council decided to organize a 0.50% Transactions and Use Tax Ballot Measure for the November 2014 Election which if approved will add the new tax to the existing 0.50% for a total of 1.0% Transactions Tax for Sand City. The City Attorney and City Staff have prepared the enclosed Transactions Tax Ordinance for First and Second Reading for Council consideration on July 28 and August 5. After the Second Reading of the Ordinance is approved at the August 5th Council meeting, the resolution is scheduled for review and approval which authorizes the placement of the Transaction Tax Measure on the November 4, 2014 Ballot. It is requested that the City Council grant unanimous approval of this Ordinance and Resolution. With Council approval of the Ordinance and Resolution, this Transactions and Use Tax Measure then will be scheduled for a vote of the people.

At both meetings, a discussion has been scheduled on planning and organizing campaign support for this November Transaction Tax Measure. It must be noted that most of the responsibility for this support will have to be assumed by the City Council and general public since City funds or resources can NOT be allocated for this purpose, and neither can City Staff be assigned with this responsibility (unless they volunteer to help out). The Council may want to consider appointing a citizens committee to help out and/or guide the campaign.

Enc: Transaction and Use Tax Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAND CITY TO REPLACE THE EXISTING GENERAL PURPOSE TRANSACTIONS AND USE TAX AT A RATE OF ONE-HALF OF ONE PERCENT WITH A GENERAL PURPOSE TRANSACTION AND USE TAX AT A RATE OF ONE PERCENT TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAND CITY:

SECTION 1. FINDINGS.

A. On November 2, 2004 the voters of the City of Sand City adopted a General Purpose Transactions and Use Tax with a rate of one-half of one percent.

B. The depressed economic times as well as passage of legislation by the State of California dissolving all Redevelopment Agencies, including the Sand City Redevelopment Agency has resulted in a decline in revenues available for use in the City and a crucial immediate need for revenue, jeopardizing the community's essential services.

C. Without additional revenue the City cannot maintain the quality of local services that have gradually been deteriorating due to insufficient revenue.

D. All funds from a local transactions and use tax must stay in the City of Sand City and cannot be taken by the State.

E. This General Purpose Transactions and Use Tax is a general tax and must be approved by at least a simple majority of affirmative votes of the qualified voters of Sand City at an election to be held on November 4, 2014 to become effective.

SECTION 2. AMENDMENT OF SAND CITY MUNICIPAL CODE. "Chapter 3.36 General Purpose Transactions and Use Tax" of the Sand City Municipal Code is hereby amended to read in its entirety as follows:

Section 3.36.010 Title. This ordinance shall be known as the City of Sand City General Purpose Transactions and Use Tax Ordinance. The City of Sand City hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

Section 3.36.020 Operative Date. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the effective date, being the date this ordinance is approved by the voters as set forth below. The operative date is anticipated to be April 1, 2015.

Section 3.36.030 Purpose. This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

Section 3.36.040 Contract with State. Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 3.36.050 Transactions Tax Rate. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of 1% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

Section 3.36.060 Place of Sale. For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax,

regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

Section 3.36.070 Use Tax Rate. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of 1% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

Section 3.05.080 Adoption of Provisions of State Law. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

Section 3.05.090 Limitations on Adoption of State Law and Collections of Use Taxes. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefore. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

Section 3.36.100 Permit not Required. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

Section 3.36.110 Exemptions and Exclusions.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Section 3.36.120 Amendments. All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

Section 3.36.130 Enjoining Collection Prohibited. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Section 3.36.140 Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 3.36.150 Effective Date. This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately upon approval by the voters.

SECTION 3. REPEAL OF EXISTING GENERAL PURPOSE TRANSACTIONS AND USE TAX. The existing one-half cent General Purpose Transaction and Use Tax will not be repealed by this Ordinance unless this Ordinance is approved by a simple majority of the affirmative votes of the qualified voters of Sand City at the election to be held on November 4, 2014. If this Ordinance is approved by a simple majority of the affirmative votes of the qualified voters of Sand City at the election to be held November 4, 2014, the existing one-half cent General Purpose Transaction and Use Tax will be repealed effective on the Operative Date set forth in SECTION 2 (Section 3.36.020) of this Ordinance.

SECTION 4. CEQA DETERMINATION. This General Purpose Transactions and Use Tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose, the revenues from which are not committed to any particular action. As such, under CEQA Guidelines 153789(b)(4) the tax is not a project within the meaning of CEQA because it creates a governmental funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have such effect, the City would undertake the required CEQA review for that particular project. Therefore, under CEQA Guidelines 15060, review of this ordinance under CEQA is not required.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Sand City held on this 5th day of August, 2014 by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

APPROVED:

David Pendergrass, Mayor

ATTEST:

Linda Scholink, City Clerk

APPROVED by the following vote of the people on November 4, 2014:

Yes: _____ No: _____

Linda Scholink, City Clerk

AGENDA ITEM

8B

MEMO

TO: Mayor Pendergrass & Members of the City Council
Kelly Morgan, Interim City Administrator
FROM: Michael Klein
DATE: July 31, 2014
SUBJECT: Request to Adopt Chapter 9.28 of the Sand City Municipal Code Entitled
Camping Restriction

Background:

Sand City has had an ongoing problem with homeless encampments on the beach and in the dunes West of Highway 1. Recently the number of homeless encampments have increased given the pressure that the City of Monterey has exerted on their homeless population. In the past our officers and public works (PW) department have been diligent in removing them by first giving them documented verbal notice or in some cases by leaving written notice that this practice of camping on the beach and dunes area was prohibited. After notification a certain time must be allowed giving the opportunity for the owners of the property to remove their tents and other camping gear. PW with the assistance of our police, removes all the property. Once removed we sort the property with the trash being disposed of and their personal property having to be stored for a time period prescribed by law.

