

**SPECIAL MEETING**

**SAND CITY COUNCIL**

**AND**

**SUCCESSOR AGENCY OF THE FORMER  
REDEVELOPMENT AGENCY**

**AGENDA**

**SAND CITY COUNCIL CHAMBERS**

**TUESDAY, SEPTEMBER 24, 2019**

**5:30 P.M.**

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

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SPECIAL Meeting – September 24, 2019

5:30 P.M.

CITY COUNCIL CHAMBERS

Sand City Hall, 1 Pendergrass Way, Sand City, CA 93955

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1. **INVOCATION**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ANNOUNCEMENTS BY MAYOR AND CITY STAFF**
5. **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.

6. **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 August 20, 2019 Sand City Council Meeting Minutes
- B. Approval of September 3, 2019 Sand City Council Meeting Minutes
- C. Acceptance of 2019 League of California Cities Annual Conference Resolutions Packet
- D. Acceptance of Greenwaste Recovery Waste Diversion Report for the 2019 West End Event
- E. Approval of City RESOLUTION Recognizing the Alzheimer's Association and the Walk to End Alzheimer's
- F. Approval of City Donation/ Contribution

- 1) Monterey County Sheriffs SEAT Team - \$500
- 2) Alzheimer's Association Walk to End Alzheimer's - \$500

**7. CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR**

**8. PRESENTATION**

- A. Presentation by Police Chief Brian Ferrante on the Community Emergency Response Team C.E.R.T. Program {10 minutes}

**9. PUBLIC HEARING**

- A. SECOND READING: Ordinance Amending Title 15 of the Sand City Municipal Code to Adopt the 2019 California Building Code and Appendices H, I, J; the 2019 California Historical Building Code; the 2019 California Existing Building Code; the 2019 California Residential Code; the 2019 California Plumbing Code, the 2019 California Electrical Code, the 2019 Mechanical Code; the 2019 California Green Building Standards Code; the 2019 California Fire Code; and the 2018 International Property Maintenance Code and Deleting Municipal Code Section 15.08.030 and Chapter 15.09
- B. Consideration of City RESOLUTION Approving Coastal Development Permit 19-04 for Marianne Parise Authorizing a 1-ON-1 Beauty Salon at 1807-B Contra Costa Street

**10. NEW BUSINESS**

- A. Consideration of City RESOLUTION Authorizing the Acting City Manager to Enter into an Agreement with 4-Leaf, Inc. to provide Plan Check and Inspection Services to the City of Sand City for the South of Tioga Project
- B. Comments by Council Members on Meetings and Items of interest to Sand City
- C. Upcoming Meetings/Events

**11. CLOSED SESSION**

- A. City Council/Successor Agency Board to adjourn to Closed Session regarding:
  - 1) Conference with labor negotiator regarding public employment pursuant to Government Code Section 54957.6(a).  
Position: City Manager  
Agency Negotiator: City Attorney
- 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

**12. ADJOURNMENT**

Next Scheduled Council Meeting:  
Tuesday, October 1, 2019  
4:00 P.M.  
Sand City Council Chambers  
1 Pendergrass Way, 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](http://www.sandcity.org)

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 220, or give your written request to the City Clerk at 1 Pendergrass Way, 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**

**6A**

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

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Regular Meeting – August 20, 2019  
5:30 P.M.  
CITY COUNCIL CHAMBERS

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Mayor Carbone opened the meeting at 5:30 p.m.

The invocation was led by Reverend Robert Hellam.

The Pledge of Allegiance was led by Police Chief Brian Ferrante.

Present: Mayor Mary Ann Carbone  
Vice Mayor Blackwelder  
Council Member Hawthorne  
Council Member Sofer  
Council Member Cruz

Staff: Linda Scholink, Acting City Manager  
Vibeke Norgaard, City Attorney  
Brian Ferrante, Police Chief  
Charles Pooler, City Planner  
Connie Horca, Deputy City Clerk

**AGENDA ITEM 4, ANNOUNCEMENTS BY MAYOR AND CITY MANAGER**

The Mayor announced the upcoming West End Festival that will be held this coming weekend.

Acting City Manager Scholink commented that there are no handouts for tonight's meeting.

**AGENDA ITEM 5, COMMUNICATIONS**

5:32 P.M. Floor opened for Public Comment.

There were no comments from the Public.

5:32 P.M. Floor closed to Public Comment.

**AGENDA ITEM 6, CONSENT CALENDAR**

A. There was no discussion of the June 18, 2019 Sand City Council Meeting Minutes.

- B. There was no discussion of the June 20, 2019 Sand City Study Session Meeting Minutes.
- C. There was no discussion of the August 6, 2019 Sand City Council Meeting Minutes.
- D. There was no discussion of the City **Resolution** honoring Jacobs Heart Children's Cancer Support Services and Declaring September 2019 as Childhood Cancer Awareness Month
- E. There was no discussion of the City **Resolution** in Support for and Declaring October 2, 2019 as Clean Air Day in Sand City.
- F. There was no discussion of the City **Resolution** authorizing the Acting City Manager to Execute an Agreement with Patricio Raul Padilla for Monthly Cleaning Services for the City of Sand City Hall Facility at a cost not to exceed \$250 per month from July 1, 2019 through June 30, 2020.
- G. There was no discussion of the City **Resolution** recognizing *ITN Monterey* in Celebration of 50,000 Rides Delivered in Monterey County.

Motion to approve the Consent Calendar items was made by Council Member Blackwelder, seconded by Council Member Hawthorne. AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

#### **AGENDA ITEM 7, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR**

There were no items pulled from the Consent Calendar.

#### **AGENDA ITEM 8, PRESENTATION**

- A. Presentation by Alex Dami External Director of External Affairs on Jacob's Heart Children's Support Services**

The Mayor announced that this item will be continued due to the absence of a representative from Jacob's Heart.

- B. Presentation and Update by Steve Vagnini on Status of the 2019 West End Celebration {10 minutes}**

West End Event Coordinator Steve Vagnini reported on the status of the 2019 West End Celebration that will begin with Friday night's kick-off party concert at Carmel Stone Imports featuring the Medfly's band. This will be the 8<sup>th</sup> year that Carmel Stone Imports has hosted a fund-raising concert. The West End Celebration begins on Saturday with 125 vendors, 25 non-profit organizations, and 30 food vendors. The event has looked at several

ways to cut expenses while maintaining the quality of the event. On Saturday, Michael Nesmith and the First National Band will present a concert with several people from around the world coming to see him perform. The City will be presenting him a resolution along with Bill Monning from the State Senate. More businesses within the City will be participating in the event, and a stage at the end of Ortiz will be set up that is as large as the Independent stage. This year, a raffle will be held for a signed guitar by Steven Stills and tickets are still available for those interested in participating in the raffle. MST will once again provide transportation to and from the event, the same as last year.

Due to the Gilroy Garlic Festival incident, the issues of security have been addressed with additional police officers and security personnel to be present during the event. Concrete blocks will be placed around the perimeter of the streets where the event will take place for added security.

Along with the variety of artists and vendors, there will also be leather makers, glass and a variety of jewelers. This year a water station will also be added where people can sit and enjoy their drinks to help reduce the carbon footprint of having plastic water bottles. There will be people from out of state attending the event and continues to involve the residents and businesses in the community.

The Mayor thanked Mr. Vagnini for the update and looks forward to the West End Celebration.

## **AGENDA ITEM 9, PUBLIC HEARING**

*{Council Members Blackwelder and Sofer 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 Coastal Development Permit 19-02 Authorizing an Indoor Climbing and Fitness Facility with Accessory Office and Retail for "The Pad Climbing" Operation at 325 Elder Avenue**

City Planner Pooler presented an application submitted by Yishai Horowitz of "The Pad Climbing" to establish a rock climbing facility at 325 Elder Avenue. This use permit was continued from June due to the primary issue in regards to off-street parking. The consensus from the meeting was for the Applicant and Property owner to find a solution for the parking and to present a parking plan for public review. On July 23<sup>rd</sup> the Property manager provided staff with a parking study prepared by traffic engineer Keith Higgins that reviewed on-site parking, leased off-street parking sites within approximately 200 feet, and on-street available parking within both 300 and 500 feet of the subject property. The parking study concluded that for 400 patrons the use will have an initial parking demand of 28 spaces, and as membership grows would increase to 46 spaces for 1,000 customers. Camp Transformation was issued a use permit in 2018 to



occupy the smaller adjacent unit and were required to provide a minimum of 33 parking spaces. They were able to secure co-use of the 34 re-stripped on-site parking spaces of the Subject Property in conjunction with the previous Monterey Bay Restaurant Equipment. The on-site parking reasonably accommodates Camp Transformation with some street parking during evening peak hours. Whether or not there is parking available on-site with Camp Transformation's parking demand, there is not sufficient available on-site parking to accommodate the Applicant's use in conjunction with Camp Transformation based on the data of the Parking Study.

The City's Municipal Code does not have a parking requirement for recreational or gym type land use, and the City has used a 1/450 parking ration requirement for other exercises/gymnastic businesses within the City. For the Camp Transformation use, the final permit requirement did not utilize the ratio and based on staff's observations and the submitted parking study, Camp Transformations operation does utilize more than the 1/450 specified 13 parking spaced of the on-site parking lot. Therefore, calculating parking requirements using the ration for both Camp Transformation and the Applicant's use at the Subject Property would not address actual parking demand or mitigate excessive on-street parking.

Mr. Pooler cited Sand City Municipal Code 18.64.020 and summarized that while the zoning code does not specify a parking requirement for the requested use, the Applicant's own parking study shows that there is insufficient on-site parking based on their estimated demands. The Applicants Parking Study concluded that almost half of the gym's peak parking demand (22 out of 46) would have to use street parking.

Mr. Pooler addressed Staff's concerns regarding sufficient off-street parking for the Applicant's Use in regards to the anticipated weekday hours of 5:00 p.m. to 8:00 p.m. in conjunction with Camp Transformations' hours of operation. The Parking Study determined that there is sufficient on-street parking available within 300 feet of the Subject Property in conjunction with sixteen (16) leased parking spaces on neighboring properties. If the 16 leased off-street and off-site parking spaces cannot be secured for the life of the Applicant's use, then staff is unable to support the consideration of 16 spaces to meet the parking demand. There is also the issue of what would happen if one or both leases were terminated. The Parking Study identifies that (9) out of (22) street parking spaces for the Applicant's peak hour demand would be accommodated along the Subject Property; however some of those spaces are currently being used by Camp Transformation. The Parking Study's parking plan relies on utilizing 22 on-street parking spaces to accommodate 47.8% of the Parking Study's determined forty-six long-term peak parking spaces demand instead of addressing and/or providing the majority of the Applicant's peak-hour parking demand off of the street.

In conclusion Staff finds it difficult to support the Applicant's Use based on

the concerns regarding the parking study until additional off-street parking is provided, secured, and guaranteed for the duration of the permit. The Council has three options which are to deny the application based on the finding that the scope and scale of the Applicant's Use exceeds the subject property's demand; approve the Permit as presented or with additional modifications; or continue the public hearing if the Council deems it necessary for further staff research/analysis and information. If the Council wishes to approve, Staff recommends continuing the public hearing to September 3<sup>rd</sup> so Staff can update the Draft permit based on tonight's discussion.

6:00 P.M. Floor opened for Public Comment.

Property owner Bill Grimm presented a Powerpoint regarding results of the Parking Study that was conducted by Mr. Higgins. The Parking Study is the result of what the Council requested at the June meeting for the hours of 5:00 – 8:00 p.m. and presents logical and factual data of the study. The study was conducted over a 7 day period for a 300' and 500' area from the property. Focusing on the 500' data, it depicts that that 104 parking spaces are available. It would be conducive for the City to create lines so that more curbside parking is available and not to leave 5' gaps in between cars. He presented a report on how far 'parkers' actually walk to a place they want to be at, which indicated that they would walk 800' and as far as 1200'. The study shows that there is major available parking after 5:00 p.m. as employees vacate the premises. He also presented that the data for total demand during peak hours is 72 spaces. Fifty nine (59) parking spaces are needed for 500'. Mr. Grimm pointed out what the Garza project would require along the street also. The City can also consider a revenue source by charging in lieu parking fees. He would like the Council to approve the project with no contingencies, as it will be a million dollar project and hopes that all concerns have been addressed.

Sand City resident Brian Clark commented that he conducted extensive research for parking for gyms and no other municipalities have a 1/450<sup>th</sup> ratio is and there is no parallel comparison to other similar uses. He does not approve of the roof line going higher as he will have less sunlight.

Mr. Grimm addressed issues regarding the estimated membership of approximately no more than 1,000.

The Mayor added for the record, that the reference on the Powerpoint table is based on the estimated membership of 1,000.

Kristin Horowitz, Chief Operating Officer of the 'Pad Climbing' gym commented that if they cannot get people to be at the gym then they have failed. There were problems at their San Luis Obispo location that also had parking issues. The 'Pad Climbing' venture is interested in bringing something to the City and to not create problems for the adjacent businesses. The gym looks to the future and would like the Council to

consider that.

Police Chief Ferrante addressed the parking issues at the request of Council member Cruz and mentioned that citations would be issued for those individuals who are in violation and not parking properly.

Mr. Grimm pointed out the number of parking spaces on Catalina, Shasta, and Ortiz that would create the possibility for in lieu fees.

Mr. Clark remarked that the residents living in Sand City will be sitting in traffic to support new businesses, our carbon footprint and quality of life is consistently going down. There is no parking infrastructure and this would create twice as much traffic. The Council should not support this use.

Mr. Grimm rebutted that the property has a 24 space parking lot, the hours being discussed are after 5:00 p.m. and there should be adequate parking.

Sand City resident Michael Bascou asked why the Council is looking at this application again when it was clear at the last meeting that there is not enough parking. The use will have 2 yoga studios. Tenants use curbside parking within the City, and additional noise will be created from people driving around the City looking for parking.

Property Owner Richard Garza commented that the study relies on street parking which is obviously insufficient. Who wants to walk 500' to get to a location. The City has a responsibility to stop this parking nightmare.

Sand City resident of 22 years, Deirdre Bascou reiterated that parking requirements have not been met. The applicants have underestimated the guests being served by the proposed yoga studios, rock climbers and weightlifters. She spoke to tenant parking at the mixed use facility, and VRBO's that add to the on-street parking as well as to the unfairness of considering this project in lieu of the parking needs for the Catalina Lofts residential project. The Peninsula needs housing. There is also the manipulation of the square footage for the purpose of calculating the parking needs which is in violation of the municipal code. She requested that the Council decline the applicant's points and consider a restaurant at the location.

Ms. Horowitz spoke to the difference of their business as opposed to the Bascou's business. They are a membership oriented business which does not provide parties and it does benefit the community.

Mr. Alex Hubbard representing the Melbourne Trust commented that there has been a lot of data amassed and this issue involves growing pains in the City. He addressed several points such as the lack of a parking garage. His clients have considered purchasing and leasing properties. Considering the study, there is ample parking to support the project

although street parking should not be considered as part of permit approval. He mentioned other business that have been approved that required parking, and the possibility of in lieu parking fees that would assist to offset future parking projects. Neighborhood residential permits can also be proposed to help mitigate parking issues and address Mr. Garza's concerns as well. He requested that Condition #9 of the permit be removed as it is difficult to obtain leases for off-site parking spaces in the City due to issues presented by Staff.

6:49 P.M. Floor closed to Public Comment.

The Mayor referred to page 72 of the packet stating the City Planners concerns regarding off-street parking, and page 74 outlines several options the Council may decide upon regarding the application. The Mayor read each option to the City Council and requested that they provide their comments regarding the applicant's permit.

Council Member Hawthorne commented that the issue revolves around the City's need for parking that will continue and not get any better. The City needs to have a parking plan. The City can't deny every applicant on the basis of insufficient parking. The City needs to have more parking and be able to offer citizens a place where they can go and do things. These things have to be considered as we grow and develop. Being an individual who is here on weekends, there is plenty of parking on weekends. A use like this is a positive thing and would help to fix up the current aesthetics of the building.

The Mayor commented on the parking and that there is still the need for 22 spaces per the parking study.

Council Member Cruz received an explanation from City Planner Pooler regarding the requirements of off-street parking as it relates to the zoning code. The code specifies how much each use would need specific to their use and the 1/450<sup>th</sup> ratio relates to recreational gym uses. That is why everything in the mixed use district is considered as a discretionary use.

Council Member Cruz commented that she conducted her own research and drove around the proposed location. Her primary concern was that the parking study did not present adequate parking. Can there be something done to mitigate and not add to the parking problem?

The Mayor requested clarification regarding Mr. Hubbard's request to strike Condition #9 of the conditional use permit. Mr. Grimm commented that they have 5 year leases and that the condition does not need to be in the permit.

City Attorney Norgaard added that the Council has the choice to expire the use permit when the parking leases expire.

Mr. Pooler remarked that it would be unfair to the applicant to place a timeline on their application as they would not be able to recuperate the costs associated with renovation of the building and operation of their business.

Council Member Hawthorne commented that the City needs investment and once a momentum gets going, it would be hard to stop.

Mr. Garza spoke to correcting the parking problem before approving additional uses. He had to accommodate his development plans to consider the parking issues. He sees a negative impact to his development if this use is approved. He would like to construct a project that is marketable and to not have parking issues. The City needs to address its municipal code and will delay his project until the parking is resolved.

The Mayor read and summarized the options presented in the Staff report which is to: either deny the application based on the findings, approve the Coastal Development Permit as presented or with additional modifications, or continue the public hearing if the Council deems it necessary for further staff review.

City Planner Pooler commented that if the Council approves the use permit that it also be continued to a future meeting so Staff can update the permit to reflect Council actions. Based on discussions tonight Condition #9 would need to be amended to reflect the parking spaces that will be required.

The City Attorney proposed that the Council consider and identify which sections of the permit need to be modified and direct staff how to modify those sections. Those modifications should be included in the amended use permit for approval.

The Mayor commented that it would not be wise to rely on off street parking for the use and that the lease should be longer than 5 years. Employee parking should be worked on with the property owner and that additional parking be secured prior to approval of the use permit.

There was discussion regarding the parking issues, a residential parking permit program, modifications that need to be made to the use permit, off street parking and the possible continuation of the conditional use permit, and/or whether to approve it. There was also further discussion regarding approval of the capital improvement program so that items such as a parking study can be conducted.

Mr. Grimm commented that the applicant did what the Council advised at a previous meeting and obtained a parking study. He further spoke to the off street parking as part of the study.

In response to Council Member Hawthorne's inquiry whether the applicant

can lease the Carroll Property for parking, City Attorney Norgaard remarked that the property would need to be constructed for the purpose of leasing. There are also ADA and site requirements to meet. Council Member Hawthorne suggested parking placards for clients and that employee parking be designated by the businesses they work at.

Chief Ferrante added that additional City parking can be created but the City is still two steps away in the approval process for grant funding. These funds are not guaranteed and the City only has enough funds to cover the plan drawings. Completion of this work is contained in the 5 year capital improvement program.

City Planner Pooler presented the question of whether the Council feels that the street parking is sufficient to accommodate this use in the numbers presented in the parking study or does the Council deem that it is not an appropriate parking plan and that the applicant needs to change the numbers in the parking study. Staff's recommendations were based on the numbers presented in the parking study submitted by the applicant.

Council Member Cruz commented that she is in favor of the business and to disregard or turn down the application because of street parking seems unreasonable. She would like that the applicant acquire leases for their parking needs.

The Mayor added that Condition #9 will be modified by Mr. Pooler with review by the City Attorney to address discussions regarding the parking needs and requirements.

There was discussion regarding what modifications will be needed to be incorporated in the use permit, the parking spaces available at the subject property, bringing back evidence of 5 year leases, additional parking that may need to be created by the City, and/or limiting the membership to 400 people.

The applicant indicated that they were not in favor of limiting their membership to 400.

Chief Ferrante proposed creating more parking spaces behind the building located at the dead end lot along Ortiz Avenue. This could become a one way street, and diagonal parking can be created with a one-way thorough way around the building at its current parking lot. The Council thanked the Chief for presenting the idea.

City Planner Pooler clarified that the actions taken would be to continue the public hearing to September 3, 2019 so that City Staff can present a revised Condition #9 of the draft coastal development permit. The draft to Condition #9 would require the 16 parking spaces leased for 5 years plus providing additional off-street parking. Staff will bring back conditions based on the 16 and 22 parking spaces.

Motion to continue the City **Resolution** approving Coastal Development Permit 19-02 authorizing an Indoor Climbing and Fitness Facility with Accessory Office and Retail for "The Pad Climbing" Operation at 325 Elder Avenue was made by Council Member Hawthorne, seconded by Council Member Cruz. AYES: Council Members, Cruz, Hawthorne. NOES: Council Member Carbone. ABSENT: None. ABSTAIN: Council Members Blackwelder, Sofer. Motion carried.

The Mayor announced a 5 minute break.

*{Council Members Blackwelder and Sofer returned to the dais}*

## **AGENDA ITEM 10, NEW BUSINESS**

8:20 P.M. The City Council reconvened for the meeting.

**A. Consideration of City RESOLUTION Making New Appointment of XXXXX to the Sand City Design Review Committee until January of 2021**

City Planner Pooler reported that a vacancy was created due to the resignation of Andy Briant from the Design Review Committee (DRC), and has been reaching out to other design professionals who may be interested in volunteering. Securing someone outside the City would help avoid Fair Political Practices Commission 500' conflicts that already impacts a majority of DRC members. The two people interested are Chris Barlow, principle architect at WRD Architects in Monterey and John Lewis, Chief Executive Officer of the Lewis Builders. Both appear to be qualified in the area of architectural design.

The Council discussed with Staff which candidate would be recommended following a more detailed explanation of the applicant's resumes. The Council decided that a person with a background in construction may be the best fit.

8:26 P.M. Floor opened for Public Comment.

There were no comments from the Public.

8:26 P.M. Floor closed for Public Comment.

The Mayor directed Staff to send a letter to the applicant that was not selected, thanking him and asking to keep him on a list for the future should there be another vacancy.

Motion to approve the City **Resolution** Making New Appointment of John Lewis to the Sand City Design Review Committee until January of 2021 was made by Council Member Blackwelder, seconded by Council Member

Hawthorne. AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

**B. Consideration and Discussion to Approve the Professional Service Agreement for Non-Construction Project with Harris and Associates**

City Attorney Norgaard commented that the City Council previously approved the resolution authorizing the Acting City Manager to execute a contractual agreement once a final agreement was submitted to the City. The attached contract is the final contract with the terms negotiated, and can be terminated at any time with mutual consent of both parties. Leon Gomez will serve as the primary engineer, as the main contact for the City, and anyone working from Harris and Associates will be under Leon's supervision.

8:31 P.M. Floor opened for Public Comment.

There was no comment from the Public.

8:31 P.M. Floor closed for Public Comment.

The Mayor added that City engineering services is reflected on the fiscal year budget.

Motion to approve the Professional Service Agreement for Non-Construction Project with Harris and Associates was made by Council member Cruz, seconded by Council Member Hawthorne. AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

**C. Comments by Council Members on Meetings and Items of interest to Sand City**

Council Member Hawthorne reported that at the Transportation Agency of Monterey County (TAMC) meeting he attended TAMC was proposing a water line through their portion of the railroad right of way that would tie into the Cal-Am water line.

The Council discussed the bike path and parking issues.

Mayor Carbone commented on a conference she attended and they reported on the possibility of acquiring grant funding for sidewalk improvements. This coming weekend will also be the unveiling of the Community Garden sign. The Mayor instructed Staff to contact the West End Coordinator Mr. Vagnini so he can place a press release to the Monterey Herald that the unveiling of the sign would take place on Sunday at 11:30 a.m. She invited the Council to attend.



#### **D. Upcoming Meetings/Events**

The Deputy City Clerk asked the Council who will be attending the MPCC Leadership luncheon. Council Members Sofer and Carbone confirmed their RSVP's.

#### **AGENDA ITEM 11, CLOSED SESSION**

8:42 p.m.

A. **The City Council/Agency Board adjourned to Closed Session regarding:**

1) **Conference with Labor negotiator pursuant to Government Code Section 54957.6.**

**Agency designated representatives: Donna Williamson/Vibeke Norgaard, City Attorney  
Employee Organization: Sand City Police Officer's Association (POA) and Miscellaneous Employees**

9:20 p.m.

B. **The City Council/Agency Board re-adjourned to Open Session to report any action taken at the conclusion of Closed Session in accordance with 54957.1 of the Ralph M. Brown**

The City Council provided confidential instructions to their negotiator.

#### **AGENDA ITEM 12, ADJOURNMENT**

There was consensus of the City Council to adjourn the meeting at 9:23 p.m. to the next regularly scheduled Council meeting on Tuesday, September 3, 2019 at 5:30 p.m.

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Connie Horca, Deputy City Clerk

# **AGENDA ITEM**

**6B**

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

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Regular Meeting – September 3, 2019  
5:30 P.M.  
CITY COUNCIL CHAMBERS

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Mayor Carbone opened the meeting at 5:32 p.m.

The invocation was led by Youth Pastor Jen Gunter.