Recently the police have issued a number of citations to individuals that refused our documented verbal instructions to leave the area, pick up their gear and cease the prohibited practice of camping on the beach or in the dunes. Due to court decisions these Municipal Code citations were dismissed. I was instructed to explore with the District Attorney's (DA) office the possibility of charging violators with the Criminal Code of Trespassing. I was advised that the DA will not file on trespassing violations given Sand City's issues since the appellate court has held that the trespassing code is vague.

This issue was discussed at length with the City's Public Safety Committee. Our City Attorney after review had suggested that our City's municipal code needed to be re-worded so as to be in compliance with the Appellate Court's findings.

On Monday, July 28th a site visit with both Council members of the public safety committee was conducted, and it was visible from the memorial bench site that 4 tent encampments were in plain sight on the Beach. These encampments create for a number of issues; trash, lack of latrines, open fires, drug usage, intoxication by the campers, disturbance of habitat, as well as a number of other policing and safety issues.

Recommendation:

It is recommended to adopt the attached proposed Ordinance so that the City has a better enforcement capacity.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAND CITY ADOPTING CHAPTER 9.28
OF THE SAND CITY MUNICIPAL CODE ENTITLED CAMPING
RESTRICTIONS**

THE CITY COUNCIL OF THE CITY OF SAND CITY HEREBY ORDAINS AS
FOLLOWS:

SECTION 1. Findings. The City Council hereby makes the following findings:

The beaches and sand dunes in Sand City located between State Highway 1 and Monterey Bay (hereinafter, the “**Sand City Beaches and Dunes**”) have become an increasingly popular area for camping. The use of the Sand City Beaches and Dunes for camping has led to public disturbances, trespassing, destruction of private property, fire risks and other related public health and safety problems due to limited sanitation facilities and staffing of said facilities. Permitting unregulated camping activity to continue in the Sand City Beaches and Dunes would have adverse consequences to public health and safety. For these reasons, the City Council of the City of Sand City believes restrictions on camping on the Sand City Beaches and Dunes are necessary and appropriate to protect the public health, safety and welfare, and therefore adopts Chapter 9.28 of the Sand City Municipal Code as set forth below.

SECTION II. Addition of Chapter 9.28 to Sand City Municipal Code. Chapter 9.28 is hereby added to the Sand City Municipal Code to read as follows:

Chapter 9.28

CAMPING RESTRICTIONS ON SAND CITY BEACHES AND DUNES

Section 9.28.010 Intent.

The City Council finds that use of beaches and dunes located in Sand City between State Highway 1 and Monterey Bay for campground purposes has led to public disturbances, trespassing, destruction of private property and other related public health and safety problems. Use of the beaches and dunes for camping, in the absence of restrooms facilities suited to that purpose in easy access to potential camping sites, contributes to sanitation problems as wells as to the deposition of dangerous litter and greatly contributes to fire hazards and hazards caused by falling sand and debris that interfere with safe use of the beaches and dunes. The intent of this chapter is to prohibit the use of the beaches and dunes as a campground to prevent such unsafe and unhealthy conditions.

Section 9.28.020 Definitions

- A. “Sand City Beaches and Dunes” means all of that area within the corporate limits of Sand City between California State Highway 1 and mean high tide line of Monterey Bay which is in public or private ownership.
- B. “To camp” and camping means to establish or maintain a temporary place for sleeping, which includes, but is not limited to, the use, or storage for use, of sleeping bags, bedding materials, blankets, sheets, or other non-clothing items utilized or available for use to maintain warmth and comfort for sleep by a visitor to the Sand City Beaches and Dunes. The terms “to camp” and “camping” are not intended to include incidental use of towels, blankets and other materials for sunbathing or picnicking, or night-time use of the Sand City Beaches and Dunes other than for establishing or maintaining a temporary place for sleeping.
- C. “Sunbathing” means to lie on the Sand City Beach or Dunes with the intent of being warmed by the sun and/or for relaxation purposes.
- D. “Picnicking” means to eat a meal outdoors.

Section 9.28.030 Restrictions.

It is unlawful to camp as defined in this Chapter on the Sand City Beaches and Dunes as defined in this Chapter at any time.

Section 9.28.040 Exception for Security.

The restriction set forth in section 9.28.030 shall not apply to camping in a self-contained recreational vehicle for the purpose of providing security to public or private property in the Sand City Beaches and Dunes; provided, that, any such camping for security purposes must first be permitted by the Chief of Police of Sand City.

SECTION III. CEQA. The City Council finds that this ordinance is categorically exempt from the requirement of the California Environmental Quality Act (CEQA) pursuant to Section 15308 of the State CEQA Guidelines because the restrictions on camping that are established under the ordinance are intended to contribute to the maintenance of the coastal environment potentially affected by such camping, including but not limited to eliminating or lessening the potentially adverse water quality and public health and safety impacts associated with the deposition of human waste and litter on the beaches and dunes that results from the lack of sanitation facilities, and lessening the potentially adverse effect on species listed as threatened or endangered under State or federal law. In addition, camp fires may increase the risk of fire hazard in the community and, if not extinguished properly, may cause a public health and safety threats to users of the Sand City Beaches and Dunes who are engaged in traditional beach activities, such as strolling and sunbathing.

SECTION IV. Severance. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clause or phrases be declared unconstitutional or invalid.

SECTION V. Effective Date. This ordinance shall become effective thirty (30) days after the date of its passage.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Sand City held on this _____th day of August, 2014 by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