The Pledge of Allegiance was led by Police Chief Brian Ferrante.

Present: Mayor Mary Ann Carbone  
Vice Mayor Blackwelder  
Council Member Hawthorne  
Council Member Sofer  
Council Member Cruz

Staff: Linda Scholink, Acting City Manager  
Vibeke Norgaard, City Attorney  
Brian Ferrante, Police Chief  
Charles Pooler, City Planner  
Connie Horca, Deputy City Clerk

**AGENDA ITEM 4, ANNOUNCEMENTS BY MAYOR, CITY ATTORNEY, AND CITY STAFF**

The Mayor reported that her Mayor's monthly report of activities will be forthcoming, and agenda items 9A and 10A will be recommended for continuation. She commended Public Works Foreman Mark Parker, the public works crew, and Chief Ferrante and the police department personnel for the great job they did during the West End Celebration.

Acting City Manager Scholink announced that a handout for item 10A was provided. She also reported on Public works projects to include the desalination water production for August was 27.7 acre feet which exceeded its design capacity. She further updated the Council on the status of the South of Tioga Project that is awaiting approval of their demolition permits and also inquired whether the Council Members would be available to have a council meeting on September 24, 2019 instead of September 17, 2019 due to unavailability of City staff who will be out for training and vacation, and to give Staff more time to prepare the agenda packet.

The Council discussed their availability and City Planner Pooler also recommended that the application for the 'pad climbing' gym be moved to the October 1, 2019 meeting to give the applicant more time to fulfill the Council's request in securing additional parking.

There was consensus of the Council to cancel the September 17<sup>th</sup> Council meeting and to hold a Special Council meeting on Tuesday, September 24, 2019.

City Attorney Norgaard reported on her activities to include compiling contracts for 4Leaf, the new City Manager, City Attorney services, and other work performed for the City relating to public records requests, advising the City Planner, creating a purchase agreement for the Lift Station Purchase, South of Tioga Developers agreement, and POA negotiations with outside legal counsel.

#### **AGENDA ITEM 5, COMMUNICATIONS**

5:47 P.M. Floor opened for Public Comment.

There was no comment from the Public.

5:47 P.M. Floor closed to Public Comment.

#### **AGENDA ITEM 6, CONSENT CALENDAR**

- A. There was no discussion of the July 16, 2019 Sand City Council Meeting Minutes.
- B. There was no discussion of the July 25, 2019 Special City Council Meeting Minutes.
- C. There was no discussion of the August 4, 2019 Special City Council Meeting Minutes.

Motion to approve the Consent Calendar items was made by Council Member Blackwelder, seconded by Council Member Hawthorne. AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

#### **AGENDA ITEM 7, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR**

There were no items pulled from the Consent Calendar.

#### **AGENDA ITEM 8, PRESENTATION**

- A. **Presentation by Kymberly Lacrosse on Jacob's Heart Children's Support Services {5 minutes}**

Kymerly Lacrosse representing Jacob's Heart Children's support services personally thanked the Council for what they do and their public service to the Community. She reported that Jacobs Heart provides services to families with children that have been diagnosed with cancer. These services include assistance with paying their rent and/or mortgage, emotional support, and counseling; as well as providing families with rides to the hospital. The program is also based on experiences garnered through the years from the families they serve. Jacob's Heart is a non-profit organization that receives monetary support from the community, is based in Watsonville and serves the counties of Monterey, Santa Clara, Santa Cruz, and San Benito. Ms. Lacrosse invited the Council to their upcoming Kidrageous event that will be held on September 29, 2019 in Watsonville.

Council Member Hawthorne commented that Jacob's Heart is one of the best non-profit organizations in Monterey and encouraged Ms. Lacrosse to continue the good work they have been doing.

5:55 P.M. The Mayor opened the floor for Public Comment, and seeing none, closed the floor for Public Comment.

Mayor Carbone read and presented a resolution to Ms. LaCrosse recognizing Jacob's Heart and the month of September as Childhood Cancer Awareness Month.

## **AGENDA ITEM 9, PUBLIC HEARING**

*Council Members Blackwelder and Sofer remained on the dais but abstained from voting due to a possible conflict by residing within 500' of the subject property.*

**A. Consideration of City RESOLUTION Approving Coastal Development Permit 19-02 Authorizing an Indoor Climbing and Fitness Facility with Accessory Office and Retail for "The Pad Climbing" Operation at 325 Elder Avenue {This item was continued from the August 20, 2019 Council meeting}**

There was no discussion regarding the Coastal Development Permit for an Indoor Climbing and Fitness Facility.

Motion to continue the City Resolution approving Coastal Development Permit 19-02 Authorizing an Indoor Climbing and Fitness Facility with Accessory Office and Retail for "The Pad Climbing" Operation at 325 Elder Avenue was made by Council Member Hawthorne, seconded by Council Member Cruz. AYES: Council Members Carbone, Cruz, Hawthorne. NOES: None. ABSENT: None. ABSTAIN: Council Members Blackwelder, Sofer. Motion carried.

Due to the absence of a quorum for the next Council meeting, this item will

be considered at the October 1, 2019 regularly scheduled Council meeting.

**B. Consideration of City RESOLUTION Approving Conditional Use Permit 635 for Ladislav Barak Authorizing a Woodworking Workshop, Office, and Storage Use within a 1,375 Square Foot Commercial Unit at 337-B Olympia Avenue**

City Planner Pooler presented an application submitted by Ladislav Barak to establish a workshop, office, and storage at 337-B Olympia Avenue. The applicant will be occupying one of four units in a 5,500 square foot commercial building facing Olympia Avenue. Hours of operation will be Monday through Friday from 8:00 a.m. to 5:00 p.m. with two employees on-site. There are no company vehicles at this time, and no shipments are anticipated. Equipment used and stored on-site will include portable saws, a table saw, and miscellaneous wood working tools. The Applicant's unit provides two parking spaces in front with one space split between two units and does have adequate on-site parking to accommodate the use. Office and storage uses have little negative impacts provided that all storage is maintained within the building. Carpentry operations have been relatively benign in Sand City except when lacquer or paint is used. The permit should prohibit the application of such finishes unless there is a spray booth. Staff recommends approval of the attached conditional use permit authorizing the Applicant's use with the suggested permit conditions at the Subject Property.

The Applicant Ladislav Barak commented that he is a general contractor and this would be part of his operation to have a woodworking shop. In response to the Mayor's question if he was in agreement with the conditions of the use permit, Mr. Barak replied that he was in agreement with permit conditions.

Council Member Cruz received clarification whether the applicant intends to use lacquer and needing a spray booth, Mr. Barak confirmed that he does not intend to conduct activities that would require a spray booth.

6:02 P.M. The Mayor opened the floor for Public Comment, and seeing none, closed the floor for Public Comment.

Motion to approve the City **Resolution** approving Conditional Use Permit 635 for Ladislav Barak authorizing a Woodworking Workshop, Office, and Storage Use within a 1,375 Square Foot Commercial Unit at 337-B Olympia Avenue was made by Council Member Sofer, seconded by Council Member Cruz. AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

- C. **FIRST READING: Ordinance Amending Title 15 of the Sand City Municipal Code to Adopt the 2019 California Building Code and Appendices H, I, J; the 2019 California Historical Building Code; the 2019 California Existing Building Code; the 2019 California Residential Code; the 2019 California Plumbing Code, the 2019 California Electrical Code, the 2019 Mechanical Code; the 2019 California Green Building Standards Code; the 2019 California Fire Code; and the 2018 International Property Maintenance Code and Deleting Municipal Code Section 15.08.030 and Chapter 15.09**

City Planner Pooler reported that the State of California adopted updated editions of the California Building Standards Code as indicated, and these codes must be implemented by county and municipal governments throughout California as of January 1, 2020. Following the State's adoption of updated building standards, the City would adopt an ordinance to amend and update Title 15 of the Sand City Municipal Code (SCMC) to be consistent with the updated California Code. The staff report lists the updated California Codes to be adopted and incorporated into the SCMC

Section 15.080.030 of the SCMC regarding the Fire Code and Board of Appeals, was an amendment adopted with the 2016 Code update; however this section is now in conflict with the 2019 Fire Code and needs to be deleted. The remaining code amendments adopted by the City in 2016 will remain unchanged but will apply to the new adopted 2019 Codes. These more restrictive code amendments are consistent with the code requirements adopted by the City of Monterey which satisfy terms of the service agreement contract between the cities of Sand City and Monterey for consistency in plan review, site inspection, and code enforcement.

Staff recommends that the Council approve a first reading of the attached draft ordinance to update and amend related sections of Title 15 of the Sand City Municipal Code. This ordinance would then be effective on January 1, 2020 following adoption of a second reading.

- 6:08 P.M. The Mayor opened the floor for Public Comment, and seeing none, closed the floor for Public Comment.

Motion to approve the First Reading by title of **Ordinance** amending Title 15 of the Sand City Municipal Code to Adopt the 2019 California Building Code and Appendices H, I, J; the 2019 California Historical Building Code; the 2019 California Existing Building Code; the 2019 California Residential Code; the 2019 California Plumbing Code, the 2019 California Electrical Code, the 2019 Mechanical Code; the 2019 California Green Building Standards Code; the 2019 California Fire Code; and the 2018 International Property Maintenance Code and Deleting Municipal Code Section 15.08.030 and Chapter 15.09 was made by Council Member Hawthorne, seconded by Council Member Cruz. Roll Call Vote AYES:

Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

## AGENDA ITEM 10, NEW BUSINESS

*{City Attorney Norgaard recused herself and left the dais}*

**A. Consideration of City RESOLUTION Authorizing the Acting City Manager to Execute a City Attorney Employment Agreement for City Attorney Services with Vibeke Norgaard for a Term of Three Years through June 30, 2022**

Mayor Carbone commented that a handout was provided to the Council regarding the City Attorney employment agreement.

Acting City Manager Scholink added that Staff is requesting continuance of the employment agreement to allow for additional time to research, work out the details, and determine what it would entail to change a contract city attorney to an employee city attorney. This would allow Staff to bring back a more informed report of what the conversion would entail.

Motion to continue the City **Resolution** authorizing the Acting City Manager to Execute a City Attorney Employment Agreement for City Attorney Services with Vibeke Norgaard for a Term of Three Years through June 30, 2022 was made by Council Member Blackwelder, seconded by Council Member Cruz. AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

*{City Attorney Norgaard returned to the dais}*

**B. Comments by Council Members on Meetings and Items of interest to Sand City**

Mayor Carbone reported that she attended the *ITN* Monterey event hosted by BMW of Monterey along with other Council Members. This was in recognition of *ITN* Monterey's 50,000 ride to the community. Various people and drivers were recognized at the event to include the first woman who received the first ride and the driver who offered the 50,000 ride. She also reported on the event held by the Monterey County Convention and Visitors Bureau.

Council Member Hawthorne reported that at the last TAMC meeting, TAMC will not be installing a waterline through Sand City at this time. There were several members of the Board who were in opposition to having the waterline going through their cities, while others were in favor of the project. TAMC has been working on getting approval for the waterline project for the past 20 years.



### **C. Upcoming Meetings/Events**

The Deputy City Clerk reminded the Council of the Community Human Services (CHS) Anniversary Gala to be held on Saturday, October 17, 2019. Council Member Sofer also reminded the Council of the TAMC Bicycle meeting that will be held in City Hall at 6:00 p.m.

### **AGENDA ITEM 11, CLOSED SESSION**

6:23 P.M.

**A. The City Council/Agency Board adjourned to Closed Session regarding:**

- 1) Discussion pursuant to Government Code Section 54957(b)(1) to Consider Candidates for City Manager Position**

6:44 P.M.

**B. The City Council/ Agency Board re-adjourned to Open Session to report any action taken at the conclusion of Closed Session in accordance with 54957.1 of the Ralph M. Brown**

The City Council had confidential discussion on the City Manager position.

### **AGENDA ITEM 12, ADJOURNMENT**

Motion to adjourn the meeting was made by Council Member Blackwelder, seconded by Council Member Hawthorne. There was consensus of the City Council to adjourn the meeting at 6:45 p.m. to the rescheduled Council meeting on Tuesday, September 24, 2019 at 5:30 p.m.

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Connie Horca, Deputy City Clerk

# **AGENDA ITEM**

**6C**



*Annual Conference  
Resolutions Packet*

*2019 Annual Conference Resolutions*



*Long Beach, California*

*October 16 – 18, 2019*

## 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, two resolutions have been introduced for consideration at the Annual Conference and referred to League policy committees.

**POLICY COMMITTEES:** Two policy committees will meet at the Annual Conference to consider and take action on the resolutions referred to them. The committees are: Environmental Quality and Transportation, Communication & Public Works. The committees will meet from 9:00 – 11:00 a.m. on Wednesday, October 16, at the Hyatt Regency Long Beach. The sponsors of the resolutions have been notified of the time and location of the meeting.

**GENERAL RESOLUTIONS COMMITTEE:** This committee will meet at 1:00 p.m. on Thursday, October 17, at the Hyatt Regency Long Beach, to consider the reports of the policy committees regarding the resolutions. 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 12:30 p.m. on Friday, October 18, at the Long Beach 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 (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, October 17. Resolutions can be viewed on the League's Web site: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

Any questions concerning the resolutions procedures may be directed to Carly Shelby [cshelby@cacities.org](mailto:cshelby@cacities.org) 916-658-8279 or Nick Romo [nromo@cacities.org](mailto:nromo@cacities.org) 916-658-8232 at the League office.

## **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 seven 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 principles 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, October 16, 9:00 – 11:00 a.m.

Hyatt Regency Long Beach

200 South Pine Avenue, Long Beach

### **The following committees will be meeting:**

1. Environmental Quality 10:00 - 11:00 a.m.
2. Transportation, Communication & Public Works 9:00 - 10:00 a.m.

### **General Resolutions Committee**

Thursday, October 17, 1:00 p.m.

Hyatt Regency Long Beach

200 South Pine Avenue, Long Beach

### **Annual Business Meeting and General Assembly Luncheon**

Friday, October 18, 12:30 p.m.

Long Beach Convention Center

300 East Ocean Boulevard, Long Beach

**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	Amendment to Rule 20A			
2	International Transboundary Pollution Flows			

**TRANSPORTATION, COMMUNICATION & PUBLIC WORKS POLICY COMMITTEE**

		1	2	3
1	Amendment to Rule 20A			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee’s page on the League website: [www.cacities.org](http://www.cacities.org). The entire Resolutions Packet is posted at: [www.cacities.org/resolutions](http://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
- 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

**ACTION FOOTNOTES**

- \* Subject matter covered in another resolution
- \*\* Existing League policy
- \*\*\* Local authority presently exists

**Procedural Note:**

The League of California Cities resolution process at the Annual Conference is guided by League Bylaws. A helpful explanation of this process can be found on the League’s website by clicking on this link: [Guidelines for the Annual Conference Resolutions Process](#).



## League of California Cities Resolution Process

### REGULAR RESOLUTIONS

Policy Committee Action	General Resolutions Committee Action	Calendar
Approve	Approve	Consent Calendar <sup>1</sup>
Approve	Disapprove or Refer	Regular Calendar <sup>2</sup>
Disapprove or Refer	Approve	Regular Calendar
Disapprove or Refer	Disapprove or Refer	Does not proceed to General Assembly

### PETITION RESOLUTIONS

Policy Committee Action	General Resolutions Committee Action	Calendar
Not Heard in Policy Committee	Approve	Consent Calendar
Not Heard in Policy Committee	Disapprove or Refer	Regular Calendar
Not Heard in Policy Committee	Disqualified per Bylaws Art. VI	Does not proceed to General Assembly

### Resolutions

- Submitted 60 days prior to conference *Bylaws Article VI, Sec. 4(a)*
- Signatures of at least 5 supporting cities or city officials submitted with the proposed resolution *Bylaws Article VI, Sec. 2*
- Assigned to policy committee(s) by League president *Bylaws Article VI, Sec. 4(b)(i)*
- Heard in policy committee(s) and report recommendation, if any, to GRC *Bylaws Article VI, Sec. 4(b)(ii)*
- Heard in GRC
  - Approved by policy committee(s) and GRC, goes on to General Assembly on consent calendar *2006 General Assembly Resolution Sec. 2(C)*
  - If amended/approved by all policy committee(s) to which it has been referred and disapproved by GRC, then goes on to General Assembly on the regular calendar. If not all policy committees to which it has been referred recommend amendment or approval, and the GRC disapproves or refers the resolution, the resolution does not move to the General Assembly *2006 General Assembly Resolution Sec. 2(A),(C); 1998 General Assembly Resolution, 1<sup>st</sup> Resolved Clause*
  - If disapproved by all policy committees to which it has been referred and disapproved by the GRC, resolution does not move to the General Assembly *2006 General Assembly Resolution Sec. 2(C)*
- Heard in General Assembly

<sup>1</sup> The consent calendar should only be used for resolutions where there is unanimity between the policy committees and the GRC that a resolution should be approved by the General Assembly, and therefore, it can be concluded that there will be less desire to debate the resolution on the floor.

<sup>2</sup> The regular calendar is for resolutions for which there is a difference in recommendations between the policy committees and the GRC.

## **Petitioned Resolutions**

- Submitted by voting delegate *Bylaws Article VI, Sec. 5 (a)*
- Must be signed by voting delegates representing 10% of the member cities *Bylaws Article VI, Sec. 5 (c)*
- Signatures confirmed by League staff
- Submitted to the League president for confirmation 24 hours before the beginning of the General Assembly. *Bylaws Article VI, Sec. 5 (d)*
- Petition to be reviewed by Parliamentarian for required signatures of voting delegates and for form and substance *Bylaws Article VI, Sec. 5(e)*
- Parliamentarian's report is presented to chair of GRC
- Will be heard at GRC for action (GRC cannot amend but may recommend by a majority vote to the GA technical or clarifying amendments) *2006 General Assembly Resolution sec. 6(A), (B)*
- GRC may disqualify if:
  - Non-germane to city issues
  - Identical or substantially similar in substance to a resolution already under consideration *Bylaws Article VI, Sec. 5(e), (f)*
- Heard in General Assembly
  - General Assembly will consider the resolution following the other resolutions<sup>3</sup> *Bylaws Article VI, Sec. 5(g)*
  - Substantive amendments that change the intent of the petitioned resolution may only be adopted by the GA *2006 General Assembly Resolution sec. 6(C)*

## **Voting Procedure in the General Assembly**

**Consent Calendar:** Resolution approved by Policy Committee(s) and GRC. Petitioned resolution approved by GRC)

- GRC Chair will be asked to give the report from the GRC and will ask for adoption of the GRC's recommendations
- Ask delegates if there is a desire to call out a resolution for discussion
- A voting delegate may make a motion to remove a resolution from the consent calendar for discussion
- If a motion is made to pull a resolution, the General Assembly votes on whether to pull the resolution from the consent calendar.
- If a majority of the General Assembly votes to pull the resolution, set "called out" reso(s) aside. If the motion fails, the resolution remains on the consent calendar.
- If reso(s) not called out, or after 'called out' reso is set aside, then ask for vote on remaining resos left on consent
- Move on to debate on reso(s) called out
- After debate, a vote is taken
- Voting delegates vote on resolutions by raising their voting cards.<sup>4</sup>

<sup>3</sup> Petitioned Resolutions on the Consent Calendar will be placed after all General Resolutions on the Consent Calendar. Petitioned Resolutions on the Regular Calendar will be placed after all General Resolutions on the Regular Calendar.

<sup>4</sup> Amendments to League bylaws require 2/3 vote

**Regular Calendar:** Regular resolutions approved by Policy Committee(s)<sup>5</sup>, and GRC recommends disapproval or referral; Regular resolutions disapproved or referred by Policy Committee(s)<sup>6</sup> and GRC approves; Petitioned resolutions disapproved or referred by the GRC.

- Open the floor to determine if a voting delegate wishes to debate a resolution on the regular calendar.
- If no voting delegate requests a debate on the resolution, a vote to ratify the recommendation of the GRC on the resolution is taken.
- Upon a motion by a voting delegate to debate a resolution, a debate shall be held if approved by a majority vote of the General Assembly. If a majority of the General Assembly to debate the resolution is not achieved, then a vote shall be taken on whether to ratify the GRC's recommendation. If a majority of the General Assembly approves of the motion to debate the resolution, debate will occur. After debate on the resolution, a vote is taken based upon the substitute motion that was made, if any, or on the question of ratifying the GRC's recommendation.
- Voting delegates vote by raising their voting cards.

<sup>5</sup> Applies in the instance where the GRC recommendation of disapproval or refer is counter to the recommendations of the policy committees.

<sup>6</sup> Applies in the instance where the GRC recommendation to approve is counter to the recommendations of the policy committees.

**1. RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING ON THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO AMEND RULE 20A TO ADD PROJECTS IN VERY HIGH FIRE HAZARD SEVERITY ZONES TO THE LIST OF ELIGIBILITY CRITERIA AND TO INCREASE FUNDING ALLOCATIONS FOR RULE 20A PROJECTS**

Source: City of Rancho Palos Verdes

Concurrence of five or more cities/city officials

Cities: City of Hidden Hills, City of La Cañada Flintridge, City of Laguna Beach, City of Lakeport, City of Malibu, City of Moorpark, City of Nevada City, City of Palos Verdes Estates, City of Rolling Hills Estates, City of Rolling Hills, City of Ventura

Referred to: Environmental Quality Policy Committee; Transportation, Communications, and Public Works Policy Committee

**WHEREAS**, the California Public Utilities Commission regulates the undergrounding conversion of overhead utilities under Electric Tariff Rule 20 and;

**WHEREAS**, conversion projects deemed to have a public benefit are eligible to be funded by ratepayers under Rule 20A; and

**WHEREAS**, the criteria under Rule 20A largely restricts eligible projects to those along streets with high volumes of public traffic; and

**WHEREAS**, the cost of undergrounding projects that do not meet Rule 20A criteria is left mostly or entirely to property owners under other parts of Rule 20; and

**WHEREAS**, California is experiencing fire seasons of worsening severity; and

**WHEREAS**, undergrounding overhead utilities that can spark brush fires is an important tool in preventing them and offers a public benefit; and

**WHEREAS**, brush fires are not restricted to starting near streets with high volumes of public traffic; and

**WHEREAS**, expanding Rule 20A criteria to include Very High Fire Hazard Severity Zones would facilitate undergrounding projects that would help prevent fires; and

**WHEREAS**, expanding Rule 20A criteria as described above and increasing funding allocations for Rule 20A projects would lead to more undergrounding in Very High Fire Hazard Severity Zones; and now therefore let it be,

**RESOLVED** that the League of California Cities calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility and to increase funding allocations for Rule 20A projects.

## **Background Information on Resolution No. 1**

**Source:** City of Rancho Palos Verdes

### **Background:**

Rancho Palos Verdes is the most populated California city to have 90 percent or more of residents living in a Cal Fire-designated Very High Fire Hazard Severity Zone. Over the years, the Palos Verdes Peninsula has seen numerous brush fires that were determined to be caused by electrical utility equipment.

Across the state, some of the most destructive and deadly wildfires were sparked by power equipment. But when it comes to undergrounding overhead utilities, fire safety is not taken into account when considering using ratepayer funds to pay for these projects under California's Electric Tariff Rule 20 program. The program was largely intended to address visual blight when it was implemented in 1967. Under Rule 20A, utilities must allocate ratepayer funds to undergrounding conversion projects chosen by local governments that have a public benefit and meet one or more of the following criteria:

- Eliminate an unusually heavy concentration of overhead lines;
- Involve a street or road with a high volume of public traffic;
- Benefit a civic or public recreation area or area of unusual scenic interest; and,
- Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines.

As we know, brush fires are not restricted to erupting in these limited areas. California's fire season has worsened in severity in recent years, claiming dozens of lives and destroying tens of thousands of structures in 2018 alone.

Excluding fire safety from Rule 20A eligibility criteria puts the task of undergrounding power lines in Very High Fire Hazard Severity Zones squarely on property owners who are proactive, willing and able to foot the bill.

The proposed resolution calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the proposed resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

If adopted, utilities will be incentivized to prioritize undergrounding projects that could potentially save millions of dollars and many lives.

## **League of California Cities Staff Analysis on Resolution No. 1**

Staff: Rony Berdugo, Legislative Representative, Derek Dolfie, Legislative Representative, Caroline Cirrincione, Legislative Policy Analyst  
Committees: Environmental Quality; Transportation, Communications, and Public Works

### **Summary:**

This Resolution, in response to intensifying fire seasons and hazards associated with exposed energized utility lines, proposes that the League of California Cities (League) call upon the California Public Utilities Commission (CPUC) to amend the Rule 20A program by expanding the criteria for undergrounding overhead utilities to include projects in Very High Fire Hazard Severity Zones (VHFHSZ). This Resolution also proposes that the League call upon the CPUC to increase utilities' funding allocations for Rule 20A projects.