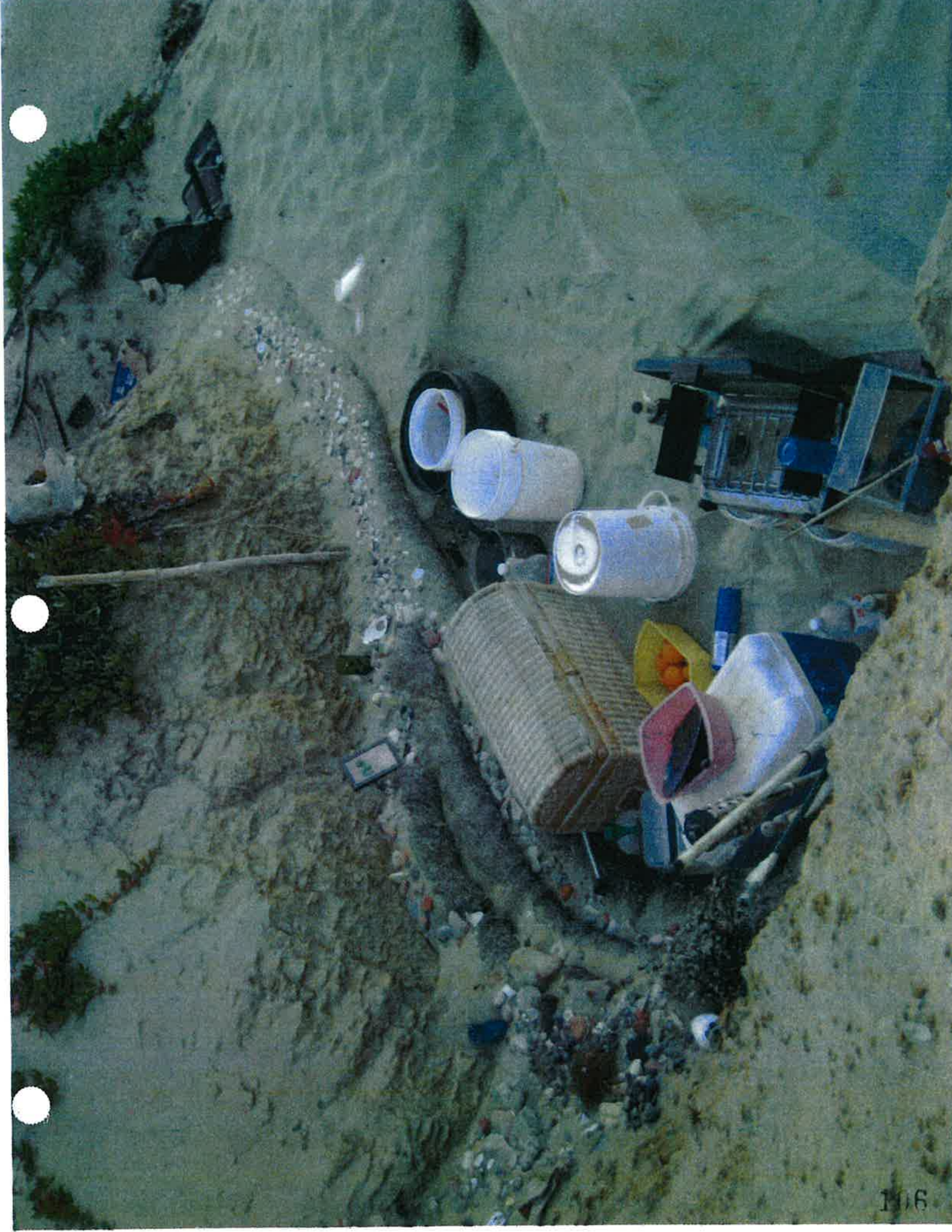
David Pendergrass, Mayor

ATTEST:

Linda Scholink, City Clerk



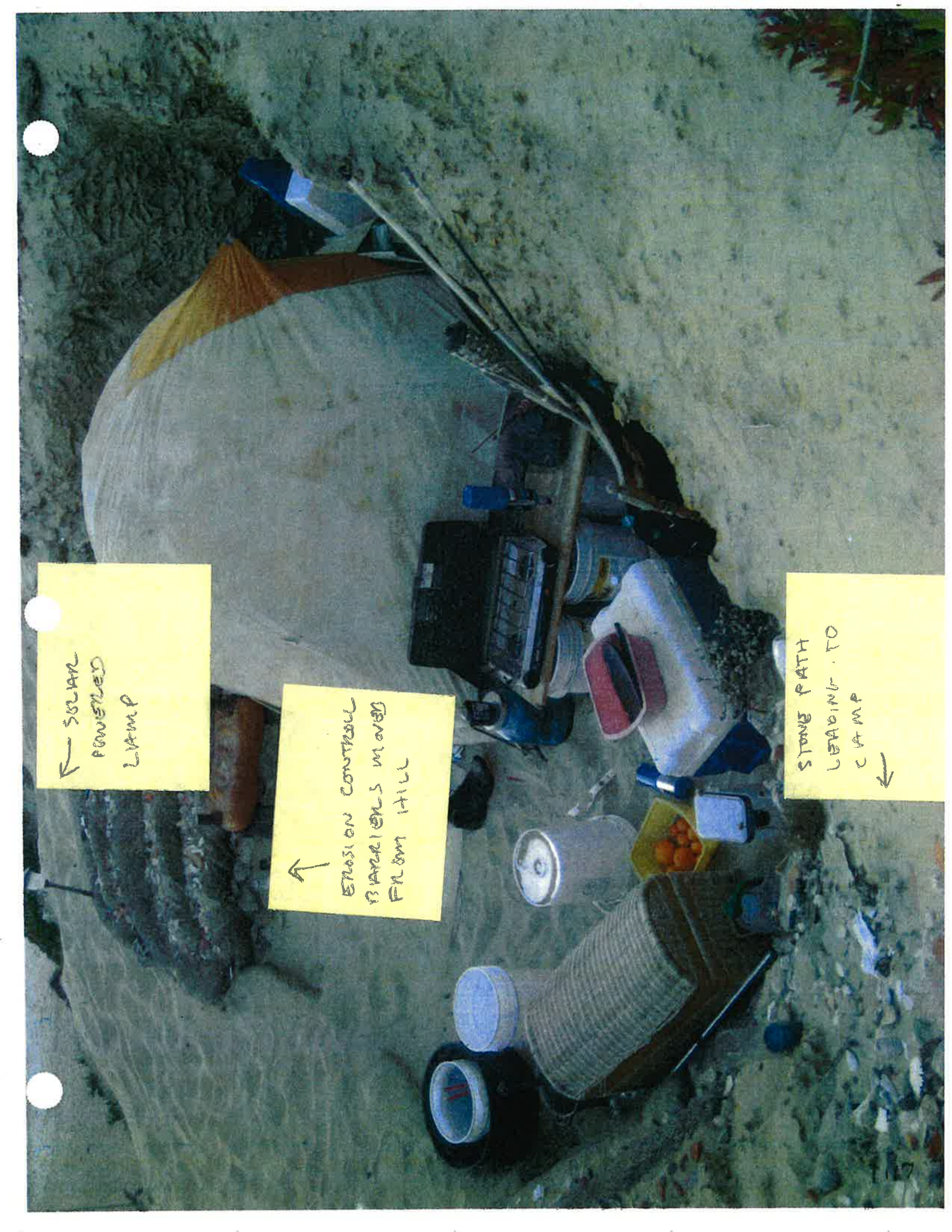
3/1/75



← SOLAR
POWERED
LAMP

↑
EROSION CONTROL
BARRIERS MOVED
FROM HILL

STONE PATH
LEADING TO
CAMP
←



AGENDA ITEM

10A

RESOLUTION No. SC ____ (2014)

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY
APPROVING PLACEMENT ON THE NOVEMBER 4, 2014 BALLOT OF A
MEASURE TO INCREASE THE GENERAL PURPOSE TRANSACTIONS AND
USE TAX TO ONE PERCENT**

WHEREAS, the City has experienced significant reductions in revenues and increases in expenses due in part to the State budget crisis; and

WHEREAS, the City Council has already made significant reductions to the City's operating budget; and

WHEREAS, the City faces a continuing deficit in its general fund budget; and

WHEREAS, these continuing deficits significantly impair the City's ability to maintain adequate City services, including the maintenance and repair of City facilities; and

WHEREAS, the City is dependent on property taxes and taxes derived from retail sales for the majority of its revenue, and these taxes are subject to redistribution by the State; and

WHEREAS, property tax revenue available for use in the City has been significantly reduced as a result of the elimination of the Sand City Redevelopment Agency by State Legislation;

WHEREAS, the sales tax currently charged in Sand City is one of the lowest rates in the State; and

WHEREAS, State law authorizes the City to levy a transactions and use tax to be used for general City purposes, in addition to the existing sales and use tax; and

WHEREAS, the City levied a transactions and use tax with a rate of one-half of one percent in 2004;

WHEREAS, State law authorizes the City to increase the rate of its transactions and use tax by an ordinance adopted by 2/3 of the members of the City Council and approved by a majority of the qualified voters of the City voting in an election on the issue; and

WHEREAS, the City Council has acted by unanimous vote to adopt the ordinance attached hereto marked Exhibit "A" and by this reference incorporated herein to increase the rate of the Sand City General Purpose Transactions and Use Tax from one-half of one percent to one percent; and

WHEREAS, a General Municipal Election on Tuesday, November 4, 2014 has been called by prior Resolution of the City Council;

NOW, THEREFORE, the City Council of the City of Sand City does hereby resolve as follows:

1. Call for Election.

Pursuant to California Constitution Article XIII C, section 2(b), Government Code sections 53723 and 53724, Revenue and Taxation Code section 7285.9, and Elections Code section 9222, the City Council of the City of Sand City hereby calls an election at which it shall submit to the qualified voters of the City a measure that if approved would increase the rate of a general purpose transactions and use tax as proposed in Section 3 of this Resolution. The election shall be held in the City on November 4, 2014.

2. Ballot Language.

The question to be presented to the voters shall be as follows:

“Shall an ordinance be adopted to increase the rate of a transactions and use tax on the retail sale of goods in Sand City used for general City purposes, from one-half of one percent to one percent?”

The question requires the approval of a majority of qualified electors casting votes.

3. Proposed Ordinance.

The ordinance authorizing the general tax to be approved by the voters is set forth in Exhibit A attached hereto and by this reference incorporated herein. The City Council hereby approves the ordinance, the form thereof, and its submission to the voters of the City at the November 4, 2014 election as required by Revenue and Taxation Code section 7285.9.

4. Request to Consolidate, Conduct Election and Canvass Returns.

The City Council requests that the Monterey County Elections Department provide assistance and services necessary to consolidate the election on this ballot measure with the general election to be held on November 4, 2014. Said election has previously been consolidated with any other election to be held totally or partially within the boundaries of this City by City Council Resolution No. SC 14-33, the provisions of which regarding polling place, canvass of vote and billing the City for the costs associated with the City election are incorporated by reference herein.

5. Publication of Measure.

The City Clerk shall cause a synopsis of the measure to be published once in accordance with Elections Code section 12111.

6. Submission of Ballot Arguments.

The last day for submission of arguments for or against the measure shall be 5:00 p.m. on August 15, 2014. The direct arguments shall not exceed three hundred (300) words, and shall not be signed by more than five (5) persons. The City Council has not adopted the provisions of Elections Code section 9285(a) and therefore there shall be no rebuttal arguments. All submittals of arguments shall be made to the City Clerk in a timely manner.

7. Council Preparation of Arguments in Support of Measure.

Pursuant to Elections Code section 9282(b), the City Council is hereby authorized to prepare the written argument in favor of the proposed measure, not to exceed three hundred (300) words. The argument may be signed by such members of the City Council that wish to do so.

8. Impartial Analysis by City Attorney.

Pursuant to Elections Code section 9280, the City Clerk is directed to transmit a certified copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed five hundred (500) words in length, outlining the effect and operation of the measure, and transmit that impartial analysis to the City Clerk and Elections Department on or before August 25, 2014.

9. Implementation.

The City Administrator and City Clerk are authorized and directed on behalf of the City to take all actions necessary to place the measure on the ballot and to cause the ordinance or measure to be printed, including but not limited to executing documents and appropriating necessary funds to pay the City's costs of placing the measure on the ballot. The City will reimburse Monterey County for the actual cost incurred in conducting the election upon receipt of a bill detailing those costs. The City Clerk is directed to file certified copies of this Resolution with the Board of Supervisors, the County Clerk and the Registrar of Voters, together with the attached ballot measure.