### **Background**

#### **California Wildfires and Utilities**

Over the last several years, the increasing severity and frequency of California's wildfires have prompted state and local governments to seek urgent prevention and mitigation actions. Record breaking wildfires in Northern and Southern California in both 2017 and 2018 have caused destruction and loss of life. This severe fire trend has local officials seeking solutions to combat what is now a year-round fire season exacerbated by years of drought, intense weather patterns, untamed vegetation and global warming.

These conditions create a dangerous catalyst for wildfires caused by utilities as extreme wind and weather events make downed power lines more of a risk. In response to recent catastrophic wildfires, Governor Newsom established a Strike Force tasked with developing a "comprehensive roadmap" to address issues related to wildfires, climate change, and utilities. [The Strike Force report](#) acknowledges that measures to harden the electrical grid are critical to wildfire risk management. A key utility hardening strategy: undergrounding lines in extreme high-fire areas.

Governor Newsom's Wildfire Strike Force program report concludes, "It's not a question of "if" wildfire will strike, but "when."

#### **Very High Fire Hazard Severity Zones**

This Resolution seeks to expand the undergrounding of overhead utility lines in VHFHSZ. California [Government Code Section 51178](#) requires the Director of the California Department of Forestry and Fire Protection (CalFIRE) to identify areas in the state as VHFHSZ based on the potential fire hazard in those areas. VHFHSZ are determined based on fuel loading, slope, fire weather, and other relevant factors. These zones are in both local responsibility areas and state responsibility areas. Maps of the statewide and county by county VHFHSZ can be found [here](#).<sup>1</sup>

<sup>1</sup> <https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>

More than 25 million acres of California wildlands are classified under very high or extreme fire threat. Approximately 25 percent of the state's population, 11 million people, live in those high-risk areas. Additionally, over 350,000 Californians live in cities that are nearly encompassed within Cal Fire's maps of VHFHSZ. Similar to the proponents of this Resolution, City of Rancho Palos Verdes, over 75 communities have 90 percent or more of residents living in a VHFHSZ.

### **CPUC Rule 20 Program**

The CPUC's Rule 20 program lays out the guidelines and procedures for converting overhead electric and telecommunication facilities to underground electric facilities. Rule 20 funding and criteria is provided at four levels. Levels A, B, and C, reflect progressively diminishing ratepayer funding for undergrounding projects. Recently added Rule 20D is a relatively new program that is specific to San Diego Gas and Electric (SDG&E), which was created in response to the destructive 2007 wildfires. Each of these levels will be discussed below:

#### **Rule 20A**

The first California overhead conversion program, Rule 20A, was created in 1967 under then Governor Ronald Reagan. The program was created to provide a consistent and structured means of undergrounding utility lines throughout the state with costs covered broadly by utility ratepayers.

Each year, Investor Owned Utilities (IOUs) propose their Rule 20A allocation amounts to the CPUC during annual general rate case proceedings. In this process, IOUs propose revised utility customer rates based on expected service costs, new energy procurement and projects for the following year, including Rule 20 allocations. The CPUC then reviews, amends, and approves IOU rates. Currently, the cumulative budgeted amount for Rule 20A for Pacific Gas and Electric (PG&E), Southern California Edison (SCE), and San Diego Gas and Electric (SDG&E) totals around \$95.7 million.

The funding set aside by IOUs for Rule 20A is allocated to local governments through a credit system, with each credit holding a value to be used solely for the costs of an undergrounding project. The credit system was created so that local governments and IOUs can complete undergrounding projects without municipal financing. Through Rule 20A, municipalities that have developed and received city council approval for an undergrounding plan receive annual credits from the IOU in their service area. At the last count by the CPUC, over 500 local governments (cities and counties) participate in the credit system.

While these credits have no inherent monetary value, they can be traded in or banked for the conversion of overhead lines. Municipalities can choose to accumulate their credits until their credit balance is sufficient to cover these conversion projects, or choose to borrow future undergrounding allocations for a period of up to five years. Once the cumulative balance of credits is sufficient to cover the cost of a conversion project, the municipality and the utility can move forward with the undergrounding. All of the planning, design, and construction is performed by the participating utility. Upon the completion of an undergrounding project, the utility is compensated through the local government's Rule 20A credits.

At the outset of the program, the amount of allocated credits were determined by a formula which factored in the number of utility meters within a municipality in comparison to the utilities' service territory. However, in recent years the formula has changed. Credit allocations for IOUs, except for PG&E, are now determined based on the allocation a city or county received in 1990 and is then adjusted for the following factors:

- 50% of the *change from the 1990* total budgeted amount is allocated for the ratio of the number of overhead meters in any city or unincorporated area to the total system overhead meters; and
- 50% of the *change from the 1990* total budgeted amount is allocated for the ratio of the number of meters (which includes older homes that have overhead services, and newer homes with completely underground services) in any city or the unincorporated area to the total system meters.

As noted, PG&E has a different funding formula for their Rule 20A credit allocations as they are not tied to the 1990 base allocation. Prior to 2011, PG&E was allocating approximately five to six percent of its revenue to the Rule 20A program. The CPUC decided in 2011 that PG&E's Rule 20A allocations should be reduced by almost half in an effort to decrease the growing accumulation of credits amongst local governments. Since 2011, PG&E's annual allocations for Rule 20A have been around \$41.3 million annually, which is between two and three percent of their total revenue.

### **Criteria for Rule 20A Projects**

For an undergrounding project to qualify for the Rule 20A program, there are several criteria that need to be met. The project must have a public benefit and:

1. Eliminate an unusually heavy concentration of overhead lines
2. Involve a street or road with a high volume of public traffic
3. Benefit a civic or public recreation area or area of unusual scenic interest,
4. Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines

Notably, fire safety is excluded from the list of criteria that favors aesthetic and other public safety projects.

### **Rule 20A Credit System Imbalance Threatens Program Effectiveness**

Allocations are made by utilities each year for Rule 20A credits. These current budget allocations total \$95.7 million a year. Currently, the cumulative balance of credits throughout the state totals over \$1 billion dollars. The Rule 20A cumulative balances aggregated by region can be found [here](#).<sup>2</sup>

<sup>2</sup> Program Review, California Overhead Conversion Program, Rule 20A for Years 2011-2015, "The Billion Dollar Risk," California Public Utilities Commission.  
[https://www.cpuc.ca.gov/uploadedFiles/CPUC\\_Public\\_Website/Content/About\\_Us/Organization/Divisions/Policy\\_and\\_Planning/PPD\\_Work\\_Products\\_\(2014\\_forward\)\(1\)/PPD\\_Rule\\_20-A.pdf](https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Divisions/Policy_and_Planning/PPD_Work_Products_(2014_forward)(1)/PPD_Rule_20-A.pdf)



Note: The existing credit allocation formulas do not consider a municipality's need or plans for overhead conversion projects, resulting in large credit balances in some jurisdictions.

Cities and counties are, however, able to trade or sell unallocated Rule 20A credits if they will not be used to fund local undergrounding projects. There have been several cases where one agency has sold their unused credits, often for less than the full dollar value of the credits themselves to another agency.

### **Rule 20B**

Rule 20B projects are those that do not fit the Rule 20A criteria, but do, however, involve both sides of the street for at least 600 feet. These projects are typically done in conjunction with larger developments and are mostly paid for by the developer or applicant. Additionally, the applicant is responsible for the installation.

### **Rule 20C**

Rule 20C projects are usually small projects that involve property owners. The majority of the cost is usually borne by the applicants. Rule 20C applies when the project does not qualify for either Rule 20A or Rule 20B.

### **Rule 20D--Wildfire Mitigation Undergrounding Program**

Rule 20D was approved by the CPUC in January of 2014 and only applies to SDG&E. The Rule 20D program was established largely in response to the destructive wildfires that occurred in San Diego in 2007 as a wildfire mitigation undergrounding program. According to SDG&E, the objective of the Rule 20D undergrounding is exclusively for fire hardening as opposed to aesthetics. The program is limited in scope and is restricted to communities in SDG&E's Fire Threat Zone (now referred to as the [High Fire Threat District or HFTD](#)). As of this time, the program has yet to yield any projects and no projects are currently planned.

For an undergrounding project to qualify for the Rule 20D program, a minimum of three of the following criteria must be met. The project must be near, within, or impactful to:

- Critical electric infrastructure
- Remaining useful life of electric infrastructure
- Exposure to vegetation or tree contact
- Density and proximity of fuel
- Critical surrounding non-electric assets (including structures and sensitive environmental areas)
- Service to public agencies
- Accessibility for firefighters

Similar to Rule 20A, SDG&E must allocate funding each year through their general rate case proceedings to Rule 20D to be approved by the CPUC. This funding is separate from the allocations SDG&E makes for Rule 20A. However, the process of distributing this funding to localities is different. The amount of funding allocated to each city and county for Rule 20D is based on the ratio of the number of miles of overhead lines in SDG&E Fire Threat Zones in a city or county to the total miles of SDG&E overhead lines in the entire SDG&E fire zone. The

Rule 20D program is administered by the utility consistent with the existing reporting, engineering, accounting, and management practices for Rule 20A.

The Committee may want to consider whether Rule 20D should instead be expanded, adapted, or further utilized to support funding for overhead conversions within VHFHSZ throughout the state.

**Fiscal Impact:**

The costs to the State associated with this Resolution will be related to the staff and programmatic costs to the CPUC to take the necessary measures to consider and adopt changes to Rule 20A to include projects in VHFHSZ to the list of criteria for eligibility.

This Resolution calls for an unspecified increase in funding for Rule 20A projects, inferring that portions of increased funds will go towards newly eligible high fire hazard zones. While the Resolution does not request a specific amount be allocated, it can be assumed that these increased costs will be supported by utility ratepayers. According to the CPUC, the annual allocations towards Rule 20A are \$95.7 million.

The CPUC currently reports a cumulative credit surplus valued at roughly \$1 billion that in various regions, given the approval of expanded eligibility called for by this Resolution, could be used to supplement and reduce the level of new dollars needed to make a significant impact in VHFHSZ. The CPUC follows that overhead conversion projects range from \$93,000 per mile for rural construction to \$5 million per mile for urban construction.

The Resolution states that “California is experiencing fire seasons of worsening severity” which is supported by not only the tremendous loss of property and life from recent wildfires, but also in the rising costs associated with clean up, recovery, and other economic losses with high estimates in the hundreds of billions of dollars.

The Committee may wish to consider the costs associated with undergrounding utility lines in relation to the costs associated with past wildfires and wildfires to come.

**Comments:**

***CPUC Currently Exploring Revisions to Rule 20***

In May 2017, the CPUC issued an Order Instituting Rulemaking to Consider Revisions to Electric Rule 20 and Related Matters. The CPUC will primarily focus on revisions to Rule 20A but may make conforming changes to other parts of Rule 20. The League is a party in these proceedings will provide comments.

***Beyond Rule 20A: Additional Options for Funding Undergrounding Projects***

There are various ways in which cities can generate funding for undergrounding projects that fall outside of the scope of Rule 20A. At the local level, cities can choose to forgo the Rule 20A process and opt to use their own General Fund money for undergrounding. Other options are also discussed below:

### ***Rule 20D Expansion***

The City of Berkeley in a 2018 study titled [“Conceptual Study for Undergrounding Utility Wires in Berkeley.”](#) found that the city could possibly qualify for Rule 20D funding if they actively pursued this opportunity in partnership with PG&E and the CPUC.

One of the study’s recommendations is to advocate for release of 20D funds (now earmarked exclusively for SDG&E) to be used for more aggressive fire hardening techniques for above-ground utility poles and equipment, for undergrounding power lines, and for more aggressive utility pole and vegetation management practices in the Very High Hazard Fire Zone within Berkeley’s city limits.

As an alternative to changing the criteria for Rule 20A, the Committee may wish to consider whether there is the opportunity to advocate for the expansion of Rule 20D funding more broadly, expanding its reach to all IOU territories.

### ***Franchise Surcharge Fees***

Aside from Rule 20 allocations, cities can generate funding for undergrounding through franchise fee surcharges. For example, SDG&E currently operates under a 50-year City franchise that was granted in 1970. Under the franchises approved by the San Diego City Council in December 1970, SDG&E agreed to pay a franchise fee to the City equivalent to 3% of its gross receipts from the sales of both natural gas and electricity for 30 years.

These fees were renegotiated in 2000 and in 2001 an agreement was between the City of San Diego, SDG&E, and the CPUC to extend the existing franchise fee to include revenues collected from surcharges. SDG&E requested an increase of 3.88% to its existing electric franchise fee surcharge. The bulk, 3.53% of this increase is to be used for underground conversion of overhead electric wires.

Based on SDG&E's revenue projections, the increase would result in an additional surcharge revenue amount of approximately \$36.5 million per year. SDG&E estimates that this would create a monthly increase of approximately \$3.00 to a typical residential customer's electric bill. These surcharge revenues would pay for additional undergrounding projects including those that do not meet the Rule 20A criteria. The City of Santa Barbara has also adopted a similar franchise surcharge fee.

Having this funding source allows the City of San Diego to underground significantly more miles of above ground utility lines than other municipalities. However, the surcharge is currently being challenged in court, as it is argued that the City had SDG&E impose a tax without a ballot measure.

### ***Utility Bankruptcy and Undergrounding Funding***

In considering this Resolution, it is important to understand that Rule 20A allocations have been more substantial in the past. As mentioned earlier, prior to 2011, PG&E was allocating approximately 5% to 6% of its revenue to the Rule 20A program. Therefore, it is not unreasonable to encourage an increase in Rule 20A allocations as history shows that utilities had the capacity to do so in the past.

However, in a time where IOUs such as PG&E are facing bankruptcy as the result of utility caused wildfires, there is the possibility that expanding rule 20A funding will generate more costs for the ratepayers.

### **Questions to Consider:**

- 1) Is Rule 20A or Rule 20D the more appropriate program to advocate for such an expansion?
- 2) Are there any wildfire risks outside of VHFHSZ that could be mitigated by undergrounding projects?

### **Existing League Policy:**

#### ***Public Safety:***

The League supports additional funding for local agencies to recoup the costs associated with fire safety in the community and timely mutual aid reimbursement for disaster response services in other jurisdictions. (pg. 43)

The League supports the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc., as well as cities' authority and discretion to provide all emergency services to their communities. (pg. 43)

#### ***Transportation, Communication, and Public Works:***

Existing telecommunications providers and new entrants shall adhere to local city policies on public utility undergrounding. (pg. 54)

The League supports protecting the additional funding for local transportation and other critical unmet infrastructure needs. (pg. 51)

The League supports innovative strategies including public private partnerships at the state and local levels to enhance public works funding. (pg. 52)

#### ***Environmental Quality***

The League opposes any legislation that interferes with local utility rate setting authority and opposes any legislation that restricts the ability of a city to transfer revenue from a utility (or other enterprise activity) to the city's general fund. (pg. 9)

Cities should continue to have the authority to issue franchises and any program should be at least revenue neutral relative to revenue currently received from franchises. (pg. 9)

The League is concerned about the impacts of escalating energy prices on low income residents and small businesses. The League supports energy pricing structures and other mechanisms to soften the impacts on this segment of our community. (pg. 10)

***2019 Strategic Goals***

Improve Disaster Preparedness, Recovery and Climate Resiliency.

- Provide resources to cities and expand partnerships to better prepare for and recover from wildfires, seismic events, erosion, mudslides and other disasters.
- Improve community preparedness and resiliency to respond to climate-related, natural and man-made disasters.

**Support:**

The following letters of concurrence were received:

- The City of Hidden Hills
- The City of La Cañada Flintridge
- The City of Laguna Beach
- The City of Lakeport
- The City of Malibu
- The City of Moorpark
- The City of Nevada City
- The City of Palos Verdes Estates
- The City of Rolling Hills Estates
- The City of Rolling Hills
- The City of Ventura

**LETTERS OF CONCURRENCE**

Resolution No. 1

Amendment to Rule 20A



## City of Hidden Hills

6165 Spring Valley Road \* Hidden Hills, California 91302  
(818) 888-9281 \* Fax (818) 719-0083

August 14, 2019

Jan Arbuckle, President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, California 95814

Dear President Arbuckle:

The City of Hidden Hills supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Larry G. Weber  
Mayor



City Council  
Leonard Pieroni, Mayor  
Gregory C. Brown, Mayor Pro Tem  
Jonathan C. Curtis  
Michael T. Davitt  
Terry M. Walker

August 14, 2019

Jan Arbuckle, President  
League of California Cities  
1400 K St., Ste. 400  
Sacramento, CA 95814

Dear President Arbuckle:

The City of La Cañada Flintridge supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The City of La Cañada Flintridge is one of the few Southern California cities in which 100% of the community within a Very High Fire Hazard Severity Zone. The City, in 1987, committed 100% of its 20A allocation for forty-five years from this year for a major downtown undergrounding project. Therefore, the only way our City can directly benefit from this Resolution is if there is an additional annual increased allocation for this purpose. Due to the extreme threat the City experienced at the time of the Station Fire, the City is keenly aware of the damage a fire may potentially cause, whether from utility issues or from natural causes. The City strongly supports any effort, including this Resolution, to reduce fire danger for the City's residents.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly with the City of La Cañada Flintridge in support.

Sincerely,

A handwritten signature in black ink, appearing to read "Leonard Pieroni", is written over a light blue horizontal line.

Leonard Pieroni  
Mayor





July 25, 2019

Jan Arbuckle, President  
League of California Cities  
1400 K St., Ste. 400  
Sacramento, CA 95814

Dear President Arbuckle:

The City of Laguna Beach supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. Ten to the Top 20 most destructive fires in California were caused by electrical sources. The California's Rule 20A program, which allows local governments to pay for undergrounding of utilities costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it. We also believe that this program should redirect unused Rule 20A allocations from cities who have no undergrounding projects planned to the cities in Very High Fire Hazard Severity zones.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects. The City of Laguna Beach recommends that the resolution also be amended to call on the CPUC to redirect unused Rule 20A allocations from cities who have no undergrounding projects planned to the cities in Very High Fire Hazard Severity zones.

Nearly 90% of the City of Laguna Beach land area is designated under State Law and local ordinance as Very High Fire Hazard Severity Zone. While the City has used Rule 20A and 20B funding in the past to underground more than half of its overhead utilities, sufficient funding is not available to underground the remaining parts of the City.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

July 25, 2019  
Page 2

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,



Bob Whalen  
Mayor

**CITY OF LAKEPORT**

*Over 125 years of community  
pride, progress and service*



August 7, 2019

Jan Arbuckle, President  
League of California Cities  
1400 K St., Ste. 400  
Sacramento, CA 95814

Dear President Arbuckle:

The City of Lakeport supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Tim Barnes  
Mayor  
City of Lakeport

August 15, 2019

Jan Arbuckle, President  
League of California Cities  
1400 K St., Ste. 400  
Sacramento, CA 95814

RE: City of Rancho Palos Verdes Proposed Resolution to Amend California Public Utilities Commission Rule 20A – SUPPORT

Dear Ms. Arbuckle:

At its Regular meeting on August 12, 2019, the Malibu City Council unanimously voted to support the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state, but California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, as well as willing and able to foot the bill. The City of Malibu agrees with Rancho Palos Verdes that Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission (CPUC) should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects. As a recent series of news stories on wildfire preparedness in California pointed out, there are more than 75 communities across the state with populations over 1,000, including Rancho Palos Verdes and Malibu, where at least 90 percent of residents live in a Cal Fire-designated Very High Fire Hazard Severity Zone.

It is well-known that electric utility equipment is a common fire source, and has sparked some of the most destructive blazes in our state's history. Moving power lines underground is, therefore, a critical tool in preventing them. Currently, Rule 20A primarily addresses visual blight, but with fire seasons worsening, it is key that fire safety also be considered when local governments pursue Rule 20A projects, and that annual funding allocations for the program be expanded.

It is worth noting that the State does have a program, Rule 20D, that factors in fire safety for funding undergrounding projects. However, this is limited to San Diego Gas & Electric Company projects in certain areas only. This needs to be expanded to include projects in all projects within designated Very High Fire Hazard Severity Zones.

The proposed resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, the City of Malibu strongly concurs that the resolution should go before the General Assembly.

Sincerely,

A handwritten signature in blue ink that reads "Jefferson Wagner".

Jefferson Wagner  
Mayor

Cc: Honorable Members of the Malibu City Council  
Reva Feldman, City Manager  
Megan Barnes, City of Rancho Palos Verdes, [mbarnes@rpvca.gov](mailto:mbarnes@rpvca.gov)



# CITY OF MOORPARK

799 Moorpark Avenue, Moorpark, California 93021  
Main City Phone Number (805) 517-6200 | Fax (805) 532-2205 | moorpark@moorparkca.gov

July 24, 2019

**SUBMITTED ELECTRONICALLY**

Jan Arbuckle, President  
League of California Cities  
1400 K St., Ste. 400  
Sacramento, CA 95814

RE: SUPPORT FOR RANCHO PALOS VERDES RESOLUTION RE: POWER LINE UNDERGROUNDING

Dear President Arbuckle:

The City of Moorpark supports the City of Rancho Palos Verdes effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

All cities in Ventura County, including Moorpark, have wildfire prevention fresh in our memories following the highly destructive 2017-2018 Thomas Fire, which was caused by above-ground power lines. The 2018 Woolsey Fire similarly affected Ventura County, and lawsuits have been filed alleging it was also caused by above-ground power lines. Each of these fires caused billions of dollars in damages and highlight the importance of undergrounding power lines.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

A handwritten signature in blue ink that reads "Janice Parvin". The signature is written in a cursive, flowing style.

Janice Parvin  
Mayor

cc: City Council  
City Manager



Jan Arbuckle, President  
League of California Cities  
1400 K St., Ste. 400  
Sacramento, CA 95814

Dear President Arbuckle:

The City of Nevada City supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission (CPUC) should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The City of Nevada City would also like to add that the local agency be given the power to use private firms to do design, inspect and construct Rule 20A projects in local jurisdiction rather than be required to use the designated local utility. In addition, the City of Nevada City wants the CPUC to allow local jurisdictions to transfer excess funds between agencies to better serve projects in high fire hazard severity zones.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Reinette Senum  
Mayor  
City of Nevada City





CITY OF  
*Palos Verdes Estates*

---

July 25, 2019

Jan Arbuckle, President  
League of California Cities  
1400 K St., Ste. 400  
Sacramento, CA 95814

Dear President Arbuckle:

The City of Palos Verdes Estates supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's current Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Mayor Kenneth J. Kao  
City of Palos Verdes Estates

cc: PVE City Council  
PVE Interim City Manager Petru  
RPV City Manager Willmore



**City of  
Rolling Hills Estates**

**Judith Mitchell**  
*Mayor*

**Velveth Schmitz**  
*Mayor Pro Tem*

**Britt Huff**  
*Council Member*

**Frank V. Zerunyan**  
*Council Member*

**Steven Zuckerman**  
*Council Member*

August 14, 2019

Jan Arbuckle, President  
League of California Cities  
1400 K St., Ste. 400  
Sacramento, CA 95814

Dear President Arbuckle:

The City of Rolling Hills Estates supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

  
Judith Mitchell  
Mayor



# City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD  
ROLLING HILLS, CALIF. 90274  
(310) 377-1521  
FAX: (310) 377-7288

August 14, 2019

Jan Arbuckle, President  
League of California Cities  
1400 K St., Ste. 400  
Sacramento, CA 95814

Dear Board of Directors:

The City of Rolling Hills supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Leah Mirsch  
Mayor

July 29, 2019

Jan Arbuckle, President  
League of California Cities  
1400 K St., Ste. 400  
Sacramento, CA 95814

Dear President Arbuckle:

The City of Ventura supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.


Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alex D. McIntyre".

Alex D. McIntyre  
City Manager

**2. A RESOLUTION CALLING UPON THE FEDERAL AND STATE GOVERNMENTS TO ADDRESS THE DEVASTATING IMPACTS OF INTERNATIONAL TRANSBOUNDARY POLLUTION FLOWS INTO THE SOUTHERNMOST REGIONS OF CALIFORNIA AND THE PACIFIC OCEAN**

Source: San Diego County Division

Concurrence of five or more cities/city officials

Cities: Calexico; Coronado; Imperial Beach; San Diego

Individual City Officials: City of Brawley: Mayor Pro Tem Norma Kastner-Jauregui; Council Members Sam Couchman, Luke Hamby, and George Nava. City of Escondido: Deputy Mayor Consuelo Martinez. City of La Mesa: Council Member Bill Baber. City of Santee: Mayor John Minto, City of Vista: Mayor Judy Ritter and Council Member Amanda Young Rigby

Referred to: Environmental Quality Policy Committee

**WHEREAS**, international transboundary rivers that carry water across the border from Mexico into Southern California are a major source of sewage, trash, chemicals, heavy metals and toxins; and

**WHEREAS**, transboundary flows threaten the health of residents in the United States and Mexico, harm important estuarine land and water of international significance, force closure of beaches, damage farmland, adversely impact the South San Diego County and Imperial County economy; compromise border security, and directly affect U.S. military readiness; and

**WHEREAS**, a significant amount of untreated sewage, sediment, hazardous chemicals and trash have been entering southern California through both the Tijuana River Watershed (75 percent of which is within Mexico) and New River flowing into southern California's coastal waterways and residential and agricultural communities in Imperial County eventually draining into the Salton Sea since the 1930s; and

**WHEREAS**, in February 2017, an estimated 143 million gallons of raw sewage flowed into the Tijuana River and ran downstream into the Pacific Ocean and similar cross border flows have caused beach closures at Border Field State Park that include 211 days in 2015; 162 days in 2016; 168 days in 2017; 101 days in 2018; and 187 days to date for 2019 as well as closure of a number of other beaches along the Pacific coastline each of those years; and

**WHEREAS**, approximately 132 million gallons of raw sewage has discharged into the New River flowing into California through communities in Imperial County, with 122 million gallons of it discharged in a 6-day period in early 2017; and

**WHEREAS**, the presence of pollution 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**, the current insufficient and degrading infrastructure in the border zone poses a significant risk to the public health and safety of residents and the environment on both

sides of the border, and places the economic stress on cities that are struggling to mitigate the negative impacts of pollution; and

**WHEREAS**, the 1944 treaty between the United States and Mexico regarding *Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande* allocates flows on trans-border rivers between Mexico and the United States, and provides that the nations, through their respective sections of the International Boundary Water Commission shall give control of sanitation in cross border flows the highest priority; and

**WHEREAS**, in 1993, the United States and Mexico entered into the *Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a North American Development Bank* which created the North American Development Bank (NADB) to certify and fund environmental infrastructure projects in border-area communities; and

**WHEREAS**, public concerns in response to widespread threats to public health and safety, damage to fish and wildlife resources and degradation to California's environment resulting from transboundary river flow pollution in the southernmost regions of the state requires urgent action by the Federal and State governments, and

**WHEREAS**, Congress authorized funding under the U.S. Environmental Protection Agency's (EPA) Safe Drinking Water Act and established the State and Tribal Assistance Grants (STAG) program for the U.S.-Mexico Border Water Infrastructure Program (BWIP) in 1996 to provide grants for high-priority water, wastewater, and storm-water infrastructure projects within 100 kilometers of the southern border; and

**WHEREAS**, the EPA administers the STAG and BWIP programs, and coordinates with the North American Development Bank (NADB) to allocate BWIP grant funds to projects in the border zone; and

**WHEREAS**, since its inception, the BWIP program has provided funding for projects in California, Arizona, New Mexico and Texas that would not have been constructed without the grant program; and

**WHEREAS**, the BWIP program was initially funded at \$100 million per year, but, over the last 20 years, has been continuously reduced to its current level of \$10 million; and

**WHEREAS**, in its FY 2020 Budget Request, the Administration proposed to eliminate the BWIP program; and

**WHEREAS**, officials from EPA Region 9, covering California, have identified a multitude of BWIP-eligible projects along the southern border totaling over \$300 million; and

**WHEREAS**, without federal partnership through the BWIP program and state support to address pollution, cities that are impacted by transboundary sewage and toxic waste flows are

left with limited resources to address a critical pollution and public health issue and limited legal remedies to address the problem; and

**WHEREAS**, the National Association of Counties, (NACo) at their Annual Conference on July 15, 2019 and the U.S. Conference of Mayors at their Annual Conference on in July 1, 2019 both enacted resolutions calling on the federal and state governments to work together to fund and address this environmental crisis; 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 residents of California, and

**WHEREAS**, League of California Cities policy has long supported efforts to ensure water quality and oppose contamination of water resources; and

**NOW, THEREFORE, BE IT RESOLVED** at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding to the U.S- Mexico Border Water Infrastructure Program (BWIP) and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

## **Background Information on Resolution No. 2**

Source: San Diego County Division

### **Background:**

Along California's southern border with Mexico, the New River in Imperial County and the Tijuana River in San Diego County are a major sources of raw sewage, trash, chemicals, heavy metals, and toxins that pollute local communities. Sewage contaminated flows in the Tijuana River have resulted in significant impacts to beach recreation that includes the closure of Border Field State Beach for more than 800 days over the last 5-years. Similarly, contaminated flows in the New River presents comparable hazards, impacts farm land, and contributes to the ongoing crisis in the Salton Sea. These transboundary flows threaten the health of residents in California and Mexico, harms the ecosystem, force closures at beaches, damage farm land, makes people sick, and adversely affects the economy of border communities. The root cause of this cross border pollution is from insufficient or failing water and wastewater infrastructure in the border zone and inadequate federal action to address the problem through existing border programs.

The severity of cross border pollution has continued to increase, due in part to the rapid growth of urban centers since the passage of the North American Free Trade Agreement (NAFTA). While economic growth has contributed to greater employment, the environmental infrastructure of the region has not kept pace, which is why Congress authorized the Border Water Infrastructure Program (BWIP) in 1996. The U.S. Environmental Protection Agency (EPA) administers the BWIP and coordinates with the North American Development Bank (NADB) to provide financing and technical support for projects on both sides of the U.S./Mexico border. Unfortunately, the current BWIP funding at \$10 million per year is only a fraction of the initial program budget that shares funding with the entire 2,000 mile Mexican border with California, Arizona, New Mexico and Texas. EPA officials from Region 9 have identified an immediate need for BWIP projects totaling over \$300 million just for California. Without federal partnerships through the BWIP and state support to address cross border pollution, cities that are impacted by transboundary sewage and toxic waste flows are left with limited resources to address a critical pollution and public health issue.

The International Boundary and Water Commission (IBWC) is another important federal stakeholder that, under the Treaty of 1944 with Mexico, must address border sanitation problems. While IBWC currently captures and treats some of the pollution generated in Mexico, it also redirects cross border flows without treatment directly into California.

Improving environmental and public health conditions for communities along the border is essential for maintaining strong border economy with Mexico. The IBWC, EPA, and NADB are the important federal partners with existing bi-national programs that are able to immediately implement solutions on cross border pollution. California is in a unique position to take the lead and work with local and federal partners to implement real solutions that will addresses the long standing and escalating water quality crisis along the border.

For those reasons, the cities of Imperial Beach and Coronado requested the San Diego County Division to propose a resolution at the 2019 League Annual Conference calling upon the federal



and state governments to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California, San Diego and Imperial Counties and the Pacific Ocean.

On August 12, 2019 at the regularly scheduled meeting of the San Diego County Division, the membership unanimously endorsed submittal of the resolution, with close to 75% membership present and voting.

The Imperial County Division does not have a schedule meeting until after the deadline to submit proposed resolutions. However, the City of Calexico, which is most directly impacted by initial pollution flow of the New River from Mexicali, sent a letter in concurrence of this resolution as well as numerous city official from cities within Imperial County and the Imperial County Board of Supervisors. The League Imperial County Division will place a vote to support this resolution on the agenda of their September 26, 2019 meeting.

## **League of California Cities Staff Analysis on Resolution No. 2**

Staff: Derek Dolfie, Legislative Representative  
Carly Shelby, Legislative and Policy Development Assistant  
Committees: Environmental Quality

### **Summary:**

This Resolution states that the League of California Cities should call upon the State and Federal governments to restore and ensure proper funding for the U.S. – Mexico Border Water Infrastructure Program (BWIP) and work bi-nationally to address water quality issues resulting from transboundary flows from Mexico’s Tijuana River into the United States containing untreated sewage, polluted sediment, and trash.

### **Background:**

The League of California Cities’ San Diego County Division is sponsoring this resolution to address their concerns over the contaminated flows from the Tijuana River into California that have resulted in the degradation of water quality and water recreational areas in Southern California.

The Tijuana River flows north through highly urbanized areas in Mexico before it enters the Tijuana River Estuary and eventually the Pacific Ocean via waterways in San Diego County in California. Urban growth in Tijuana has contributed to a rise in rates of upstream flows from water treatment facilities in Mexico. These treatment facilities have raised the amount of untreated sewage and waste in the Tijuana River due to faulty infrastructure and improper maintenance. The federal government refers to the river as an “impaired water body” because of the presence of pollutants in excess, which pose significant health risks to residents and visitors in communities on both sides of the border.

### ***Federal Efforts to Address Pollution Crisis***

To remedy the Tijuana River’s low water quality, the United States and Mexico entered into a Treaty in 1944 entitled: *Utilization of Waters of the Colorado River and Tijuana Rivers and of the Rio Grande – the International Boundary and Water Commission (IBWC)*. The IBWC was designed to consist of a United States section and a Mexico section. Both sections were tasked with negotiating and implementing resolutions to address water pollution in the area, which includes overseeing the development of water treatment and diversion infrastructure.

After the formation of the IBWC, the U.S. and Mexico entered into a treaty in 1993 entitled: *Agreement Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank*. This agreement established the North American Development Bank (NADB), which certifies and funds infrastructure projects located within 100 kilometers (62 miles) of the border line. The NADB supports federal programs like the Border Water Infrastructure Program (BWIP), which was initially funded at \$100 million, annually.

The degradation of existing water treatment infrastructure along the border coincides with the federal government’s defunding of the BWIP, which has steadily decreased from \$100 million in 1996 to \$10 million today. The Federal FY 2020 Budget proposes eliminating BWIP funding

altogether. EPA's regions 6 and 9 (includes U.S. states that border Mexico) have identified a number of eligible projects that address public health and environmental conditions along the border totaling \$340 million.

The NADB has funded the development of water infrastructure in both the U.S. and Mexico. Water diversion and treatment infrastructure along the U.S – Mexico border includes, but is not limited to, the following facilities:

- *The South Bay International Wastewater Treatment Plant (SBIWTP)*. This facility was constructed by the U.S. in 1990 and is located on the California side of the border and is operated under the jurisdiction of the IBWC. The SBIWTP serves as a diversion and treatment sewage plant to address the flow of untreated sewage from Mexico into the United States.
- *Pump Station CILA*. CILA was constructed by Mexico in 1991 and is located along the border in Mexico. This facility serves as the SBIWTP's Mexican counterpart.

Both the SBIWTP and CILA facilities have had a multitude of overflows containing untreated sewage and toxic waste that spills into the Tijuana River. The cause of overflows can be attributed to flows exceeding the maximum capacity that the infrastructure can accommodate (this is exacerbated during wet and rainy seasons) and failure to properly operate and maintain the facilities. Much of the existing infrastructure has not had updates or repairs for decades, causing overflows to become more frequent and severe. The most notable overflow occurred in February 2017, wherein 143 million gallons of polluting waste discharged into the Tijuana River; affecting the Tijuana Estuary, the Pacific Ocean, and Southern California's waterways.

### ***State Actions***

In response to the February 2017 overflow, the San Diego Water Board's Executive Officer sent a letter to the U.S. and Mexican IBWC Commissioners which included recommendations on how to improve existing infrastructure and communications methods between both nations.

In September of 2018, California Attorney General Xavier Becerra submitted a lawsuit against IBWC for Violating the Clean Water Act by allowing flows containing sewage and toxic waste to flow into California's waterways, posing a public health and ecological crisis. The cities of Imperial Beach, San Diego, Chula Vista, the Port of San Diego, and the San Diego Regional Water Quality Board have also filed suit against the IBWC. The suit is awaiting its first settlement conference on October 19, 2019. If parties are unable to reach a settlement, the case will go to trial.

### **Fiscal Impact:**

California's economy is currently the sixth largest in the world, with tourism spending topping \$140.6 billion in 2018. In the past five years, San Diego's Border Field State Park has been closed for over 800 days because of pollution from the Tijuana River. A decline in the State's beach quality and reputation could carry macroeconomic effects that could ripple outside of the San Diego County region and affect coastal communities throughout California.

### **Existing League Policy**

The League of California Cities has extensive language on water in its Summary of Existing Policy and Guiding Principles. Fundamentally, the League recognizes that beneficial water quality is essential to the health and welfare of California and all of its citizens. Additionally, the League advocates for local, state and federal governments to work cooperatively to ensure that water quality is maintained.

The following policy relates to the issue of water quality:

- Surface and groundwater should be protected from contamination.
- Requirements for wastewater discharge into surface water and groundwater to safeguard public health and protect beneficial uses should be supported.
- When addressing contamination in a water body, water boards should place priority emphasis on clean-up strategies targeting sources of pollution, rather than in stream or end-of-pipe treatment.
- Water development projects must be economically, environmentally and scientifically sound.
- The viability of rivers and streams for instream uses such as fishery habitat, recreation and aesthetics must be protected.
- Protection, maintenance, and restoration of fish and wildlife habitat and resources.

Click here to view the [Summary of Existing Policy and Guiding Principles 2018](#).

### **Comments:**

1. Water quality issues are prevalent across California and have been a constant priority of the State's legislature and residents. In 2014, California's voters approved Proposition 1, which authorized \$7.5 billion in general obligation bonds to fund water quality improvement projects. In 2019, the Legislature reached an agreement to allocate \$130 million from the State's Greenhouse Gas Reduction Fund (GGRF) to address failing water infrastructure and bad water qualities for over one million of California's residents in rural communities. Water quality is not an issue unique to the County of San Diego and communities along the border.
2. Tijuana River cross-border pollution has caught national attention. Members of Congress have proposed recent funding solutions to address the pollution crisis, including:
  - In February of 2019, California Congressional Representatives Vargas, Peters, and Davis helped secure \$15 million for the EPA to use as part of its BWIP.
  - *H.R. 3895 (Vargas, Peters, 2019), The North American Development Bank Pollution Solution Act*. This bill seeks to support pollution mitigation efforts along the border by increasing the NADB's capital by \$1.5 billion.
  - *H.R. 4039 (Levin, 2019), The Border Water Infrastructure Improvement Act*. This bill proposes increasing funding to the BWIP from the existing \$10 million to \$150 million as a continuous appropriation until 2025.Additionally, the National Association of Counties (NACo) and the U.S. Conference of Mayors enacted resolutions in support of increased funding for U.S. – Mexico border water infrastructure to address the environmental crisis in 2019.

3. The border pollution problem has sparked action from local, state, and federal actors. Should this resolution be adopted, League membership should be aware that future action will be adapted by what is explicitly stated in the resolution's language. In current form, the resolution's resolve clause cites the BWIP as the only program that should receive reinstated and proper funding. League staff recommends the language be modified to state:

**“NOW, THEREFORE, BE IT RESOLVED** at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding *for environmental infrastructure on the U.S. – Mexico Border, including* ~~to the U.S.–Mexico~~ Border Water Infrastructure Program (BWIP), and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.”

Modifying the language would ensure enough flexibility for the League to support funding mechanisms outside of the prescribed federally-operated BWIP.

4. It remains unclear if there is an appetite in Washington to fund border-related infrastructure projects that address environmental quality. Given the high probability of another overflow containing waste and sewage from the existing infrastructure operated by the IBWC, League membership should consider the outcome if no resolution is reached to address the issue.

**Support:**

The following letters of concurrence were received:

**Cities:**

The City of Calexico

The City of Coronado

The City of Imperial Beach

The City of San Diego

**In their individual capacity:**

Amanda Young Rigby, City of Vista Council Member

Bill Baber, City of La Mesa Council Member

Consuelo Martinez, City of Escondido Deputy Mayor

George A. Nava, City of Brawley Council Member

John Minto, City of Santee Mayor

Judy Ritter, City of Vista Mayor

Luke Hamby, City of Brawley Council Member

Norma Kastner-Jauregui, City of Brawley Mayor Pro-Tempore

Sam Couchman, City of Brawley Council Member

# **LETTERS OF CONCURRENCE**

Resolution No. 2

International Transboundary  
Pollution Flows



# CITY OF CALEXICO

608 Heber Ave.  
Calexico, CA 92231-2840  
Tel: 760.768.2110  
Fax: 760.768.2103  
[www.calexico.ca.gov](http://www.calexico.ca.gov)

August 15, 2019

Jan Arbuckle, President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**RE: Environmental and Water Quality Impacts Of International Transboundary River  
Pollution Flow Resolution**

President Arbuckle:

The city of Calexico strongly supports the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

Local government and the public support the State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

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

*Viva Calexico!*

If you have any questions or require additional information, please do not hesitate to contact me at 760/768-2110.

Sincerely,

**CITY OF CALEXICO**

A handwritten signature in cursive script that reads "David Dale".

David Dale  
City Manager

Cc: Honorable Mayor Bill Hodge

*Viva Calexico!*





## CITY OF CORONADO

1825 STRAND WAY  
CORONADO, CA 92118

OFFICE OF THE CITY MANAGER  
(619) 522-7335  
FAX (619) 522-7846

August 15, 2019

Jan Arbuckle, President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**RE: Environmental and Water Quality Impacts of International Transboundary River Pollution Flows Resolution**

This letter is written on behalf of and with the support of the Coronado City Council. The City of Coronado wholeheartedly supports the resolution adopted by the San Diego County and Imperial County Division of the California League of Cities.

The San Diego County Division's resolution calls upon the federal and state governments to restore and ensure proper funding of the U.S.-Mexico Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

The City has been working closely with the Environmental Protection Agency and other federal partners on the matter since early 2018. City leaders are committed to finding long-term, sustainable solutions to this problem. Through its advocacy and education efforts, the City of Coronado has raised national awareness of the problem among legislators, political appointees and career staff at federal agencies. These efforts have been successful. However, the City along with our coalition partners, look forward to more action to swiftly resolve this issue.

Local government and the public support the state's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

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

Sincerely,



Blair King  
Coronado City Manager

cc: Coronado Mayor and City Council  
Bill Baber, President, San Diego County Division  
c/o Catherine Hill, Regional Public Affairs Manager, San Diego County Division [chill@cacities.org](mailto:chill@cacities.org)

August 15, 2019

Jan Arbuckle, President  
League of California Cities  
1400 K St. Suite 400  
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River  
Pollution Flow Resolution

President Arbuckle:

The city of Imperial Beach appreciates and supports the San Diego County Division's effort to submit a resolution for consideration by the full membership of the League of California Cities.

The Division's resolution calls on Federal and State government to address the impacts of transboundary pollution flows into the Southwestern regions of California. The pollution in these areas is an environmental disaster that threatens the health and general welfare of residents near the Mexican border in Imperial and San Diego Counties.

I encourage all voting delegates and elected officials in attendance at the 2019 Annual League of California Cities Conference in Long Beach to support this important resolution as it addresses the critical need for the federal and state government to recommit to work bi-nationally to address the serious contamination issues and to develop and implement long-term solutions.

I am available for any questions or additional information related to this letter of support.

Sincerely,



Andy Hall  
City Manger

Cc: Honorable Mayor Serge Dedina  
Honorable Mayor Pro Tem Robert Patton  
Honorable Councilmember Paloma Aguirre  
Honorable Councilmember Ed Spriggs  
Honorable Councilmember Mark West

August 16, 2019

Jan Arbuckle, President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River Pollution Flow Resolution

President Arbuckle:

The city of Imperial Beach strongly supports the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

Local government and the public support the State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. If you have any questions or require additional information, please do not hesitate to contact me at 619-423-8303.

Sincerely,



Serge Dedina  
Mayor



THE CITY OF SAN DIEGO

**KEVIN L. FAULCONER**

Mayor

August 15, 2019

Jan Arbuckle, President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

RE: **Environmental and Water Quality Impacts of International Transboundary River  
Pollution Flow Resolution**

President Arbuckle:

The City of San Diego supports the San Diego County Division in their effort to submit a resolution to the General Assembly at the League of California Cities' 2019 Annual Conference in Long Beach.

To suppress the flow of pollution between the Mexico and Southern California's water channels, the Division requests for the Federal and State governments to give proper funding to the Border Water Infrastructure Program (BWIP).

The City of San Diego and its citizens have expressed their concerns about untreated sewage, polluted sediment and trash flowing from Mexico, into California, causing health, environmental and safety concerns. The State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. With the Division's resolution, the great need for federal and state governments to reconsider working together, will help in developing a long-term solution to address serious water quality and contamination issues.

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 contact me at (619)453-9946 if you have any questions.

Sincerely,

Denice Garcia  
Director of International Affairs

Cc: Honorable Mayor Kevin L. Faulconer





# AMANDA YOUNG RIGBY

CITY COUNCILWOMAN

August 15, 2019

Jan Arbuckle, President  
League of California Cities  
1400 K Street, 4<sup>th</sup> Floor  
Sacramento, CA 95814

Re: Border Sewage Issues

Dear President Arbuckle;

As a Council Member in the City of Vista, and solely in my individual capacity as such, I write in **support** of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the constant sewage pollution issues at the international border with Mexico.

This Resolution requests that the federal and state governments recognize the paramount importance of this issue and address the devastating impacts that this constant contamination has on the southernmost regions of California and the Pacific coastline by requesting the necessary funding to develop and implement effective and long term solutions to the raw sewage contamination coming into San Diego and Imperial Counties from Mexico.

Although I have lived in Vista for 27 years now, I grew up in Imperial Beach and know well the severe health and environmental impact that this situation has had on our border communities for the **decades**.

As a member of the League, I value the League's ability to effectively advocate on behalf of not only our cities but in effect, our citizens, and this is an important issue for our entire state. Should you have any questions or comments, please contact me at the number below. Thank you for your consideration.

Most Sincerely,

  
Amanda Young Rigby  
Council Member, City of Vista

cc: Vista City Council  
Vista City Manager  
Vista City Attorney  
City of Imperial Beach  
City of Coronado  
City of Calexico  
City of San Diego



CITY OF  
**LA MESA**  
JEWEL of the HILLS

August 16, 2019

Jan Arbuckle, President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**RE: Environmental and Water Quality Impacts Of International Transboundary River Pollution Flows Resolution**

President Arbuckle:

As a Council Member for the City of La Mesa and in my individual capacity, not on behalf of the full La Mesa City Council as a body or the City, I am writing you in support of the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

As San Diego County Division President and a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at 619-667-1106, should you have any questions.

Sincerely,

BILL BABER  
COUNCIL MEMBER CITY OF LA MESA  
PRESIDENT, LEAGUE SAN DIEGO COUNTY DIVISION



Consuelo Martinez, Deputy Mayor  
201 North Broadway, Escondido, CA 92025  
Phone: 760-839-4638

August 16, 2019

Jan Arbuckle, President  
League of California Cities  
1400 K Street, 4<sup>th</sup> Floor  
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the city of Escondido, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at [cmartinez@escondido.org](mailto:cmartinez@escondido.org) if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Martinez", written over a light blue horizontal line.

Consuelo Martinez  
Deputy Mayor

cc: Honorable Mayor and City Council Members  
Jeffrey R. Epp, City Manager



# CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street  
Brawley, CA 92227  
Phone: (760) 351-3048  
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President  
League of California Cities  
1400 K Street, 4<sup>th</sup> Floor  
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

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As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

George A. Nava  
City Council Member  
City of Brawley



MAYOR  
John W. Minto



# CITY OF SANTEE

CITY COUNCIL  
Ron Hall  
Stephen Houlahan  
Laura Koval  
Rob McNelis

August 15, 2019

Jan Arbuckle, President  
League of California Cities  
1400 K Street, 4<sup>th</sup> Floor  
Sacramento, CA 95814

Dear President Arbuckle:

As Mayor of the city of Santee, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

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As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (JMinto@cityofsanteeca.gov) if you have any questions.

Sincerely,

JOHN W. MINTO  
Mayor  
City of Santee



JUDY RITTER

MAYOR

August 16, 2019

Jan Arbuckle, President  
League of California Cities  
1400 K Street, 4<sup>th</sup> Floor  
Sacramento, CA 95814

Dear President Arbuckle:

As Mayor of the city of Vista, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

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As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at [jritter@cityofvista.com](mailto:jritter@cityofvista.com) if you have any questions.

Sincerely,

Judy Ritter  
Mayor  
City of Vista



# CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street  
Brawley, CA 92227  
Phone: (760) 351-3048  
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President  
League of California Cities  
1400 K Street, 4<sup>th</sup> Floor  
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

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As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Luke Hamby  
City Council Member  
City of Brawley



# CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street  
Brawley, CA 92227  
Phone: (760) 351-3048  
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President  
League of California Cities  
1400 K Street, 4<sup>th</sup> Floor  
Sacramento, CA 95814

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As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Norma Kastner-Jauregui  
Mayor Pro-Tempore  
City of Brawley



# CITY OF BRAWLEY

ADMINISTRATIVE OFFICES  
383 Main Street  
Brawley, CA 92227  
Phone: (760) 351-3048  
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President  
League of California Cities  
1400 K Street, 4<sup>th</sup> Floor  
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

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As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Sam Couchman  
City Council Member  
City of Brawley

# AGENDA ITEM

6D

**CITY OF SAND CITY**

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**STAFF REPORT**

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**SEPTEMBER 6, 2019**  
**(For City Council Information Only)**

**TO: Mayor and City Council**

**FROM: Charles Pooler, City Planner**

**SUBJECT: Greenwaste Recovery Waste Diversion Report for West End Celebration**

Greenwaste Recovery Inc. (GWR) is the City's franchise waste hauler who replaced Waste Management some years ago. Each West End Celebration event, GWR provides recycle and food waste bins and staff to promote diversion. Attached is GWR's report regarding the 2019's event.

In summary, there was 1.26 tons of trash, 1.07 tons of collected recyclables, and 0.23 tons of collected food waste. That is just over a 50% diversion rate (1.3 tons diverted vs 1.26 tons of trash to the landfill). Though more effort is needed in regard to food waste collection and public education, this was a fairly good effort.