5. That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

PASSED AND ADOPTED by the City Council of the City of Sand City on this ____ day of August, 2014, by the following vote:

AYES:

NOES:

ABSTENT:

ABSTAIN:

APPROVED:

David Pendergrass, Mayor

ATTEST:

Linda Scholink, City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAND CITY TO REPLACE THE EXISTING GENERAL PURPOSE TRANSACTIONS AND USE TAX AT A RATE OF ONE-HALF OF ONE PERCENT WITH A GENERAL PURPOSE TRANSACTION AND USE TAX AT A RATE OF ONE PERCENT TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAND CITY:

SECTION 1. FINDINGS.

A. On November 2, 2004 the voters of the City of Sand City adopted a General Purpose Transactions and Use Tax with a rate of one-half of one percent.

B. The depressed economic times as well as passage of legislation by the State of California dissolving all Redevelopment Agencies, including the Sand City Redevelopment Agency has resulted in a decline in revenues available for use in the City and a crucial immediate need for revenue, jeopardizing the community's essential services.

C. Without additional revenue the City cannot maintain the quality of local services that have gradually been deteriorating due to insufficient revenue.

D. All funds from a local transactions and use tax must stay in the City of Sand City and cannot be taken by the State.

E. This General Purpose Transactions and Use Tax is a general tax and must be approved by at least a simple majority of affirmative votes of the qualified voters of Sand City at an election to be held on November 4, 2014 to become effective.

SECTION 2. AMENDMENT OF SAND CITY MUNICIPAL CODE. "Chapter 3.36 General Purpose Transactions and Use Tax" of the Sand City Municipal Code is hereby amended to read in its entirety as follows:

Section 3.36.010 Title. This ordinance shall be known as the City of Sand City General Purpose Transactions and Use Tax Ordinance. The City of Sand City hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

Section 3.36.020 Operative Date. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the effective date, being the date this ordinance is approved by the voters as set forth below. The operative date is anticipated to be April 1, 2015.

Section 3.36.030 Purpose. This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

Section 3.36.040 Contract with State. Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 3.36.050 Transactions Tax Rate. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of 1% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

Section 3.36.060 Place of Sale. For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax,

regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

Section 3.36.070 Use Tax Rate. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of 1% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

Section 3.05.080 Adoption of Provisions of State Law. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

Section 3.05.090 Limitations on Adoption of State Law and Collections of Use Taxes. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefore. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

Section 3.36.100 Permit not Required. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

Section 3.36.110 Exemptions and Exclusions.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Section 3.36.120 Amendments. All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

Section 3.36.130 Enjoining Collection Prohibited. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Section 3.36.140 Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 3.36.150 Effective Date. This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately upon approval by the voters.

SECTION 3. REPEAL OF EXISTING GENERAL PURPOSE TRANSACTIONS AND USE TAX. The existing one-half cent General Purpose Transaction and Use Tax will not be repealed by this Ordinance unless this Ordinance is approved by a simple majority of the affirmative votes of the qualified voters of Sand City at the election to be held on November 4, 2014. If this Ordinance is approved by a simple majority of the affirmative votes of the qualified voters of Sand City at the election to be held November 4, 2014, the existing one-half cent General Purpose Transaction and Use Tax will be repealed effective on the Operative Date set forth in SECTION 2 (Section 3.36.020) of this Ordinance.

SECTION 4. CEQA DETERMINATION. This General Purpose Transactions and Use Tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose, the revenues from which are not committed to any particular action. As such, under CEQA Guidelines 153789(b)(4) the tax is not a project within the meaning of CEQA because it creates a governmental funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have such effect, the City would undertake the required CEQA review for that particular project. Therefore, under CEQA Guidelines 15060, review of this ordinance under CEQA is not required.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Sand City held on this 5th day of August, 2014 by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

APPROVED:

David Pendergrass, Mayor

ATTEST:

Linda Scholink, City Clerk

APPROVED by the following vote of the people on November 4, 2014:

Yes: _____ No: _____

Linda Scholink, City Clerk

AGENDA ITEM

10B

MONTEREY COUNTY



EQUAL OPPORTUNITY OFFICE

IRMA RAMIREZ-BOUGH
EQUAL OPPORTUNITY OFFICER

168 WEST ALISAL STREET, THIRD FLOOR • SALINAS, CA 93901
(831) 755-5117 • FAX: (831) 759-8070

July 22, 2014

Honorable David K. Pendergrass, Mayor
City of Sand City
1 Sylvan Park
Sand City, CA 93955

RECEIVED

JUL 23 2014

CITY OF SAND CITY

RE: REPRESENTATION ON THE COMMISSION ON DISABILITIES

Dear Honorable Mayor:

I would like to take this opportunity to inform you that your representative Kelly Morgan, who was appointed by the Board of Supervisors on March 25, 2014, has not attended any of the meetings since his appointment. Pursuant to Article III. (7.) (c.); Article V. (1)(b.) and (c.); Article VI. (1), these absences are in violation of the Bylaws (copy of Bylaws enclosed).

Please let us know if you wish to continue to have Mr. Kelly serve as your representative or do you wish to replace him. The individual chosen should be interested in equal employment opportunity issues relating to Monterey County government and people with disabilities; and be available to attend the meetings. The Commission meets on the last Monday of every other month in Salinas, from 2:00 – 4:00 p.m.

To appoint a new representative, please send a letter to our Office indicating the name of your representative and a mailing address and daytime telephone number. We will forward your nominee to the Board for their approval. X

If you have any questions, please do not hesitate to contact me.

Sincerely,

Irma Ramirez-Bough
Equal Opportunity Officer

Encl. Bylaws
cc: Kelly Morgan

MONTEREY COUNTY

COMMISSION ON DISABILITIES

168 WEST ALISAL STREET, THIRD FLOOR • SALINAS, CA 93901 • (831) 755-5117

RECEIVED

JUL 22 2014



CITY OF SAND CITY

MONTEREY COUNTY COMMISSION ON DISABILITIES

Monday, July 28, 2014

2:00 – 4:00 PM

AGENDA

THE MONTEREY COUNTY COMMISSION ON DISABILITIES welcomes and encourages all interested persons to attend and participate in the discussion. Meetings are held on the last Monday of every other month at 2:00 p.m. in the Monterey County Administration Building, 168 West Alisal Street, Monterey Conference Room, 2nd Floor, Salinas, CA 93901. All meetings are conducted in compliance with the Ralph M. Brown Act, Government Code §54950, et seq.

ANY PERSON WISHING TO ADDRESS THE COMMISSION on Agenda or Non-agenda topics may do so at the appropriate time after receiving recognition from the Chairperson. Persons doing so should state their name and address or organization/ agency, prior to making their comments or asking questions. Persons speaking on Non-agenda topics should do so only during the section of the Agenda reserved for "Public Comments and Petitions." Persons wishing to comment on an Agenda topic should do so when that topic has been reached on the Agenda. Comments should be brief and limited to the subject matter. Reasonable time limitations may be imposed at the discretion of the Chairperson. An emergency item (as defined by the Brown Act) may be added to the agenda only by vote of the Commission.

DISABILITY ACCESS The Monterey Conference Room, 2nd Floor is wheelchair accessible. The following services are available when requests are made by Wednesday before the Commission meeting: American Sign Language interpreters or use of a reader during a meeting; large print agenda or minutes in alternative format; assistive listening devices. Please contact the Equal Opportunity Office (831) 755-5117, if you need assistance in order to participate in a public meeting or if you need the agenda and public documents modified as required by Section 202 of the Americans with Disabilities Act.

-
- | | | |
|-----|---|-----------|
| I. | <u>ROLL CALL AND GREETING OF VISITORS</u> | 5 minutes |
| II. | <u>PUBLIC COMMENTS</u> | 5 minutes |

- III. APPROVAL OF MINUTES 5 minutes
Minutes of June 30, 2014
- IV. PRESENTATION ON DEAF & HARD OF HEARING SERVICE CENTER – COMMISSIONER WAYNE JOHNSON 15 minutes
- V. DISCUSS AND RE-VISIT GOALS – COMMISSIONER LAUERMAN 10 minutes
- VI. IN-HOME SUPPORT SERVICES (IHSS) REPORT – COMMISSIONER HICKS 10 minutes
- VII. OUTREACH COMMITTEE REPORT – COMMISSIONER LAUERMAN 5 minutes
- VIII. ACTION ITEM: SOLICIT AND APPOINT VOLUNTEERS TO SERVE ON THE OPERATIONAL AREA COORDINATING COUNCIL (OACC) – CHAIR HENRY BERGSTRESSER 10 minutes
- IX. FORT ORD COUNCIL REPORT COMMISSIONER BENNETT 5 minutes
- X. FUTURE AGENDA ITEMS 5 minutes
Outreach to CSUMB
Discuss membership participation on the Commission
- XI. ANNOUNCEMENT AND EVENTS 5 minutes
- XII. ADJOURNMENT

MONTEREY COUNTY COMMISSION ON DISABILITIES

June 30, 2014

2:00 p.m. – 4:00 p.m.

Monterey County Administration Building
Monterey Room (2092), Second Floor
168 W. Alisal Street, Salinas CA 93901

I. ROLL CALL AND GREETING OF VISITORS

Chair Henry Bergstresser called the meeting to order at 2:05 p.m. and thanked the Commissioners for being present.

Commissioners Present – Henry Bergstresser, Stella Lauerman, Lilia Chagolla, Mario Salazar, Gary Edwards, Alma Almanza, James Collins, Wayne Johnson and Michael Bennett.

Commissioners Not Present – Gabriel Camacho, George Molano, Kelly Morgan, James Bogan, and Tom Hicks.

Guest and Staff Present – Administrative Secretary-Confidential Elisa Cantu, Equal Opportunity Analyst Michelle Gomez and Deputy County Counsel William Litt.

II. PUBLIC COMMENTS

None

III. APPROVAL OF MINUTES

Commissioner Edwards made a motion to approve the minutes of March 31, 2014 seconded by Commissioner Collins; motion carried.

IV. OVERVIEW OF THE BYLAWS - ARTICLE III. (7.)(c.); ARTICLE V.(1.)(b.) and (c.); ARTICLE VI.(1.)

Deputy County Counsel thanked the Commissioners for being present and went over the above-entitled Articles pertaining to the attendance of the Commissioners. He reminded the Commissioners to notify staff, in advance, if they are not attending, so Staff can determine a quorum.

Commissioners comments were that:

- Commissioners who are in violation of the Bylaws should be removed as it makes it harder to obtain a quorum
- Staff should write to those commissioners, who have not attended, with an update to the full Commission
- That Staff call and find out why they have not attended the meetings and whether they wish to remain on the Commission
- They also suggested that Supervisor Armenta be notified that his representative has not attended the meetings

V. ACTION ITEM: DISCUSS APPOINTING COMMISSIONERS TO THE COMPLIANCE REVIEW OF THE COUNTY'S ADA TRANSITION PLAN COMMITTEE AND APPOINT MEMBERS

The Commissioners had questions regarding their duties and responsibilities, if appointed to the Committee. Commissioner Salazar stated they would be reviewing the ADA Transition Plan, which is a very voluminous document. The Committee would review the document and make recommendations. Commissioner Salazar stated this is an ongoing document that is constantly being reviewed by Public Works staff and others. Commissioner Salazar stated that those working on the Transition Plan can attend the Committee meetings as speakers. Commissioner Johnson, Commissioner Almanza and Commissioner Collins volunteered to be on this Committee. Deputy County Counsel Bill Litt advised them that the Standing Committees have to abide by the Brown Act, they are to inform Staff when they wish to meet and Staff will take care of the location and agenda. Deputy County Counsel Bill Litt also advised that the Committee should consist solely of Commission members, so as not to get in problems with the Brown Act. Commissioner Chagolla made a motion to approve Commissioner Johnson, Commissioner Almanza and Commissioner Collins to the ADA Transition Plan Committee, Commissioner Lauerman seconded; motion carried.