This report is only for information, and no Council action is required.

## West End Celebration

City of Sand City

August 23-25, 2019

### Attendees:

GreenWaste Recovery staff: Billie Miller, Colida Johnson, Kristian Flores and 4 GWR drivers

Volunteer crew: Ben Bruce & CPY, Seaside Highschool students

### Diversion Overview:

1.26 Tons of Trash – (0% diverted)

1.07 Tons of Recycle – (100 % diverted)

0.23 Tons of Food Waste – (100% diverted)

2017 Total Diversion: 1.07 diverted tons / 1.93 total tons = **55.4% diversion rate**

2018 Total Diversion: 2.25 diverted tons / 3.26 total tons = **69.01% diversion rate**

2019 Total Diversion: 1.30 diverted tons / 2.56 total tons = **50.78% diversion rate**

### Event Summary:

- **(35) 3-stream event stations**
- **(10) 65-gallon recycle carts**
- **(10) 65-gallon food waste carts**
- **(12) 65-gallon trash carts**
- **(1) 02-yard food waste bin**
- **(2) 30-yard roll off boxes.**
- **Signage for all stations and carts**

Set-up for West End Celebration (WEC) began Friday afternoon when the Outreach team (Billie, Colida and Kristian) prepped by putting together the three-stream event stations and lids provided by the Monterey Regional Waste Management District (MRWMD) in the Carol building lot. Saturday morning the GWR drivers and Billie arrived by 9:30 to set out all the event stations and signage, concentrating the large 65-gallon carts to the most populated main-stage area. This year the Sand City Public Works department provided bricks for us to place in the bottoms of the event stations which really helped keep them from being blown over by the wind. This year we returned to the original set up of having only one set of roll off boxes: (1) 30-yard trash & (1) 30-yard recycle. On both Saturday and Sunday, we had 2 GWR drivers walking the footprint of the event emptying full stations and bringing the waste back to the staging area off Ortiz. At the end of the event on Sunday evening the GWR staff collected all event



stations, carts, signage, and bricks and brought them back to the staging area to prepare for removal on Monday morning. As the vendors broke down their booths there was quite a bit of trash and recycle placed along the streets, GWR staff collected these items as well as used trash pickers to assist with street clean up of loose items left behind by attendees.

This year we had the opportunity for more volunteer event station monitors. C.P.Y. was in attendance as always, along with some Seaside Highschool students. All the volunteers were able to stand in populated areas and assist attendees with how to sort their throw-away items.

When comparing the 2018 to 2019 diversion rate you will notice a lower diversion percentage for this year. The cause for this is related to the two roll-off box locations that we had last year. At the far end of Ortiz we had two 10-yard roll-off boxes that unfortunately were utilized for illegal dumping. The materials that were placed in the boxes were classified as construction and demolition, therefore the box was ran over the C&D line and counted towards diversion. Typically, these materials are also quite heavy, so this boosted that diversion rate by quite a bit.

Looking over last years recommendations we made the following adjustments, all of which contributed to smoother waste removal and daily event maintenance:

- We created new event station signage (see photos below).
- We went back to the original event plan of having only one roll-off box/staging area.
- We had bricks for weights in the bottoms of the event stations.
- We placed larger carts in the main stage area to avoid overflowing.

Despite the adjustments made this year the food waste stream was sill highly contaminated mainly with containers that previously held food. This can be attributed to the general public still unaware of what the food waste stream is and what can be put into it. My recommendation to increase overall diversion and assist the public with sorting at these events is detailed in the recommendations section below.

### **Recommendations:**

1. I recommend GreenWaste Recovery staff arrive by 8:00am for set up on Saturday morning.

This year GWR staff arrived at 9:30am to begin setting up for 11:00am event start time. Placing the new signage as well as bricks in the event stations took a much longer time that anticipated, and people arrive much earlier than 11:00 am. In order to be prepared I will recommend that GWR staff arrive by 8:00 am to begin setting out the event stations, bricks, and signage.

2. I recommend asking all vendors to use compostable items.

The number one material thrown out at West End this year were plates, boats, foils and bowls that vendors served food on. Although these items are "recyclable" when they are brand new out of the package, once they are used and soiled with food they are no longer recyclable and must be thrown into the trash.

# FOOD WASTE



**FRUIT & VEGETABLES**



**FOOD SCRAPS**



**BONES, SHELLS & GRAINS**



**GROUNDS & FLOWERS**



**COMPOST WARE**

COMPOSTABLE WARE  
CERTIFIED BPI OR ASTM  
PRODUCTS



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

# LANDFILL



PLASTIC



SNACK  
PACKAGING



SOILED  
TO-GO WARE



STYROFOAM



SMALL  
MISC. ITEMS



RESTROOM  
WASTE



[greenwaste.com](http://greenwaste.com)

# RECYCLE

REMOVE EXCESS LIQUIDS AND FOOD WASTE FIRST



PLASTIC



ALUMINUM



GLASS



CARDBOARD



OTHER PAPER PRODUCTS



[greenwaste.com](http://greenwaste.com)

# **AGENDA ITEM**

**6E**

**CITY OF SAND CITY  
RESOLUTION SC \_\_\_\_, 2019**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY RECOGNIZING THE  
ALZHEIMER'S ASSOCIATION AND THE WALK TO END ALZHEIMER'S**

**WHEREAS**, Alzheimer's disease is the 6<sup>th</sup> leading cause of death in the United States with approximately 5.4 million individuals affected by the disease and costing the nation \$236 billion; and

**WHEREAS**, the Alzheimer's Association of Northern California and Nevada strives to eliminate Alzheimer's disease through the advancement of research and to provide enhanced care and support for individuals affected by Alzheimer's; and

**WHEREAS**, the Alzheimer's Association provides support groups to local caregivers to assist them with planning and managing challenging situations, as well as information for individuals with early stage Alzheimer's disease or a related disorder; and

**WHEREAS**, the Alzheimer's Association offers educational conferences, community presentations, and publications to family members and professional caregivers in the hopes of helping individuals to understand the effects of Alzheimer's; and

**WHEREAS**, the Alzheimer's Association relies on community fundraising events and private donations from the community so that the Association can continue to provide much needed services; and

**WHEREAS**, the Alzheimer's Association Monterey Bay Chapter has sponsored a fund raising event known as the Walk to End Alzheimer's to raise funds and community awareness of Alzheimer's disease.

**NOW THEREFORE BE IT RESOLVED**, that the City Council of Sand City hereby recognizes the Alzheimer's Association Monterey Bay Chapter in their efforts to continue to provide valuable resources and programs to the community, and the Walk to End Alzheimer's that promotes community involvement while raising funds to help support the ongoing fight of ending Alzheimer's disease.

**PASSED AND ADOPTED** by the City Council of the City of Sand City this \_\_ day of September, 2019 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_  
Mary Ann Carbone, Mayor

\_\_\_\_\_  
Linda K. Scholink, City Clerk

**AGENDA ITEM**

**6F**

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## MEMORANDUM

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**To:** Mayor Carbone and City Council

**From:** Chief Brian Ferrante

**Date:** 9/9/2019

**Re:** Donation to the Monterey County Sheriffs SEAT Team

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### **BACKGROUND**

Each year the police department is responsible for providing security for the West End Celebration in Sand City. This event draws numerous persons from throughout the peninsula and beyond. As the event has grown each year, the Department must be creative in its approach to providing quality service to the event while maintaining a presence elsewhere in the city. To this end, volunteers are a critical component necessary to the smooth operation of essential services related to the celebration. This year, the Department reached out to the Monterey County Sheriffs Emergency Assistance Team (SEAT) for volunteers. The SEAT Team was able to provide two volunteers each day for the Saturday and Sunday event. The SEAT members worked the entire event on both days providing traffic control and information to attendees of the event. Their commitment was instrumental in providing a positive and safe experience for the attendees.

The SEAT Program survives largely on donations from the community. It is not directly funded by the County.

These volunteers are trained to assist in emergencies, evacuations, rescue operations and special events. They must pass a background investigation and be certified in CPR and First Aid.



## **RECOMMENDATION**

The Monterey Sheriffs Emergency Assistance Team (SEAT) is a worthwhile civic minded program that benefits the community. Staff recommends the City provide the program with a \$500 donation to promote its ongoing operation and participation.

From: Mayor Carbone

September 16, 2019

Re: Contribution for the Monterey Alzheimer's Association

Monterey Walk to End Alzheimer's

Dear City Council,

This year I will be leading the charge and have asked the other City Mayor's to walk with me and take a stance as elected officials to bring awareness towards addressing the Alzheimer's Crisis here on the Central Coast. I invite you to participate if you would like to on October 12<sup>th</sup> at 8 am at the Custom House Plaza. I am also asking that the City contribute \$500.00 which is the lowest amount but will make the City eligible for some signage on the day of the walk. I thank you for your consideration in this matter. I myself have lost my mother to this terrible disease as well as the Greenfield Mayor Pro Tem who is dealing with her mother as we speak.

My family walks and raises money in memory of my mother, their Team is Team Frances. I was approached by the Alzheimer's Association to bring awareness through a Mayors Team.

Thank you for your consideration



Mayor Carbone



**MONTEREY**  
OCTOBER 12, 2019

**CUSTOM HOUSE PLAZA  
MONTEREY**

# PARTNERSHIP OPPORTUNITIES

## 2018 HIGHLIGHTS

**16**  
YEARS IN  
MONTEREY

**679**  
PARTICIPANTS

**\$164,000**  
AMOUNT RAISED





[ALZ.ORG/WALK](http://ALZ.ORG/WALK) | 831.647.9890

# JUST THE FACTS

## WHY ALZHEIMER'S DISEASE?



**ALZHEIMER'S DISEASE IS THE 6<sup>TH</sup> LEADING CAUSE OF DEATH IN THE UNITED STATES.**

Between 2000 and 2015 deaths from heart disease have decreased **11%**   
while deaths from Alzheimer's disease have increased **123%** 



**NEARLY TWO-THIRDS OF THOSE WITH ALZHEIMER'S -3.3 MILLION- ARE WOMEN.**

IN 2018, Alzheimer's and other dementias will cost the nation **\$277 BILLION.**

BY 2050, these costs could rise as high as **\$1.1 TRILLION.**



**ALZHEIMER'S KILLS MORE THAN BREAST CANCER AND PROSTATE CANCER COMBINED.**

**1 IN 3**  **SENIORS DIES WITH ALZHEIMER'S OR ANOTHER DEMENTIA.**



**EVERY 65 SECONDS** someone in the United States develops the disease

**MORE THAN 5 MILLION AMERICANS ARE LIVING WITH ALZHEIMER'S.**

SHARE THE FACTS AND JOIN THE FIGHT. #ENDALZ

## OUR CHAPTER IN 2017



**EARLY AND ACCURATE DIAGNOSIS COULD SAVE UP TO \$7.9 TRILLION IN MEDICAL AND CARE COSTS OVER THE NEXT 50 YEARS.**

IN 2018, ALZHEIMER'S WILL COST THE COUNTRY **\$186 BILLION IN MEDICARE AND MEDICAID PAYMENTS.**

**RAISED \$5.3 MILLION** to advance the mission of the Alzheimer's Association.

# STRATEGIC PARTNERSHIP OPPORTUNITIES

**NEW!!**

MONTEREY WALK	PRESENTING \$ 7,500	PLATINUM \$ 5,000	GOLD \$ 3,000	SILVER \$ 2,000	BRONZE \$ 1,000	DIGITAL \$ 3,000
<b>VISIBILITY</b>						
Category exclusivity (i.e., exclusive hospital sponsor, exclusive financial sponsor, etc.)	<input checked="" type="checkbox"/>					
Company logo included in all monthly editions of local Walk e-newsletter	<input checked="" type="checkbox"/>					
Recognition post with logo on chapter Facebook page (19k+ followers)	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/> Boosted
Feature post on chapter LinkedIn Corporate Showcase Page						<input checked="" type="checkbox"/>
Recognition in post on two chapter social media channels (Twitter, Instagram or LinkedIn)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/> One Channel
Company logo included on local Walk website	<input checked="" type="checkbox"/> Home & Sponsor Page	<input checked="" type="checkbox"/> Home & Sponsor Page	<input checked="" type="checkbox"/> Sponsor Page Only			
Logo recognition on promotional posters displayed in community	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Name Only
Logo recognition on promotional brochures displayed in community	<input checked="" type="checkbox"/> Front Cover	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Name Only
Logo recognition on the local Walk's official 2018 participant t-shirts	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Name Only
<b>WALK DAY</b>						
Emcee introduction and speaking opportunity from the stage	<input checked="" type="checkbox"/>					
Company provided with 5 official 2019 Walk t-shirts	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
Acknowledgment by the emcee from the stage	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Company logo included on sponsor acknowledgment banner	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Display table in the sponsor & partner area (6 ft table + 2 chairs)	<input checked="" type="checkbox"/> Premier Space	<input checked="" type="checkbox"/> Preferred Space	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>COMPANY ENGAGEMENT</b>						
Pre-event promotion and employee engagement activity at your company upon request	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Invitation to Kick-Off Event	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

FOR QUESTIONS PLEASE CONTACT US AT 831.647.9890 OR [MONTEREYWALK@ALZ.ORG](mailto:MONTEREYWALK@ALZ.ORG)

# WALK DAY EVENT EXCLUSIVES

## Stage \$1,500

- ◇ Name and logo on banner as “Stage sponsored by”
- ◇ Name on Festivities Map, sent to all participants and available on website
- ◇ Name acknowledged by emcee
- ◇ Exhibitor space at Walk

## Photo Booth \$1,500

- ◇ Provide onsite photo booth with co-branded logo on printed photo strips
- ◇ Name and logo on 30” x 22” signage “Photo booth sponsored by”
- ◇ Exhibitor space at photo booth

\*The cost of the photo booth is not included in the sponsorship price. The sponsor will cover this additional cost.

## Promise Garden \$2,500

- ◇ Name and logo on 30” x 22” sign at Promise Flower pick up booth
- ◇ Name and logo on two signs 18”x 22” at Planted Promise Garden or where applicable.
- ◇ Exhibitor space at Promise Flower Pick-up booth

## Grand Champions\* \$1,000

- ◇ Name and logo on 30” x 22” sign, “Champions Club sponsored by”
- ◇ Name on Festivities Map, sent to all participants and available on website
- ◇ Exhibitor space at Walk inside Grand Champions tent

## Thank You Brigade \$1,000

- ◇ Opportunity to staff the Thank You Brigade and welcome all participants through the finish line
- ◇ Exhibitor space at Walk Finish Line

## Caregiver Oasis\* \$1,000

- ◇ Name and logo on 30”x22” sign, “Caregiver Oasis sponsored by”
- ◇ Exhibitor space inside the Caregiver Oasis

## Volunteer Sponsor \$1,500

- ◇ Logo on back of volunteer t-shirts as “Volunteers sponsored by”
- ◇ Opportunity to assist with Volunteer check-in
- ◇ Exhibitor space at Walk

## Station Sponsor\* \$1,500

- ◇ Sponsor one of the following stations:
  - Hydration Station
  - Refreshment Station
  - First Aid Station
  - Kid’s Camp
  - Remembrance Area
- ◇ Name and logo on 30”x22” sign, “(Station Name) sponsored by”
- ◇ Opportunity to staff stations with sponsor staff
- ◇ Exhibitor space at station

## Mile Sponsor\* \$1,000

- ◇ Name and logo on 30” x 22” sign as “Mile sponsored by”
- ◇ Exhibitor space/cheering station at assigned mile marker

## Tribute Sign (non-exclusive) \$500

- ◇ Name and logo on one 30” x 22” sign along Walk route



\* Creativity is encouraged for these exhibitor opportunities. Reach out to your local special events manager for ideas and approvals.

Event day sponsorship opportunities are sold on a first come, first served basis. Once a sponsorship is sold, the opportunity becomes exclusive and will no longer be available. For sponsors eligible for exhibitor space, one 6’ table and two chairs will be provided.

# MONTEREY SPONSORSHIP AGREEMENT

alzheimer's  association®

Northern California and  
Northern Nevada Chapter

ALZ.ORG/NORCAL  
831.647.9890

Federal Tax ID 13-3039601

PARTNER LEVEL	PRICE	AMOUNT DUE
PRESENTING SPONSOR	\$7,500	\$
PLATINUM SPONSOR	\$5,000	\$
GOLD SPONSOR	\$3,000	\$
SILVER SPONSOR	\$2,000	\$
BRONZE SPONSOR	\$1,000	\$
DIGITAL SPONSOR	\$3,000	\$

## CONTACT INFORMATION

SPONSOR NAME AS IT SHOULD APPEAR ON ALL MATERIALS

NAME

COMPANY NAME (IF APPLICABLE)

PHONE

E-MAIL ADDRESS

BILLING ADDRESS

CITY

STATE

ZIP

PLEASE INDICATE IF THE CHECK WILL COME FROM  
A COMPANY WITH A NAME DIFFERENT THAN THE  
ORGANIZATION LISTED ABOVE

SIGNATURE

DATE

## METHOD OF PAYMENT

ENCLOSED IS MY SPONSORSHIP CHECK\* IN THE AMOUNT  
OF \$ \_\_\_\_\_

CHARGE MY CREDIT CARD (PLEASE PRINT CLEARLY)

CARD TYPE:  VISA

MASTERCARD

DISCOVER

AMERICAN EXPRESS

NAME & ADDRESS IF DIFFERENT FROM ABOVE

CARD NUMBER

EXPIRATION DATE

CCV CODE

PLEASE SEND INVOICE TO:

**All Sponsors that sign agreements and complete payment  
by January 31, 2019 will be included in a sponsor thank  
you post on the Northern California and Northern  
Nevada Chapter Facebook Page (19k+ followers) before  
the 2019 Walk.**

EXCLUSIVE SPONSORSHIPS		
STAGE SPONSOR	\$1,500	\$
PHOTO BOOTH	\$1,500	\$
PROMISE GARDEN	\$2,500	\$
GRAND CHAMPIONS	\$1,000	\$
THANK YOU BRIGADE	\$1,000	\$
CAREGIVER OASIS	\$1,000	\$
VOLUNTEER SPONSOR	\$1,500	\$
STATION SPONSOR		
HYDRATION STATION	\$1,500	\$
REFRESHMENT STATION	\$1,500	\$
FIRST AID STATION	\$1,500	\$
KID'S CAMP	\$1,500	\$
REMEMBRANCE AREA	\$1,500	\$
MILE ROUTE	\$1,000	\$
TRIBUTE SIGN	\$500	\$

In order to receive the full benefits of the partnership and inclusion in all print materials, a signed commitment & payment must be received prior to **May 15, 2019**.

\*Please make checks payable to the Alzheimer's Association.

## PLEASE RETURN THIS FORM TO:

Alzheimer's Association  
Monterey Walk to End Alzheimer's  
Attn: Kristi Boosman  
21 Lower Ragsdale Drive  
Monterey, CA 93940

FAX: 831.655.9241 | EMAIL: montereywalk@alz.org

This document is a written agreement with the Alzheimer's Association, Northern California, Northern Nevada Chapter, that the above designated sponsor is agreeing to be a Walk to End Alzheimer's® sponsor. As such, this sponsor will provide company logo and/or print information within ten days of submission of this form and payment in the amount indicated above to the Alzheimer's Association, Northern California, Northern Nevada Chapter.

**AGENDA ITEM**

**8A**





# Disaster Preparedness



## CERT Basic Training



FEMA



# Training Preview

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



FEMA

CERT Basic Training  
Unit 1: Disaster Preparedness

1-1



# Training Objectives

- Identify roles and responsibilities for community preparedness
- Describe types of hazards that affect community, people, health, and infrastructure
- Undertake personal and organizational preparedness actions
- Describe functions of CERTs



# Community Preparedness: Roles and Responsibilities

- Key priority in lessening the impact of disasters
- Critical that all community members take steps to prepare
- Effective when addresses unique attributes of community and engages whole community



FEMA

CERT Basic Training  
Unit 1: Disaster Preparedness

1-3



# Government

- Government has responsibility to:
  - Develop, test, and refine emergency plans
  - Ensure emergency responders have adequate skills and resources
  - Provide services to protect and assist citizens



FEMA

CERT Basic Training  
Unit 1: Disaster Preparedness

1-4



# The Public

- Learn about community alerts, warnings, and evacuation routes
- Take training
- Practice skills and personal plans
- Network and help others
- Give feedback to community
- Report suspicious activity
- Volunteer



# Engaging the Whole Community

- Goal of Citizen Corps is to make communities safer, more prepared, and more resilient
- Citizen Corps Councils bring government and community leaders together
- Councils ensure emergency plans more effectively reflect the community



# Local CERT



- Provides free public training twice yearly
- Emergency response to:
  - missing persons
  - storm response
  - coastal incidents
  - other emergencies
- Members in Everbridge Alert system



FEMA

CERT Basic Training  
Unit 1: Disaster Preparedness

1-7





# Get Involved

- Preparedness requires active participation from all
  - Talk to friends and family about hazards
  - Ask about emergency planning outside the home
  - Make sure those in charge have a plan
- Training provides skills needed to help others and keep skills current
  - CERT program provides training, practice, and connection to others
  - Participate in drills and exercises
  - Talk to friends and family about volunteering

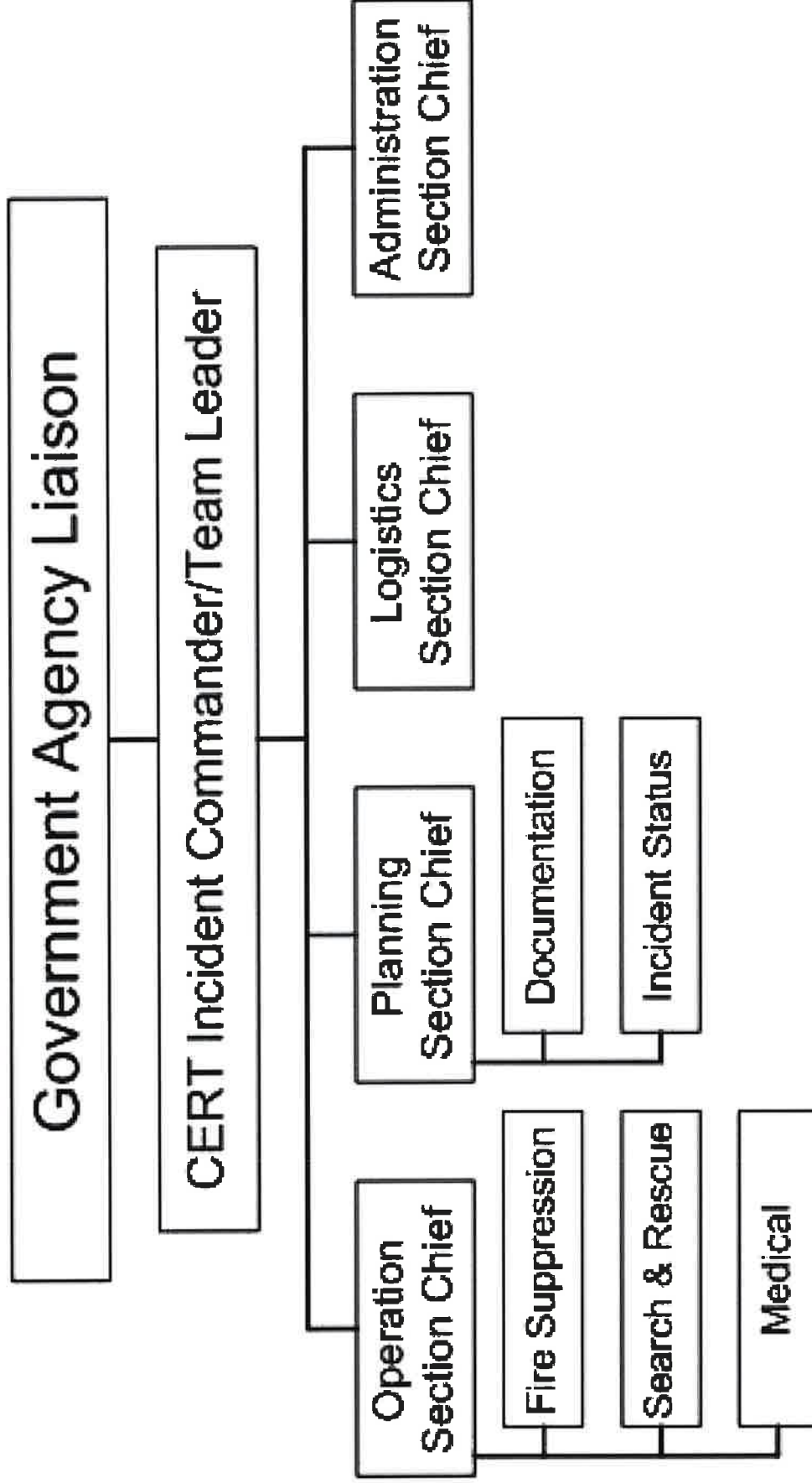


# CERT Disaster Response

- Respond in period immediately after a disaster
- Assist emergency response personnel when requested
- CERT members' first responsibility is personal and family safety
- Respond after a disaster:
  - Locate and turn off utilities, if safe
  - Extinguish small fires
  - Treat injuries
  - Conduct light search and rescue
  - Help to relieve survivor stress



# CERT Organization



FEMA

CERT Basic Training  
Unit 1: Disaster Preparedness

1-10



# Personal Protective Equipment

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



# Non-Disaster Roles

- Identify and aid neighbors/coworkers who might need assistance
- Distribute preparedness materials; do demos
- Staff first aid booths at special events
- Assist with installation of smoke alarms
- Parade route management



# Protection for Disaster Workers

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



**FEMA**

CERT Basic Training  
Unit 1: Disaster Preparedness

1-13



# Additional Training for CERTs

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



**AGENDA ITEM**

**9A**



**CITY OF SAND CITY**

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**STAFF REPORT**

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**SEPTEMBER 4, 2019**  
**(For City Council Consideration on September 24, 2019)**

**TO: Mayor and City Council**

**FROM: Charles Pooler, City Planner**

**SUBJECT: 2<sup>nd</sup> Reading - Ordinance Updating Title 15 of the City's Municipal Code Adopting 2019 Editions of the California Building Standards Codes**

**BACKGROUND**

At the September 3, 2019 Council meeting, the City Council adopted for first reading an ordinance to update Title 15 of the City's Municipal Code with the latest versions of the California Building, Fire, and other related construction codes. No concerns were identified or discussed at the September 4<sup>th</sup> public hearing, nor was there any public comment received. The ordinance requires Council adoption for second reading before the ordinance is incorporated into the City's Municipal Code. The ordinance would go into effect on January 1, 2020 in accordance with State law. The August 7<sup>th</sup> staff report is attached and incorporated into this report.

**RECOMMENDATION**

Staff recommends that the City Council **ADOPT** the ordinance to update and amend related sections/chapters of Title 15 of the Sand City Municipal Code for 1) consistency and compliance with the State of California, 2) consistency with the service contract between Sand City and Monterey, and 3) incorporate amendments that are specific to Sand City's local climate, geology, and topographical conditions as allowed by California Health and Safety Code Sections 17958, 17958.5, and 17958.7.

**Attachments:**

1. Staff Report, dated August 7, 2019
2. Draft Ordinance (as adopted for 1<sup>st</sup> reading on September 4, 2019)

# **ATTACHMENT 1**

## **August 7, 2016 Staff Report**

**CITY OF SAND CITY**

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**STAFF REPORT**

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**AUGUST 7, 2019**  
**(For City Council Consideration on September 3, 2019)**

**TO: Mayor and City Council**

**FROM: Charles Pooler, City Planner**

**SUBJECT: Formal Adoption of Updated Building and Related Codes**

**BACKGROUND**

The State of California adopted updated editions of the California Building Standards Code (inclusive of the Building Code, Fire Code, Historical Building Code, Existing Building Code, Residential Code, Plumbing Code, Electrical Code, Mechanical Code, Green Building Code, and International Property Maintenance Code) that become effective on January 1, 2020. These codes must be implemented by county and municipal governments throughout California as of that date. Following the State's adoption of updated Building Standard Codes, the City adopts an ordinance to amend and update Title 15 of the Sand City Municipal Code (the "SCMC") to be consistent with the updated California Code. The following is a list of the updated California codes to be adopted and incorporated into the SCMC:

- California Building Code & Appendix Chapters H, I, J; 2019 ed.
- California Historic Building Code, 2019 ed.;
- California Existing Building Code, 2019 ed.;
- California Residential Code, 2019 ed.;
- California Plumbing Code, 2019 ed.;
- California Electrical Code, 2019 ed.;
- California Mechanical Code, 2019 ed.;
- California Green Building Standards Code, 2019 ed.;
- California Fire Code; 2019 ed.;
- International Property Maintenance Codes, 2018 ed.;

**DISCUSSION**

The attached draft ordinance is to amend Title 15 of the SCMC to incorporate these updated California Codes and updating specific SCMC Title 15 sections that make specific reference to the 2016 Building, Fire, Plumbing, and Residential codes that must be updated to reference the corresponding 2019 California Building Standard Codes. The remaining code amendments adopted by the City in 2016 will remain unchanged but will apply to the newly adopted 2019 Codes. These more restrictive code amendments are consistent with the code requirements adopted by the City of Monterey, which satisfy terms of the service agreement contract between Sand City and the City of Monterey for

consistency in plan review, site inspection, and code enforcement; and are specific to the Monterey Peninsula's and Sand City's local climate, geology, and topographical conditions.

SCMC Section 15.08.030, regarding Fire Code and Board of Appeals, was an amendment adopted with the 2016 Code update; however, this section is now in conflict with the 2019 Fire Code and needs to be deleted. The 2019 California Fire Code addresses the appeal process. Chapter 15.09 was deleted in 2013 via Ordinance 13-02 in November of 2013; however, this Chapter is still printed in the Municipal Code Book even after the re-codification. Therefore, to clarify the removal of this Chapter, staff is including the deletion of this Chapter again in this draft Ordinance as a housecleaning item.

CEQA (California Environmental Quality Act):

Adoption of an ordinance to update the City's Municipal Code regarding building codes is not a "Project" in accordance with CEQA guideline section 15060(c)(2) as it will not result in the direct or reasonably foreseeable indirect physical change in the environment and CEQA guideline section 15060(c)(3) as it does not fall within the definition of a 'Project' per CEQA guideline section 15378; and even if adoption of this ordinance did qualify as a 'Project', it would then be exempt per the provisions of CEQA guidelines section 15061(b)(3) as it is seen with certainty that there is no possibility that the adoption and implementation of this Ordinance will have any significant effect on the environment

**RECOMMENDATION**

Staff recommends that the City Council **approve** a first reading of the attached draft ordinance, to update and amend related sections of Title 15 of the Sand City Municipal Code for 1) consistency and compliance with the State of California, 2) consistency with the service contract between Sand City and Monterey, and 3) incorporate amendments that are specific to Sand City's local climate, geology, and topographical conditions as allowed by California Health and Safety Code Sections 17958, 17958.5, and 17958.7. Second reading should follow on the next Council Meeting as a public hearing item. This ordinance would then be effective on January 1, 2020 in accordance with State law.

Attachments:

1. Draft Ordinance (for first reading) to Amend Title 15 of the City's Municipal Code

## **ATTACHMENT 2**

### **Ordinance for Council Action 2<sup>nd</sup> Reading**

CITY OF SAND CITY

ORDINANCE NO. \_\_\_\_\_, 2019

**ORDINANCE AMENDING TITLE 15 OF THE SAND CITY MUNICIPAL CODE TO ADOPT THE 2019 CALIFORNIA BUILDING CODE AND APPENDICES H, I, J; THE 2019 CALIFORNIA HISTORICAL BUILDING CODE; THE 2019 CALIFORNIA EXISTING BUILDING CODE; THE 2019 CALIFORNIA RESIDENTIAL CODE; THE 2019 CALIFORNIA PLUMBING CODE; THE 2019 CALIFORNIA ELECTRICAL CODE; THE 2019 MECHANICAL CODE; THE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2019 CALIFORNIA FIRE CODE; AND THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE AND DELETING MUNICIPAL CODE SECTION 15.08.030 AND CHAPTER 15.09**

**WHEREAS**, the State of California adopted and approved the 2019 edition of the California Building Standards Code (inclusive of the Building Code, Fire Code, Historical Building Code, Existing Building Code, Residential Code, Plumbing Code, Electrical Code, Mechanical Code, Green Building Code, and International Property Maintenance Code) on January 16, 2019 that will become effective January 1, 2020; and

**WHEREAS**, the City Council of the City of Sand City finds that the continued efficient operation of city government and public services for public health, safety, and welfare requires adoption of the latest California Building Standards Code and maintaining previously adopted pertinent local amendments thereof; and

**WHEREAS**, in accordance with State law that enables local jurisdictions to incorporate additional regulations and/or amendments that address special circumstances in their community and/or area based on geographical, topographical, climatic, or environmental findings the City adopted a series of code amendments with the adoption of the 2016 California Building Code Standards in December of 2016 that will remain within the City's Municipal Code Title 15 and be applicable to the updated 2019 California Building Standards Code once it becomes effective on January 1, 2020; and

**WHEREAS**, certain municipal code sections of Title 15 that make specific reference to the 2016 Building, Fire, Plumbing, and Residential codes are included in this Ordinance for amendment as they must be updated to reference the corresponding 2019 California Building Standard Codes; and

**WHEREAS**, the City of Sand City has certain contractual obligations to fulfill, as noted in Section 4.3 of the "Public Safety Service Agreement" (2009 edition) between the City of Sand City and the City of Monterey who serves as Sand City's Building and Fire Departments to adopt and maintain an Ordinance with the most current edition of the California Uniform Fire Code with amendments consistent with those adopted by the City of Monterey; and

**WHEREAS**, the City Council has been advised by City staff that adopting the code updates contained in this Ordinance and maintaining previously adopted code amendments, which

would be applicable to the updated 2019 California Building Standard Codes, are in the best interest of the City in order to protect the public health, safety, and welfare; and

**WHEREAS**, action to adopt and implement this Ordinance is not a “Project” in accordance with CEQA (California Environmental Quality Act) guideline section 15060(c)(2) as it will not result in the direct or reasonably foreseeable indirect physical change in the environment and CEQA guideline section 15060(c)(3) as it does not fall within the definition of a ‘Project’ per CEQA guideline section 15378; and even if adoption of this ordinance did qualify as a ‘Project’, it would then be exempt per the provisions of CEQA guidelines section 15061(b)(3) as it is seen with certainty that there is no possibility that the adoption and implementation of this Ordinance will have any significant effect upon the environment.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Sand City to amend specific chapters and sections of Sand City Municipal Code Title 15 as specified below:

**SECTION 1: Section 15.04.010 of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:**

“Adopted. The following codes as amended or supplemented as provided herein, are adopted and incorporated into this Chapter by reference.

- A. The 2019 California Building Code and Appendices H, I, J
- B. The 2019 California Historical Building Code;
- C. The 2019 California Existing Building Code;
- D. The 2019 California Residential Code;
- E. The 2019 California Plumbing Code;
- F. The 2019 California Electrical Code;
- G. The 2019 California Mechanical Code;
- H. The 2019 California Green Building Standards Code;
- I. The 2019 California Fire Code;
- J. The 2018 International Property Maintenance Code.”

**SECTION 2: Section 15.04.015 of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:**

“Exemption for Pending Applications. The provisions of the 2019 Edition of the California Building Code and Appendices H, I, J, the 2019 California Historical Building Code, the 2019 California Existing Building Code, the 2019 California Residential Code, the 2019 California Plumbing Code, the 2019 California Electrical Code, the 2019 California Mechanical Code, the 2019 California Green Building Standards Code, the 2019 California Fire Code, and the 2018 International Property Maintenance Code, as adopted and amended herein, shall not apply to any building or structure for which an application for a building permit was made prior to January 1, 2020. Such buildings or structures shall be

erected, constructed, enlarged, altered, or repaired in accordance with the provisions of this Chapter in effect at the date of said application.”

**SECTION 3: Section 15.06.010 of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:**

“Adoption. For the purposes of prescribing regulations governing the development of better building construction and greater safety to the public by uniformity in building laws, that certain code known as the 2019 California Building Code and Appendix Chapters H, I, and J promulgated by the State of California, being particular to the 2019 Edition thereof and the whole thereof, save and except those such portions as they are deleted, modified, or amended in the Ordinance codified in this Chapter, a copy of which is on file in the Office of the City Clerk, and the same are adopted and incorporated as fully as if set out at length in this Chapter, and from the date on which the Ordinance codified in this Chapter shall take effect, the provisions thereof shall be controlling within the limits of the City.”

**SECTION 4: Section 15.06.040 of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:**

“Section 105.5 - Amended. Section 105.5 of the California Building Code is hereby amended to read as follows:

105.5 Expiration of Permits. Every permit issued by the City Building Official under the provisions of the technical codes shall expire and become null and void, if the project authorized by such permit has not achieved an approval for one of the required inspections identified in Section 110.3 of the 2019 California Building Code within one (1) year of such permit.

The Building Official may grant a one-time permit extension of one-hundred eighty (180) days provided the applicant submits a request in writing prior to the permit expiration and the project has not changed in scope. Additional extension requests of ninety (90) days may be granted by the Building Official if the request is made in writing, the project has not changed in scope, the project has obtained at least one inspection approval, and the applicant pays a fee of \$1,000 for each ninety (90) day extension.

Before work can commence or recommence under an expired permit, a new permit application must be submitted and permit obtained along with all applicable fees applied for this new project.

All existing projects are subject to this section and will be subject to the conditions listed above.”



**SECTION 5: Section 15.08.010 of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:**

“Adoption. For the purpose of prescribing regulations governing the conditions hazardous to life and property from fire or explosion, that certain code known as the 2019 California Fire Code, published by the State of California, being particularly the 2019 edition thereof and the whole thereof, save and except such portions as are deleted, modified, or amended in this Chapter 15.08, a copy of which Fire Code is on file in the office of the City Clerk, and the same are adopted and incorporated as fully as if set out at length in this Chapter, and from the date on which the ordinance codified in this Chapter shall take effect, the provisions thereof shall be controlling within the limits of the City.”

**SECTION 6: Section 15.08.030 of the Sand City Municipal Code is hereby deleted in its entirety.**

~~“15.08.030 Permit Refusal and Appeal. Whenever the Fire Chief has disapproved an application or refused to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the True intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal in writing in accordance with the California Fire code Section 108 pertaining to Board of Appeals.”~~

**SECTION 7: Chapter 15.09 of the Sand City Municipal Code is hereby deleted in its entirety.**

~~“Chapter 15.09 BUILDING CODE~~

~~Sections: 15.09.010 Adoption. 15.09.020 Application of Amendments.~~

~~15.09.030 Section 15.05.1.1 Amended:~~

~~15.09.010 Adoption. For the Purposes of prescribing regulations governing conditions to the development of better building construction and greater safety to the public by uniformity in building laws, that certain code known as the 2007 California Building Code and Appendix Chapter J promulgated by the State of California, being particular of the 2007 edition thereof and the whole thereof, save and except such portions as they are deleted, modified, or amended in the ordinance codified in this chapter, a copy of which is now on file in the office of the City Clerk, and the same are adopted and incorporated as fully as if set out at length in this chapter, and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the limits of the City.~~

~~15.09.020 Application of Amendments. Whenever any of the amendments to the Building Code referred to in Section 15.09.010 conflict with the Building Code in force at the time of application of such amendments set forth in this chapter shall control.~~

~~15.09.030 Section 15.05.1.1 Amended. Real coverings within ALL fire~~

~~hazard severity zones. Any new roof on a new or existing structure, and any re-roofing of an existing structure of 50% or more of the total roof area within one (1) year period shall be of a fire retardant roof or Class A roof."~~

**SECTION 8: Section 15.10.010 of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:**

"Adoption. For the purposes of prescribing regulations governing the development of better building construction and greater safety to the public by uniformity in building laws, that certain code known as the 2019 California Residential Code promulgated by the State of California, being particular to the 2019 Edition thereof and the whole thereof, save and except those such portions as they are deleted, modified, or amended in the ordinance codified in this Chapter, a copy of which is on file in the Office of the City Clerk, and the same are adopted and incorporated as fully as if set out at length in this Chapter, and from the date on which the Ordinance codified in this Chapter shall take effect, the provisions thereof shall be controlling within the limits of the City."

**SECTION 9: Section 15.10.040 of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:**

"Section R105.5 - Amended. Section R105.5 of the California Residential Code is hereby amended to read as follows:

Section R105.5 Expiration of Permits. Every permit issued by the Sand City Building Department, under the provisions of the technical codes, shall expire and become null and void, if the project authorized by such permit has not achieved approval for one of the required inspections identified in Section 110.3 of the 2019 California Building Code within one (1) year of such permit.

The Sand City Building Official may grant a one (1) time permit extension of one-hundred eighty (180) days provided the applicant submits a request in writing prior to the permit expiration and the project has not changed in scope. Additional extension requests of ninety (90) days may be granted by the Building Official if the request is made in writing, the project has not changed in scope, the project has obtained at least one inspection approval, and the applicant pays a fee of \$1,000 for each ninety (90) day extension.

Before work can commence or recommence under an expired permit, a new permit application must be submitted and permit obtained along with all applicable fees applied for the new project.

All existing projects are subject to this section and will be subject to the

conditions listed above.”

**SECTION 10: Section 15.11.010 of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:**

“Adoption. For the purposes of prescribing regulations governing the development of better building construction and greater safety to the public by uniformity in building laws, that certain code known as the 2019 California Plumbing Code promulgated by the State of California, being particular to the 2019 Edition thereof and the whole thereof, save and except those such portions as they are deleted, modified, or amended in the Ordinance codified in this Chapter, a copy of which is on file in the Office of the City Clerk, and the same are adopted and incorporated as fully as if set out at length in this Chapter, and from the date on which the Ordinance codified in this Chapter shall take effect, the provisions thereof shall be controlling within the limits of the City.”

**SECTION 11: Conflict.**  
All ordinances and parts of ordinances in conflict herewith are hereby repealed.

**SECTION 12: Effective Date**  
This Ordinance shall become effective and in full-force on January 1, 2020.

**PASSED AND ADOPTED**, by the City Council of Sand City, this \_\_\_ day of September, 2019 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

APPROVED:

ATTEST:

\_\_\_\_\_  
Linda K. Scholink, City Clerk

\_\_\_\_\_  
Mary Ann Carbone, Mayor

**AGENDA ITEM**

**9B**

# CITY OF SAND CITY

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## STAFF REPORT

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**SEPTEMBER 5, 2019**  
**(For City Council Review on September 24, 2019)**

**TO: Mayor and City Council**

**FROM: Charles Pooler, City Planner**

**SUBJECT: Coastal Development Permit for Marianne Parise Beauty Salon**

### **BACKGROUND**

An application for a coastal development permit was submitted by Marianne Parise, owner and operator of Marianne Parise Salon (the "Applicant"), for authorization to establish and operate a 1-on-1 beauty salon (the "Applicant's Use") within an approximate 230 square foot unit of an existing mixed-use building at 1807-B Contra Costa Street (portion of APN 011-177-026) in Sand City (the "Subject Property"). The Subject Property is located within a non-appealable Coastal Planned Mixed-Use (CZ-MU-P) zoning district, requiring coastal development permit approval. The Applicant's Use within an existing building qualifies for a Categorical Exemption under State CEQA Guidelines (Section 15301).

### **Site Description:**

The Subject Property is a 50-ft wide and 80-ft deep parcel fronting Contra Costa Street. The building is two stories with a large commercial unit on the lower level and residential and office units on the upper level. Bella Mare Investments (property owner) also owns the abutting commercial properties, and provides parking for this building to the north end of Contra Costa Street (see Parking Layout - Exhibit E). The Applicant's unit is approximately 230 square feet located to the rear of the upper level at the southwest building corner facing the freeway (see Exhibit D). This is the same unit that the business 'Aqua Cleanse', a holistic health hydrotherapy service, occupied until recently and had a coastal development permit approved in 2011. The Applicant will also have exclusive use of a restroom that is approximately 100 square feet. Total leased area will be about 330 square feet. Existing utilities (i.e. gas, electric, water, sewer, etc.) are available to service the proposed use at the intended location. Street improvements (i.e. curb, gutter, sidewalk, drive apron) exist along the property's California Avenue frontage.

### **DISCUSSION**

#### **Project Description:**

The Applicant proposes to establish and operate a 1-on-1 beauty salon within an existing commercial unit and building. Intended hours of operation will be 10:00 a.m. to 6:00 p.m. daily. This is a 1-person operation, with the Applicant being the only person working at the salon. There will be shipments 1 to 2 times per week via UPS/FedEx. Items used/stored on-site will include beauty supplies and cosmetics for hair/beauty services. Typically a

salon would include a salon chair, shampoo station, electric hair styling/grooming, and hand cutting tools. Chemicals on-site will probably include hair bleaches and coloring products, shampoo/conditioner, hair sprays, and sanitation cleaners; all in small (unspecified) quantities.

General Plan & Zoning: The Subject Property has a General Plan land use designation of "Planned Mixed-Use" (MU-D) and a Zoning Map designation of "Coastal Zone - Planned Mixed Use" (CZ-MU-P). Section 18.26.040.L of the City's Zoning Ordinance lists 'service commercial' as an allowable use subject to the issuance of a coastal development permit pending review of potential impacts upon a mixed residential/commercial neighborhood. The type and scale of 'by appointment only' beauty salon described by the Applicant does satisfy the definition of 'service commercial'.

Hours: Client appointments are scheduled anytime between the hours of 10:00 a.m. to 6:00 p.m. daily. The proposed hours for this type of low impact use are compatible with a mixed-use environment and staff is in concurrence.

Parking: The Applicant's intended unit is approximately 230 square feet, plus an approximate 100 square feet for exclusive use of a bathroom down the hall. The Zoning Code does not specify a parking requirement for a "spa" treatment use. Considering that this is a 1 on 1 by appointment only operation that does not provide for walk-in business with no employees beyond the Applicant, at most two (2) parking spaces will be needed at any one time of day (1 space for the applicant, and 1 for the client). There are no company vehicles, only the Applicant's own personal vehicle for commuting to and from the Subject Property.

The Applicant's landlord, Bella Mare Investments, owns the adjacent buildings to the north and south and the parking area to the north at the end of Contra Costa Street (see Exhibit E). There are a total of eight (8) off-street parking spaces to the north, with an additional six (6) on-street parking spaces facing the freeway at the far north end of the Contra Costa Street right-of-way. These spaces are shared between those businesses at 1805, 1807, and 1815 Contra Costa Street (all owned by Bella Mare Investments). Staff does not anticipate the Applicant's Use to pose a parking problem or have excessive demand beyond that parking available.

Inventory Shipments: According to the Applicant, there will be shipments 1 to 2 times per week via UPS/FedEx. No large truck or semi-trailer (18-wheeler) type trucks/deliveries are anticipated for the Applicant's Use. UPS and Federal Express services typically have a quick few minute delivery/pickup time that staff does not anticipate to propose a problem to the parking or neighboring land uses.

Impacts: Staff does not anticipate negative impacts from the Applicant's Use as a beauty salon does not typically generate excessive noise, vibration, dust, fumes, odors, or other negative impacts. Due to the "one-on-one" oriented service/business plan, sufficient parking for the Applicant's Use can be accommodated, either on-site or along the curb on Contra Costa Street. Provided the Applicant abides by the permit

conditions recommended by staff and maintains the low-key nature of the proposed operation, the Applicant's Use should not pose a public nuisance or blighting influence.

Signs: The Applicant noted that there will not be a commercial sign established on the property. If the Applicant chooses to install a sign at a future date, it would require Design Review Committee (the "DRC") review and approval in the issuance of a sign permit prior to installation of any such sign. This should be included as a condition of coastal development permit approval.

**Water:**

The Applicant's Use qualifies as a Group III miscellaneous use, under the category of "beauty shop", in accordance with the regulations of the Monterey Peninsula Water Management District (the "MPWMD"). The Applicant will have a single hair station, which requires 0.0567 acre-feet/year (af/y). The Subject Property was allocated 0.104 af/y (MPWMD Permit No. 31421) from the City's Water entitlement (Desalination facility) to supplement existing on-site credit of 0.026 af/y to accommodate the previous colonic hydrotherapy business within the Applicant's unit. Therefore, there is sufficient on-site water credit to accommodate the Applicant's Use and no further allocation of water is necessary.

**Stormwater Control:**

The Applicant's Use is within a portion of an existing mixed-use building on developed land. The Applicant's use does not propose to install or replace pavement or implement physical modifications of the site or building that would otherwise trigger storm water control regulations. Therefore, storm water control regulations do not apply to this application.

**Advisory Agencies:**

Information on the proposed project was circulated to the City's advisory agencies. Responses received from the Monterey Fire Department and Monterey County Health Department expressed no concerns. However, the Health Department stated that if the Applicant provides services such as eyebrow waxing, eyebrow threading, microblading, etc, then the Applicant needs to contact the Health Department's solid waste management team and verify if the Applicant meets the regulations for those services. No other comments were received at the time of this report.

**STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of a coastal development permit for Marianne Parise to establish and operate a 1-on-1 small scale beauty salon service business at the Subject Property in accordance with the recommended permit conditions.

**Findings:**

1. The Proposed Use, at the described scale, is compatible with Coastal Planned Mixed Use (CZ-MU-P) zoning, provided the Applicant complies with the permit conditions and remains a one-on-one only operation.
2. Adequate utilities (i.e. water, sewer, electricity, etc.) are available to facilitate the Applicant's Use at the Subject Property.
3. There is sufficient off-street parking to accommodate two (2) parking spaces for the

Applicant's Use in conjunction with the other tenants of this and abutting buildings that are under the same ownership by Bella Mare Investments.