VI. REPORT FROM COMMISSIONER BENNETT

Commissioner Bennett reported that East Garrison residential area is ADA compliant. Though that the veterans cemetery is not; but he will be checking on that. He also reported that there are building a new health clinic, movie theater and apartments. He will be going back to inspect to make sure they are in compliance; and will keep the Commission informed. Commissioner Almanza stated that if the property belongs to the City, the City should be informed that it is not ADA compliant. Commissioner Bennett will certainly keep checking and will notify the City.

VII. ACTION ITEM: SOLICIT AND APPOINT VOLUNTEERS TO SERVE ON THE OPERATIONAL AREA COORDINATING COUNCIL (OACC) CHAIR BERGSTRESSER

Commissioner Chagolla stated she was on the OACC and that the Committee meets quarterly. Unfortunately, she has other commitments and does not have the time to continue with the OACC. This item will be agendaized due to the fact that there were no volunteers.

- ❖ Several Commissioners stated that it appears that the same Commissioners who are already on other committees are the only ones who volunteered. Commissioner Almanza pointed out to the Chair, that he has the authority to make appointments.

VIII. ACTION ITEM: SOLICIT AND APPOINT VOLUNTEERS TO THE OUTREACH COMMITTEE – CHAIR BERGSTRESSER

The following Commissioners volunteered to be on the Outreach Committee Commissioner Lauerman, Commissioner Almanza and Commissioner Bennett. Commissioner Collins made a motion to approve the said Commissioners; seconded by Commissioner Edwards; motion carried.

X. AGENDA ITEMS FOR FUTURE MEETINGS

- Discuss website – Outreach Committee
- Report from Commissioner Hicks on IHSS
- Volunteers to serve on the Operational Area Coordinating Council (OACC)
- Revisit Goals
- Commissioner Collins and Lauerman to invite speaker

XI. ANNOUNCEMENT AND EVENTS

Commissioner Chagolla stated there is still time to apply for insurance; remind those who have not enrolled that they can still enroll in Medical.

XII. ADJOURNMENT

Meeting was adjourned at 3:05 p.m.

MONTEREY COUNTY COMMISSION ON DISABILITIES

GOALS FOR 2013-15

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Goal 1: **ADA Transition Plan Update**

- Implementation and monitoring of the **CITY OF SAND CITY** ADA Transition Plan Update
- Recommendations to the Board of Supervisors

Goal 2: **Recognize Agencies, Programs and Individuals**

- Nominations to be provided to Staff
- Provide recognition and make recommendations annually

Goal 3: **Identify Organizations to Collaborate to develop Strategies to Improve Access to all Individuals with Disabilities**

- Develop guiding principles
- Invite organizations to present to the Commission

Goal 4: **Outreach to increase public awareness and invite public comment**

- Outreach to radio stations, and develop public service announcements
- Close captioning for Board of Supervisors meeting
- Broadcast Commission meetings on the public access channel and ensure it is closed captioned
- Brochure to be updated

- Update Commission's website, to include a photo of the members of the Commission, with a brief description of their agencies and the link to their respective website

Goal 5: Training

- Sensitivity Training to all Commissioners
- AB 1234 Ethics training (required for all Commissioners)
- Disabilities training

CURRENT BOARD APPOINTMENTS

Mayor Pendergrass

AMBAG - Board
FORA - Board
LOCC- Legislative Liaison Team
MRWPCA - Board
MRWMD - Board
MPWMD - Board
MPWMD Policy Adviosry Committee
MPRWA JPA - Board
WaterMaster - Board
Coastal Committee
Housing Subcommittee
HCP/Habitat Issues
MST - Board
Regional Taxi Authority - Board
Seaside County Sanitation District - Board

Vice Mayor Carbone

AMBAG - Board Alternate
Community Human Services - Board Chair
FORA - Board Alternate
MRWPCA - Board Alternate
MPRWA JPA - Board Alternate
Personnel & Budget Committee
Parks & Open Space

Jerry Blackwelder

Personnel & Budget Committee
Coastal Committee
Public Safety Committee

Craig Hubler

Seaside County Sanitation District - Board Alternate
City Hall Remodel
Housing Subcommittee
Sand City Arts Committee-Board Chair

Todd Kruper

Ambag - (RAC) Regional Advisory Committee
Monterey County Convention and Visitors Bureau
MoCO Integrated Waste Management (Task Force)
MST - Board Alternate
National Monument Committee

Todd Kruper (continued)

Regional Taxi Authority - Board Alternate

MPWMD Ord. 152 Oversight Panel

City Hall Remodel

Parks & Open Space

Public Safety

HCP/Habitat Issues

Design Review Committee

City Parking Study

West End Oversight Committee

AGENDA ITEM

10D

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July 29, 2014



CHAMBER CONNECTION

A weekly e-publication of the Monterey Peninsula Chamber of Commerce

IN THIS ISSUE:

- [Chamber Takes a Stand](#)
- [Upcoming Events...](#)
- [Natural Foundations Body By Laser Ribbon Cutting](#)
- [New and Prospective Member Orientation](#)
- [Vestus Group Ribbon Cutting](#)
- [In Other News...](#)
- [Business Excellence Awards Winners](#)
- [In Other News...](#)
- [Monterey Museum of Art](#)
- [Welcome New Members...](#)
- [California Business Education Association](#)
- [Carmel Mission Classic](#)

CHAMBER QUICK LINKS

- [ChamberLink](#)
- [Chamber Events](#)
- [Chamber News](#)
- [Chamber Photos](#)
- [About the Chamber](#)

MONTHLY CHAMBER COMMITTEE MEETINGS

Education

2nd Monday: 3:30pm

Membership

2nd Tuesday: 9:00am

Government Affairs

2nd Wednesday: 3:30pm

Finance

2nd Friday: 9:00am



Chamber Takes a Stand

The MPCC Board endorses John Phillips in the 2nd District Supervisor's race for Monterey County.