4. No large vehicle truck delivery/shipments and/or loading/unloading activities are anticipated from the Applicant's Use, and UPS/FedEx shipments to the Applicant are not anticipated to create a traffic impact.
5. Existing on-site water allocation/credit is sufficient to accommodate a single station beauty salon.
6. The Applicant's Use and proposed modification of an existing commercial building qualify as a categorical exemption, under State CEQA Guidelines, Section 15301.

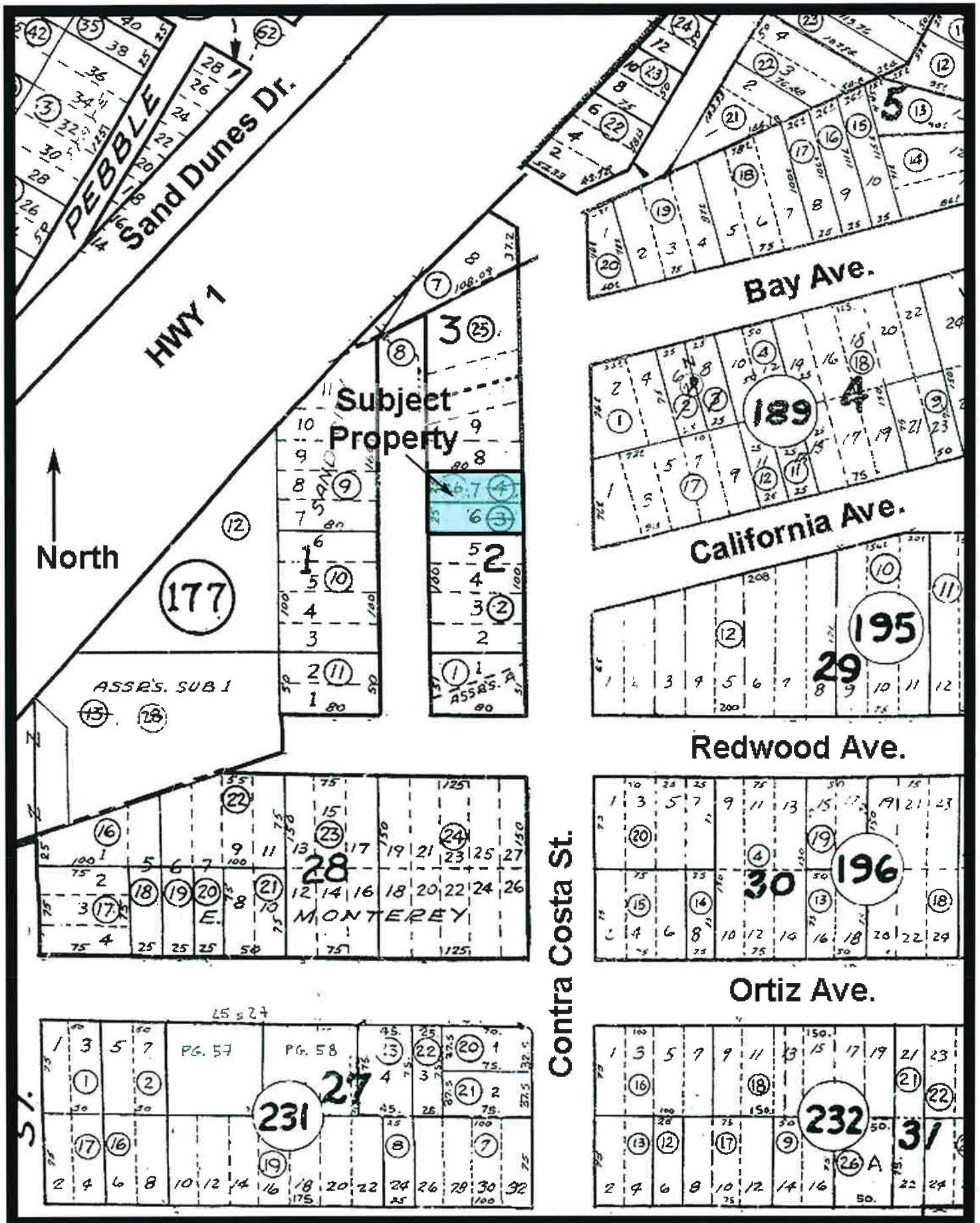
**Exhibits:**

- A. Location Map
- B. Aerial Map
- C. Site Plan
- D. Floor Plan - Upper Level
- E. Parking Diagram
- F. Applicant's Letter of Intent

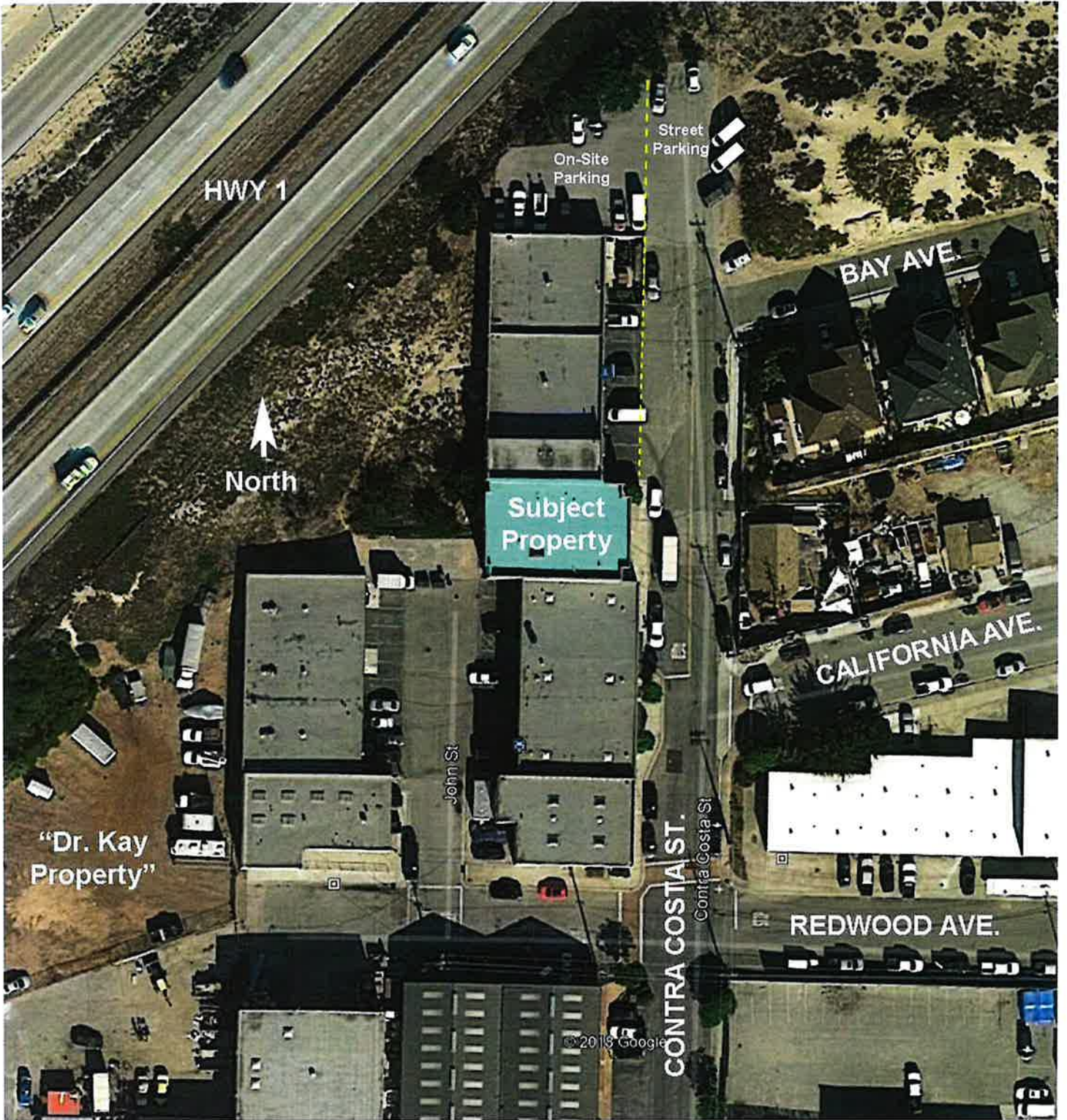
**Attachments:**

- Draft Resolution to approve the coastal development permit



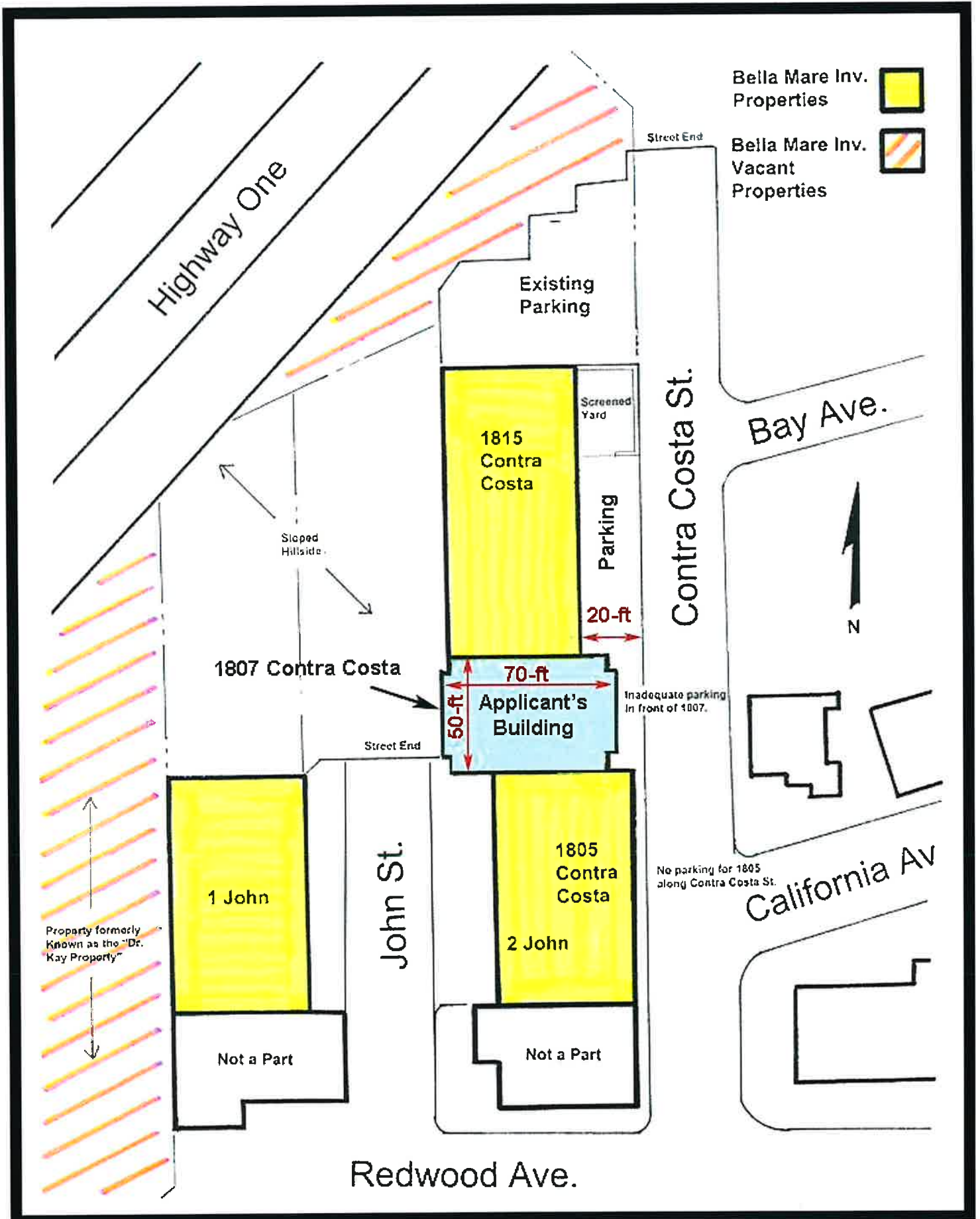


Location Map

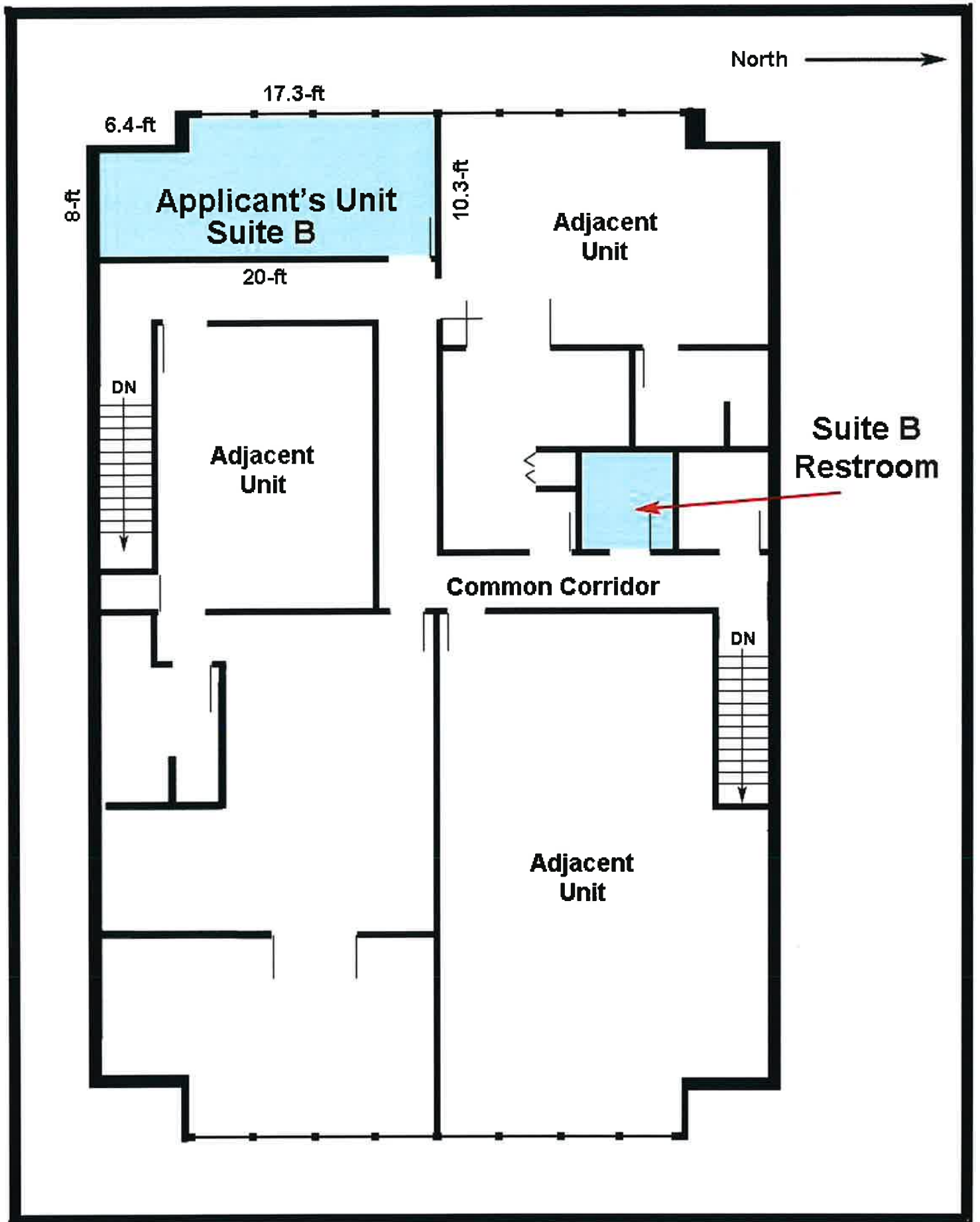


**Aerial Map** (Via Google Earth)

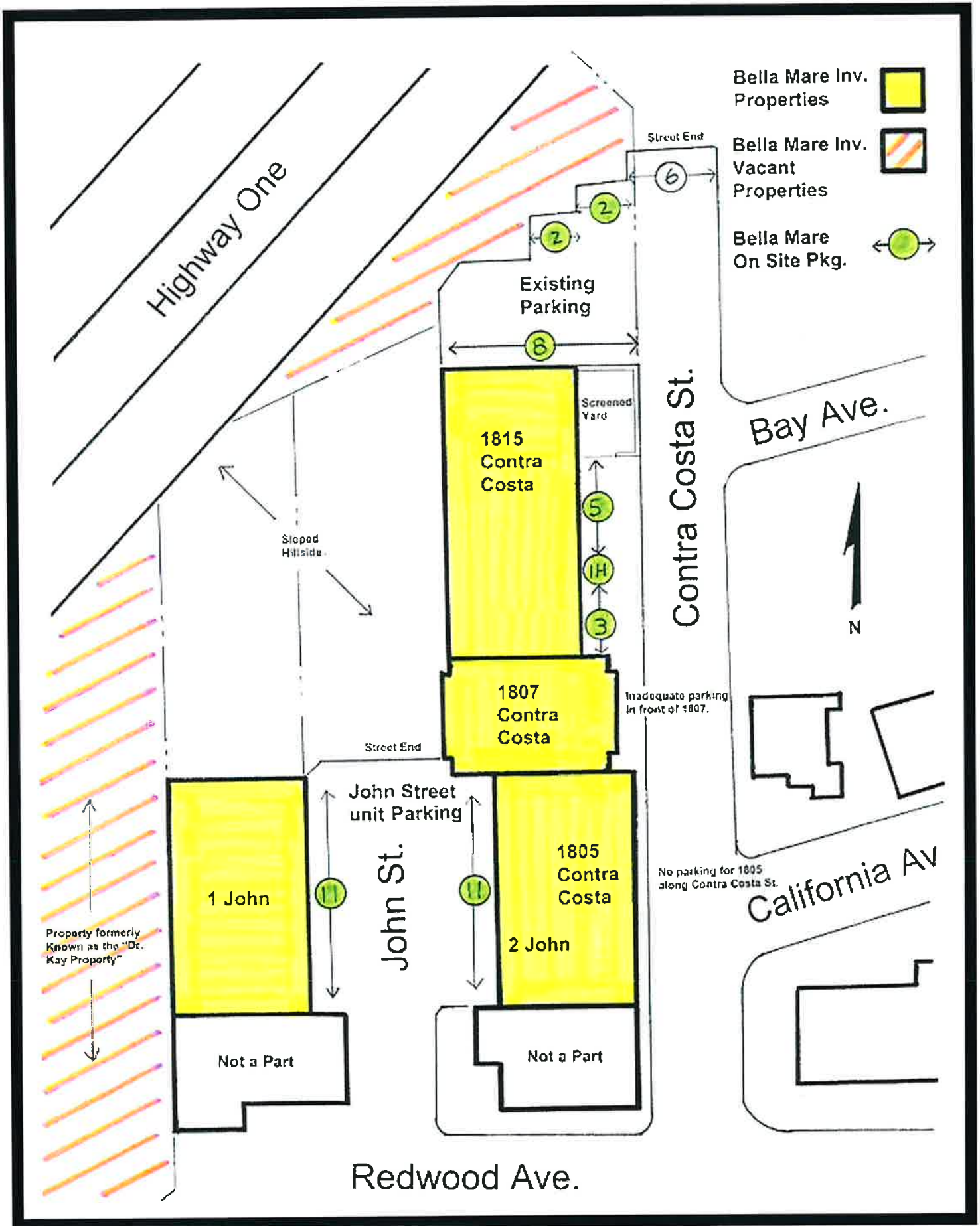
**EXHIBIT B**



Site Plan



**Floor Plan (upper level)**



**Parking Diagram**

Marianne Parise  
1807-B Contra Costa St.  
Sand City, CA 93955  
September 1, 2019

City of Sand City  
1 Sylvan Park  
Sand City, CA 93955

RE: Coastal Development Permit Application

Dear City of Sand City,

I am applying for a use permit to open a beauty salon at 1807-B Contra Costa St. I am currently a single operator of a small beauty salon and I would like to move my business to Sand City. The following are the details of my proposed operation:

- Hours and days of proposed operation
  - Daily 10:00am - 6:00pm
- Number of employees
  - 1
- Number of company vehicles
  - 1
- Schedule, frequency, and method of shipments and deliveries
  - 1 or 2 deliveries a week UPS/Fedex
- List of Materials, equipment, vehicles used and/or stored at the subject property
  - Beauty supplies and cosmetics for performing hair/beauty services
  - 1 personal vehicle parked during work hours

Additional materials included

- Site/Floor Plan
  - LOCATION MAP – EXHIBIT A
  - SITE PLAN – EXHIBIT B
  - FLOOR PLAN – EXHIBIT C
  - PARKING DIAGRAM – EXHIBIT D

CITY OF SAND CITY

RESOLUTION SC \_\_\_\_\_, 2019

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY APPROVING  
COASTAL DEVELOPMENT PERMIT 19-04 FOR MARIANNE PARISE  
AUTHORIZING A 1-ON-1 BEAUTY SALON AT  
1807-B CONTRA COSTA STREET**

**WHEREAS**, Marianne Parise of Marianne Parise Salon (the "Applicant") submitted an application to the City of Sand City (the "City") for coastal development permit approval to establish and operate a 1-on-1 beauty salon (the "Applicant's Use") within an approximate 230 square foot unit of an existing mixed-use building at 1807-B Contra Costa Street (portion of APN 011-177-0026) in Sand City (the "Subject Property"); and

**WHEREAS**, the Applicant's Use at the Subject Property, at the scale and intensity described in the application, is considered compatible with a mixed-use building and neighborhood of the West End District, as defined by the City's General Plan and Zoning Ordinance; and

**WHEREAS**, there is sufficient on-site water credit to accommodate the Applicant's Use within the Subject Property's mixed use building and commercial unit where an allocation of water from the City is not required under the current regulations of the Monterey Peninsula Water Management District (M.P.W.M.D.); and

**WHEREAS**, the Applicant's Use within an existing commercial building qualifies as a Categorical Exemption under CEQA (California Environmental Quality Act) Guidelines, Section 15301; and

**WHEREAS**, the City Council of the City of Sand City, on \_\_\_\_\_, 2019, has found and determined that the proposed beauty salon, at the scope and scale described by the Applicant, will not adversely impact the character of the surrounding neighborhood, nor be injurious or detrimental to adjoining properties or the rights of the owners therein, and Coastal Development Permit 19-04 shall be granted upon the conditions hereinafter set forth; and

**WHEREAS**, the City Council of the City of Sand City has accepted the analysis and findings for approving Coastal Development Permit 19-04 (hereinafter "CDP 19-04") as outlined in the City staff report, dated September 5, 2019.

1. CDP 19-04 is not valid, and the Applicant's Use of the Subject Property shall not commence unless and until two copies of this Resolution/Permit, signed by the permittee and the Subject Property's owner, acknowledging receipt of the Permit and acceptance of the terms and conditions, is returned to the City's Planning Department. Failure to return said signed/executed document may be grounds for City termination of CDP 19-04.

2. Purpose: CDP 19-04 is for the express purpose of authorizing, at the scope and scale described in by the Applicant in the permit application, a 1-on-1 beauty salon within an approximate 230 square foot commercial unit of an existing mixed-use building at 1807-B Contra Costa Street (portion of APN 011-177-026); subject to the terms and conditions specified in CDP 19-04. Residential occupancy of the Applicant's unit is prohibited. There shall be no expansion to the scope or intensity of the Applicant's Use beyond that as authorized by CDP 19-04 without either an amendment of said Permit or the issuance of a new land use entitlement permit.
3. Permit Amendment or Termination: If the Applicant and/or Applicant's Use violates any term, condition, and/or requirement of said CDP 19-04, a public hearing may be scheduled by the City to consider either amending or revoking said Permit. The Applicant and Subject Property's owner shall be notified of any such public hearing, and provided an opportunity to address the City Council prior to any City Council action to amend or terminate CUP 622.
4. Hours of Operation: Hours of operation for the Applicant's Use on the Subject Property shall only occur between the hours of 10:00 a.m. to 6:00 p.m. daily. Any deliveries to/from the Subject Property for the Applicant's Use shall only occur within the aforementioned permitted hours of operation. Office and/or janitorial activities on-site by the Applicant may extend beyond the aforementioned hours/days provided that the Applicant's unit is not open to the public and such activities do not disturb residences of the Subject Property or surrounding neighborhood.
5. Parking: There shall be a minimum of two (2) off-street parking spaces maintained for the Applicant's use by the Subject Property's owner. These spaces shall either be on the Subject Property or on neighboring property also under the same ownership as the Subject Property. Though available for use, curbside street parking shall not be considered in satisfying Zoning Code required "off-street" parking. Double parking of any sized vehicle that encroaches from private property into a public right-of-way results from the Applicant's Use is prohibited.
6. Truck/Trailer Parking: In accordance with Sand City Municipal Code (the "SCMC") Chapter 10.08, the Applicant shall not park or store trucks, trailers, or other vehicles, as listed in Chapter 10.08, within any public street or along any curb or may otherwise be subject to City parking citation.
7. Loading/Unloading: All deliveries/shipments and/or loading/unloading of inventory and/or any other item associated with the Applicant's Use at the Subject Property shall only occur during Permit authorized hours of operation (see Condition No. 4). At no time shall loading/unloading interfere with or impede traffic circulation on any public right-of-way within Sand City. Professional package delivery services such as UPS or Federal Express, with extremely short delivery times of only a few minutes, are exempt.
8. Storage: The storage of all materials, tools, equipment, inventory, and/or any other item associated with the Applicant's Use of the Subject Property, shall be maintained within the building at all times, unless otherwise authorized by CDP 19-04. The



placement of a self-contained portable storage unit/container on-site by the Applicant, beyond the confines of the building, is hereby prohibited; and the need of the Applicant to do so shall be considered by the City as justification that this operation has expanded beyond the Subject Property's ability to sufficiently accommodate the Applicant's Use; and thus be sufficient reason for the City to terminate CDP 19-04.