[Click here to read more](#)

UPCOMING EVENTS...

TONIGHT

Natural Foundations Body By Laser Ribbon Cutting

Date: Tuesday, July 29

Time: 5:00 to 6:30pm

Cost: Complimentary

Location: 1010 Cass Street, Suite D3, Monterey



Join Natural Foundations Body by Laser to celebrate their Grand Opening. Tour the new Monterey facility while you learn all about their breakthrough technology with a holistic approach to health and nutrition. Mingle with fellow members of the community, enjoy refreshments and enter the business card raffle for a chance to win wine baskets or an iPad!

[Click here to read more](#)

New And Prospective Member Orientation

Date: Thursday, August 7

Time: 5:00 to 6:30pm

Cost: Complimentary

Location: Hotel Abrego, 755 Abrego Street, Monterey

The Monterey Peninsula Chamber of Commerce Board of Directors invites you to join them for a new, current and



Ambassador
3rd Friday: 8:00am

Special Events
Varies per Event

Meetings are subject to change. If you're interested in joining a committee, please contact the Chamber office at 831-648-5350 to confirm time and location.

[Click here to learn more](#)

SAVE THE DATE

TONIGHT

Tuesday, July 29
Natural Foundation Body By
Laser Ribbon Cutting
5:00 to 6:30pm

Thursday, August 7
New Member Orientation
5:00 to 6:30pm

Tuesday, August 12
Vestus Group Ribbon
Cutting
5:00 to 6:30pm

Thursday, August 14
Monterey County Fair &
Event Center Mixer
5:00 to 7:00pm

Tuesday, August 19
CCHRA Ribbon Cutting
5:00 to 6:30pm

Wednesday, August 20
Brown Bag Seminar
12:30 to 1:30pm

Wednesday, August 20
Hospice Foundation Ribbon
Cutting
5:00 to 6:30pm

Tuesday, September 2
InterContinental The
Clement Monterey Mixer
5:00 to 7:00pm

Tuesday, September 9
L+G, LLP Attorneys at Law
Ribbon Cutting
5:00 to 6:30pm

prospective member orientation, followed by a no-host gathering at 6:30pm. Connect with the MPCC Board, network with other new members, get exposure, and have fun.

[Click here to read more](#)

Vestus Group Ribbon Cutting

Date: Tuesday, August 12
Time: 5:00 to 6:30pm
Cost: Complimentary
Location: 2600 Garden Rd., Suite 410, Monterey

Vestus Group, one of the fastest growing companies in Monterey County, recently opened its new office in Monterey. Vestus Group Partners Mark Williams and Bryce Hamilton invite you to attend their ribbon cutting. Enjoy small bites from Wild Thyme Deli, local wines and enter the business card raffle for a basket of Monterey County Wines and Coffee. Stop by, take a tour and meet the team!



[Click here to read more](#)

CHAMBER NEWS...



CONGRATULATIONS TO THE 2014 BUSINESS EXCELLENCE AWARDS WINNERS

Accommodations & Visitor Services
Portola Hotel & Spa

Advertising, Marketing & Media Services
Monterey County Weekly

Art, Attractions, Entertainment, Event Services & Recreation
Monterey Jazz Festival

Business Associations
Monterey County Convention & Visitors Bureau

Construction & Building Services
Scudder Roofing Company

Education & Training
Monterey Peninsula College

Financial & Insurance Services
Monterey Credit Union

Thursday, September 11
Real Time Realty Ribbon
Cutting
5:00 to 6:30pm

Friday, September 26
Leadership Luncheon

Thursday, October 30
20th Annual Monterey Bay
Business Expo

Food & Beverage
Tarpy's Roadhouse

Government, Public Utilities & Transportation
Monterey Public Library

Healthcare, Wellness & Senior Services
Community Hospital of the Monterey Peninsula

Nonprofits, Clubs and Organizations
Rancho Cielo Youth Campus

Professional Services
Fenton & Keller, A Professional Corporation

Real Estate & Property Management
Cannery Row Company

Retail, Wholesale, Distributors & Manufacturers
The Wharf Marketplace

Services to Businesses
Monterey Bay Systems

Services to Residents
Cardinale Moving & Storage

IN OTHER NEWS...

Monterey Museum of Art celebrates
Monterey Auto Week with Photographs by
Michael Furman and Automotive Jewelry

Dates: Thursday, August 7 to
Monday, August 18
Location: 720 Via Mirada, Monterey



The Monterey Museum of Art at MMA-La Mirada presents a pop-up exhibition in the Drawing Room Gallery, *The Spirit of Motion-Photographs by Michael Furman and Automotive Jewelry*.

[Click here to read more](#)

WELCOME NEW MEMBERS...

CALIFORNIA BUSINESS EDUCATION ASSOCIATION

Walnut Creek, CA 94595
(925)295-1104
www.cbeaonline.org

The California Business Education Association, Inc. (CBEA) represents professionals involved in education for and about business, marketing, and related information technologies at all levels of education in public and private institutions.



The prime mission of CBEA is to recognize, encourage, and promote excellence in business disciplines. Also, it is to collaborate with other disciplines and other groups dedicated to this mission.

[Click here to read more](#)

CARMEL MISSION CLASSIC

Carmel, CA 93923

831-625-3444

www.carmelmissionclassic.org



A one of a kind event...combining the passion for fine automobiles and motorcycles with faith and the palate. Enjoy wine tasting by several of Monterey County's finest vineyards. Your spectator entrance fee of \$30 also includes complimentary wine glass, wine tasting and tours of Carmel Mission and Museums. One of our featured cars is Steve McQueen's 1957 Jaguar XKSS on loan from the Petersen Automotive Museum. Mark your calendars for Wednesday, August 13, 10:00am to 4:00pm.

[Click here to read more](#)

CONTACT US

The Monterey Peninsula Chamber of Commerce

30 Ragsdale Drive, Suite 200 | Monterey, CA 93940 | 831.648.5350

www.monterevchamber.com | info@monterevchamber.com



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Try it FREE today.

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