9. Property Maintenance: The Subject Property shall be maintained in a clean, orderly, weed-free, and litter-free condition. There shall be no storage of waste material or debris outside the building by the Applicant's Use, except as may be allowed by CDP 19-04. The Applicant and/or the Subject Property's owner shall be responsible for maintenance and upkeep of the Applicant's leased area for the duration of the Applicant's occupancy of the Subject Property.
10. General Waste: Trash, litter, boxes, crates, pallets, debris, or other used and/or discarded materials generated/used by the Applicant's Use shall be stored in an appropriate waste collection bin or dumpster. Except on a designated trash collection day, said bin(s) or dumpster(s) shall be maintained either within the building or within a City approved enclosure on the Subject Property. An enclosure may be established on the Subject Property only after approval by the City's Planning Department. The Applicant shall work and coordinate with the City's franchised waste hauler to implement material recycling and recovery as part of this operation's regular routine when feasible.
11. Hazardous Waste: Any and all hazardous materials and/or waste used/generated by the Applicant's Use shall be legally stored and disposed of in accordance with the regulations of Sand City, the County of Monterey, and the State of California. The Applicant shall concede to any direction of the City's Fire Department, Code Enforcement Officer(s), and/or the Monterey County Health Department regarding the storage and/or handling of hazardous materials on the Subject Property. Any illegal material storage, dumping, and/or disposal shall be adequate grounds for City termination of CDP 19-04.
12. Signs: Any commercial sign on the exterior of the building or anywhere on the Subject Property identifying the Applicant's Use shall be reviewed and approved by the Sand City Design Review Committee (the "DRC") in the issuance of a sign permit prior to the establishment of any sign at the Subject Property. Signs attached to the building shall also obtain a City building permit prior to installation of said sign. The Applicant shall not place any free-standing sign anywhere within City limits without City Planning Department approval.
13. Water Runoff: The Applicant's Use shall not create water run-off within the City in accordance with Chapter 13.05 of the Sand City Municipal Code regarding Storm Water Management. There shall be no washing of vehicles on the Subject Property.
14. Water: Issuance of CDP 19-04 does not grant the Applicant and/or Subject Property's owner any right or privilege to any allocation of water from the City of Sand City or other entity. The Applicant's Use shall be limited to that water credit currently available to the Subject Property, in accordance with the regulations of the Monterey Peninsula

Water Management District (MPWMD).

15. Local/Regional Compliance: All requirements of the City's contracted Building and Fire Departments, the City Engineer, the San Diego City Code Enforcement officer(s), the Seaside County Sanitation District, Monterey One Water (formerly 'Monterey Regional Water Pollution Control Agency'), and Monterey County Health Department, shall be implemented to the satisfaction of each department and inspector thereof. Police Department requirements pertaining to security, street parking, code enforcement, and law enforcement shall be implemented to the satisfaction of the City's Police Chief.
16. Air District: The Applicant shall be responsible for complying with applicable regulations of the Monterey Bay Air Resources District. Failure to comply shall be sufficient grounds for City termination of CDP 19-04.
17. Nuisance: The Applicant's Use of the Subject Property shall be conducted as to not constitute a nuisance to surrounding units and properties or the occupants thereof. The Applicant shall be considered responsible for the impacts created by the Applicant's Use and activities. The Applicant shall implement all mitigation necessary to inhibit any noise, vibration, dust, odors, overflow parking, and/or other negative impacts that this operation may or will generate. If the City Council finds at any time that any use of the Subject 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. Failure to effectively implement mitigation required by this Permit, or other direction/notification by the City deemed necessary to abate negative impacts generated by the Applicant's Use, may be adequate grounds for the City to amend or terminate CDP 19-04. Failure to comply with such City direction may result in the amendment or revocation of CDP 19-04.
18. Violation/Termination: If the City determines that any term or condition of CDP 19-04 has been violated, and/or use of the Subject Property constitutes a nuisance or is otherwise detrimental to the neighborhood or the community, written notice shall be issued to the Applicant, that if such violation is not corrected or removed within a specified time, a public hearing may then be scheduled where the City Council may consider amending or revoking CDP 19-04, and may then order said Permit amended or revoked. The Applicant and the Subject Property's owner/manager shall be notified of any such public hearing, and provided an opportunity to address the City Council prior to any action by the City Council to amend or terminate CDP 19-04.
19. Interpretation: Any questions of intent or interpretation regarding any condition within CDP 19-04 shall be resolved by the City's Planning Department.
20. The issuance of CDP 19-04 shall not supersede or override any requirements of any other City, County, State, or Federal agency.
21. Indemnification: To the extent permitted by law, the Applicant and Property Owner shall indemnify and hold harmless the City, its City Council, its officers, employees, consultants, and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties, the Applicant,

and/or Property Owner in connection with this Permit, including but not limited to any such action to attack, set aside, or void, any permit or approval authorized hereby, including (without limitation) reimbursing the City for its actual attorney's fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.

22. Business License: The Applicant shall acquire, maintain, and annually renew a Sand City business license for the duration of the Applicant's Use within Sand City. Failure to maintain a current City business license may be sufficient grounds for termination of CDP 19-04.

**PASSED AND ADOPTED** by the City Council of Sand City this \_\_\_ day of September, 2019, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_  
Linda K. Scholink, City Clerk

\_\_\_\_\_  
Mary Ann Carbone, Mayor

\_\_\_\_\_  
This is to certify that the Coastal Development Permit (CDP) 19-04 contains the conditions specified by the City Council in approving said Permit.

\_\_\_\_\_  
Charles Pooler, City Planner

**APPLICANT ACCEPTANCE (CDP 19-04)**

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 therein.

DATED: \_\_\_\_\_

BY: \_\_\_\_\_  
**Applicant**

**CONSENT OF OWNER (CDP 19-04)**

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

DATED: \_\_\_\_\_

BY: \_\_\_\_\_  
**Property Owner**

# **AGENDA ITEM**

**10A**

**CITY OF SAND CITY**

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**STAFF REPORT**

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**SEPTEMBER 6, 2019**  
**(For City Council Review on September 24, 2019)**

**TO: Mayor and City Council**

**FROM: Charles Pooler, City Planner**  
**Vibeke Norgaard, City Attorney**

**SUBJECT: Service Contract with 4-Leaf, Inc. for plan check and inspection services regarding the South of Tioga project.**

**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. This arrangement will continue; however, there are two major upcoming development projects (South of Tioga and Monterey Bay Shores) that will require plan check and inspection services that exceed the capabilities of Monterey’s Building Department. In early 2019, at the direction of the previous interim City Manager (Fred Meurer), a request for qualifications (RFQ) was sent out. The two respondents were 4-Leaf Inc. (hereinafter “4-Leaf”) and CSG Consultants. It was the consensus of the City’s RFQ review team that 4-Leaf was better qualified and suited to provide the City with the needed plan check and inspection services regarding the South of Tioga development project. This service could also be extended for the Monterey Bay Shores project when that is ready to proceed.

The South of Tioga Project is broken down into three phases. Phase 1 is the clearance/demolition of the entire site and construction of all new public roads, sidewalks, and other infrastructure (utilities, parklets, stormwater management, etc.). The plan check for Phase I is currently being completed by Creegan & D’Angelo; however, it is still to be determined who will provide inspection services for Phase I construction. This can be accommodated by either 4-Leaf or by Harris & Associates (the City’s new engineering contract firm). Phase 2 is the construction of the hotel and parking facilities on the private parcel pads (Parcels H1, H2, H1A, & H2A). Phase 3 is construction of both of the residential parcel pads (Parcels R1 & R2). It is the intention that 4-Leaf conduct the plan check examinations and inspections for building construction on both Phase 2 and 3. It is still to be determined whether the civil improvement plans and inspections would go through Harris & Associates or through 4-Leaf. Plan check review regarding Planning related issues and land use entitlement (Planning Permit) compliance will remain in-house with the City Planner.

### **4-LEAF INC. DESCRIPTION & SUMMARY**

4-Leaf, Inc. is a California corporation that was established in 1999 and incorporated in 2001 by experienced engineers and managers with a focus on providing plan review, project inspection, and on-call inspection services to municipal building and public works departments. 4-Leaf currently has more than 250 personnel (including more than 125 building inspectors) throughout California, Washington, Nevada, North Carolina, and New England. 4-Leaf has reviewed and inspected projects of all sizes and complexities; including:

Mixed-use	Refinery facilities
City/County owned facilities	Large campuses
Stadiums/Arenas	Health care facilities
Commercial office parks	Transportation facilities
Commercial shopping centers	Laboratories
Large-scale master planned residential	Multi-family projects

A few of the plan check projects 4-Leaf has been involved with include the \$130 million Apple Campus parking structure in Cupertino, CA, the \$2.4 billion Wynn Casino in Everett MA, the \$65 million University Plaza in East Palo Alto, CA, and the \$25 million conference center renovation in Monterey, CA. 4-Leaf has also been recently selected by the City of Monterey for plan check services regarding the \$160 Million Dollar "484 Cannery Row" project. On-site construction inspections performed by 4-Leaf include the \$6 billion Apple Campus project, the \$100 million Stockton Ball park and arena, and the \$50 million Downtown Health Center in Santa Clara County. They also performed public work inspections for the Apple Campus project, the \$50 million Clark County I-215 Interchange, and the \$7 million 1<sup>st</sup> street water main in Gilroy. Therefore, 4-Leaf has an impressive history of involvement with very large scale public and private projects that will provide Sand City with a wealth of experience.

#### Plan Check & Routing:

4-Leaf performs plan review for all types of structures to ensure compliance with all adopted codes, local ordinances, and California and federal laws that pertain to building construction and public safety. 4-Leaf implements electronic/digital review of plans and files to minimize the use of paper and to streamline the routing process. Digitized plans and documents are routed electronically to all involved/assigned plan checkers (Building, Engineering, etc.) who have large scale monitors for easier review of digital plans. 4-Leaf utilizes "EZPlan" software for their in-house plan tracking as a communication tool with their jurisdictional clients. This web portal allows users to visualize project due dates, notes, and status updates so that projects can be followed from start to finish. Additionally, users have access to view their electronically uploaded plans that 4-Leaf digitally stamps upon project approval. 4-Leaf's use of EZPlan software provides convenience and transparency during the plan review process. Once plan checks are completed and plans are approved, they are digitally stamped and signed by 4-Leaf with digital file copies provided to the City, which will be beneficial in addressing the City's inadequate storage capabilities.

Fees & Costs:

Per the RFQ response/proposal by 4-Leaf, plan review service fees are intended to be based on a lump sum agreement that will be negotiated. This lump sum would include meetings with the project's design team for "page-turning sessions" at no additional charge, which is intended to expedite review where large design issues can be discussed and resolved prior to commencing the official plan check examination. 4-Leaf has provided hourly fee schedules in its RFQ response for all staff augmentation/contract scopes to be performed on a time and material basis. This includes utilizing of their storm water sub-consultant SANDIS and civil and traffic engineering sub-consultant Freyer and Lauretta.

Inspection costs to the City will be based on hourly rates that vary depending upon the type of inspection and inspector required. Overtime costs will only be billed with prior authorization of the City Manager or other responsible designated City personnel. The RFQ response includes fee/cost schedules for their two sub-contractors anticipated to be used for South of Tioga; SANDIS for storm water and Freyer Laureta, Inc. for civil and traffic engineering. The fee schedules and basis of charges for 4-Leaf and identified consultants, provided as part of 4-Leaf's RFQ submission, are attached to this report as Exhibit B. If the City utilizes Harris & Associates for the storm water and traffic engineering, then the aforementioned sub-consultants would not be necessary or utilized.

4-Leaf will submit to the City a monthly expenditure report for each work order to include information pertaining to the percent of the work completed, percent of funds expended, a brief summary of monthly activity, and identification of problem areas. In addition, these reports would include a list summarizing budget status with a monthly invoice summary (i.e. current month, prior month, billed to date). Through the development agreement, these City expenses would be passed onto the individual developers of each project Phase.

Documentation:

Upon completing the review and approval of project plans, 4-Leaf will provide the City with digitally stamped/signed plans and other construction documents (structural calculations, energy calculations, soils reports, etc.) to serve as the City's file copies. Digitally stamped and signed plans are legally recognized as a legitimate substitute of 'wet signed and stamped' hard copies. 4-Leaf would also, on behalf of the City, issue certificates of occupancy upon building completion, temporary certificates of occupancy when the appropriate situation arises, fire sprinkler certification, inspection reports, and the like.

**SERVICE AGREEMENT CONTRACT**

Contract Term:

The Service Agreement is being presented with a start date of September 24, 2019 and end date of June 30, 2020 to coincide with the remainder of this fiscal year (FY 2019-2020), but would be subject to annual renewal for continuation of services each fiscal year thereafter until completion of the South of Tioga project. The City's currently approved operating budget established a fiscal year expenditure of \$350,000 for building department plan check and inspection services. Most of this amount is earmarked for South of Tioga, for which 4-Leaf would conduct the plan check and inspection services instead of the Monterey Building Department. Staff recommends that for this fiscal year, \$340,000 be targeted for South of Tioga and that the remaining budgeted \$10,000 be maintained for

other projects that the City of Monterey would perform plan checks and inspections. These expenditures are to be covered (in whole or in part) by the fees collected based on the City approved fee schedules with any deficiencies made up through the South of Tioga development agreement.

CEQA (California Environmental Quality Act):

Authorization and execution of a service contract with 4-Leaf does not constitute a “project” as defined by the California Environmental Quality Act (CEQA) guidelines, section 15378 and section 15060(c)(2) & (3) as it will have no direct or indirect physical change to the environment. Therefore, no environmental review is required.

**RECOMMENDATION**

Staff recommends the City Council **APPROVE** the attached resolution regarding contract services with 4-Leaf, Inc. for plan check examination and on-site inspection services for the South of Tioga development project. A copy of 4-Leaf’s RFQ submission/response is available for review with the City Planner. Information and exhibits for this report were obtained from 4-Leaf’s submitted RFQ response/proposal document.

**EXHIBITS:**

- A. 4-Leaf, Inc.’s approach to South of Tioga (from 4-Leaf’s RFQ response)
- B. Fee Schedules - 4-Leaf, Inc., and 2 sub-consultants (from 4-Leaf’s RFQ response)
- C. Letters of Recommendation (from 4-Leaf’s RFQ response)

**ATTACHMENTS:**

- 1. Resolution authorizing a service agreement with 4-Leaf, Inc. for plan check and inspection services w/ the proposed Service Agreement attached.





## Approach

4LEAF has a team of more than 180 ICC Certified Building Inspectors, OSHPD/DSA Inspectors of Record, Fire Personnel, and Construction Inspectors working on various contracts. We plan to phase a team of the highest quality pre-construction and construction team with a proven track record of project success. 4LEAF has several staff committed to work in the Monterey Peninsula and will remain for the duration of the project to ensure we capture the goals and performance that have made our inspection system successful. 4LEAF plans to:

- Provide you with the "depth of resources" of **highly qualified, experienced professionals** necessary for this project, personnel who are registered, certified or has a license and can effectively collaborate with the City' Project Managers, design team, and contractors.
- Utilize **innovative technology** that will enhance our open lines of communication with the City and design team that will interface with the City's technology systems and software platforms.
- Make our team available during the **Construction Document** and **Construction Administration** phases of the project which will expedite issues that may arise.
- Have a well-planned approach throughout the Pre-Construction Phase, Construction Phase, and Closeout Phase to ensure we begin the preparations to close the project out from the day we begin.
- Partner with reputable subconsultants for expertise in areas like Storm Water Pollution Prevention, Traffic Engineering, etc.

## Pre-Construction Phase

4LEAF has been preparing to provide the Development services on this job since its announcement. As a uniquely qualified firm with experience with Universities, Public Works, and Municipal Building Departments, our experience includes large-scale inspection staffing on large complex projects. 4LEAF has the depth of resources, industry relationships, and the experience to provide the City's jurisdictional duties and responsibilities with excellence while providing a collaborative "can do" attitude to facilitate the project's scheduling needs.

### 1. Relationships

4LEAF will take the time to meet all of the stakeholders for this development project. We want to work alongside members of the City including City Personnel, Fire Personnel, General Contractor's Project Managers, Superintendents, and Project Managers. Our first goal would be to sit with the Construction Management team to discuss to goals of the department and then attend all pre-construction meetings to discuss the code required position of the City's team to gain a complete understanding prior to construction and set the expectations of the City. We will want to learn which projects can be handled by the same IOR to maximize the efficiency of our team and help the City control costs.

### 2. Staffing

One of the most challenging aspects of providing the development services for large-scale complex projects like this City Housing is providing the right qualified people at the right time. The project will require a significant ramp up in level of effort for the provision of inspectors. With more than 180 inspectors (Building, Fire, and Public Works) on staff, 4LEAF has the depth of resources to ramp up or ramp down to handle the demand of this project. 4LEAF has many clients that require 4LEAF to maintain an extensive database of qualified inspectors of various skill levels. Currently, 4LEAF provides the inspection services for many municipalities that have projects requiring multiple Inspectors. 4LEAF also manages statewide contracts that requires 4LEAF to staff projects and hundreds of separate work-orders throughout the State of California for projects of various durations from one month to multiple full-time inspections for multiple years.



4LEAF has established our team based on the scope outlined in the RFQ. We have been proactive in our approach to staffing this project. In anticipation of this work, 4LEAF is committed to allocating the resources outlined below.

Role	Personnel
Complete Plan Review	4LEAF (Farheen Sultana, SE, Scott Martin, PE, Joseph Nicolas, PE, Marcus Johnson, MEP, Gene Ferrero, MEP)
Complete Building Inspection	4LEAF (Christopher Fowler,CBO, Jeffrey Rocca)
Complete Building Official	4LEAF (Michael Leontiades, CBO)
Complete Public Works Inspection	4LEAF (Anthony Fanucci, Delrae Violetti, Ray Gary)
Complete Fire Plan Review & Inspection Services	4LEAF (Gib Moush, FPE, Flora Chen, FPE, Ron Griesenger, and Christopher Fowler, CBO)
Complete ADA Plan Review Services	4LEAF (Mike Anderson, CASp)
Complete Disabled Access Plan Review	4LEAF (Mike Anderson, CASp)
Complete ADA/Disabled Access Inspection	4LEAF (Brent Hipsher, CASp)
Record Keeping System and Coordination	4LEAF (Traci Caton)
Complete Civil Engineering Services	Freyer & Laurretta (Subconsultant)
Complete Traffic Engineering	Freyer & Laurretta (Subconsultant)
Complete Storm Water Inspection	Sandis (Subconsultant)

4LEAF’s Project Management team worked with our other clientele to create a flexible schedule to allow them time and opportunities to spend time researching, organizing, and facilitating the needs of the large project part-time in addition to their normal work duties in order to have the most up to date knowledge and preparation.

**3. Meetings**

This project requires detailed organization and substantial organizational meetings. Our Lead Inspectors will propose to meet with Superintendents and their Quality Control Managers daily to understand the most pressing need for inspections. Our team will be available for same-day inspection requests and propose to attend General Contractor’s to create a team building approach. This includes meeting and establishing rapport with the City’s designated Inspection Manager to establish consistent inspection protocols and communication.

**4. Plan Review Page Turning**

4LEAF’s Plan Review Management team and Lead Plans Examiner will meet with the design team and City to determine a mutually agreed upon schedule. Prior to the review, we recommend a full day page turning session with the design team to talk about large items of concern that we can address prior to starting the review. We will also aim to build a great rapport between the review team and the design team so there can be an open line of communication during the review process so we can help expedite the plan review schedule. We can also discuss the use of technology such as our EZPlan Review portal and the use of Bluebeam to review the plans electronically if the City desires.



**4LEAF FEE SCHEDULE & BASIS OF CHARGES**

**Plan Review Services\***

Plan Review (Building, Accessibility, Fire, & Civil) ..... \$ 160 per hour

\*4LEAF’s preference is to negotiate a flat fee for the entire plan review

**Inspection Services\***

Lead Inspector/Fire Inspector/Building Official ..... \$ 140 per hour  
 Assistant Inspector/CASp Inspection ..... \$ 120 per hour  
 Fire Inspection..... \$ 155 per hour  
 Public Works Inspector (Prevailing Wage) ..... \$ 149 per hour

**Administrative Services**

On-Site Permit Manager ..... \$ 90 per hour  
 GoFormz Software ..... \$ 30 per use  
 Project Manager/Principal-in-Charge ..... \$175 per hour  
 Mileage (for inspections performed within the City)..... IRS Rate + 20%

**\*All Fees Subject to Basis of Charges**

**BASIS OF CHARGES**

Rates are inclusive of “tools of the trade” such as forms, telephones, and consumables.

- All invoicing will be submitted monthly.
- Staff Augmentation work (excluding plan review) is subject to 4-hour minimum charges unless stated otherwise. Services billed in 4-hour increments.
- Plan review turn-around times are negotiable
- Plan review of deferred submittals & revisions will be billed at the hourly rates listed above.
- 4LEAF assumes that these rates reflect the 2019-2020 contract period. 3% escalation for 2021 is negotiable.
- Overtime and Premium time will be charged as follows:
 

- Night Time (work begun after 4PM or before 5AM)	1.125 x hourly rate
- Overtime (over 8-hour M-F or Saturdays)	1.5 x hourly rate
- Overtime (over 8 hours Sat or 1 <sup>st</sup> 8-hour Sun)	2 x hourly rate
- Overtime (over 8 hours Sun or Holidays)	3 x hourly rate
- Overtime will only be billed with prior authorization of the City Manager, Public Works Director, or other responsible designated City personnel.
- All work with less than 8 hours rest between shifts will be charged the appropriate overtime rate.
- Mileage driven during the course of Inspections will be charged at cost plus 20%.
- Subconsultants will be charged at cost plus 20%.
- Payment due on receipt. All payments over 30 days will be assessed a 1.5% interest charge.
- Client shall pay attorneys’ fees, or other costs incurred in collecting delinquent amounts.
- Client agrees that 4LEAF’s liability will be limited to the value of services provided.



**QSP Fee Estimate**

South of Tioga  
SANDIS Stormwater  
February 25, 2019

*This estimate is based on non prevailing wage projects*

	Cost	Assumed Quantity	Total
<b>QSD</b>			
SWPPP Development (Risk 2)	\$4,500	1	\$4,500
SWPPP Amendment	\$500	0	\$0
Revision of Water Pollution Control Plan	\$1,000	0	\$0
		Subtotal	\$4,500
<b>QSP</b>			
Coordinate and Review Implementation of BMPs	\$100		<i>Included</i>
SMARTS Coordination with LRP	\$200	0	\$0
Project Site Team SWPPP Training	\$500	1	\$500
Subcontractor SWPPP Training	\$300	0	\$0
Weekly Site Visual Inspection, (year round)	\$250	52	\$13,000
Rain Event Visual Inspections (pre-storm, during storm, post storm)	\$300	58	\$17,400
SWPPP Binder Maintenance (per week)	\$50	52	\$2,600
Discharge Monitoring, Testing, & Reporting (per occurrence)	\$250	6	\$1,500
Annual Report Preparation (required if site active for 3 months or longer)	\$800	1	\$800
Assist Contractor in Preparation of REAPs (Rain Event Action Plans)	\$100		<i>Included</i>
Daily NOAA Website Monitoring	\$100		<i>Included</i>
Meetings with site Project Manager/Superintendent (as needed)	\$100		<i>Included</i>
Notice of Termination (includes final site map and report)	\$1,500	1	\$1,500
		Sub Total	\$37,300
		Grand Total	<b>\$41,800</b>

Roy LaTess, CPESC, QSD/P, QISP  
Stormwater Manager

## CHARGE RATE SCHEDULE

*Effective 1/1/19*

Professional and technical services of Freyer & Laureta, Inc. Staff are provided on a fixed fee or an hourly rate basis as follows:

### FIXED FEE

Where a definitive scope of work can be established, many of our clients prefer that a specific fee be agreed upon in advance. Billings are submitted monthly based upon percent complete as of the last accounting day of the month.

### HOURLY RATE

Applicable to Plan Preparation, Design and Report services where the scope of work must remain open. Freyer & Laureta, Inc. utilizes the following hourly charge rate basis for billing purposes.

Production Aide - Clerical	\$ 85.00
Drafter I - Technical Typist - Survey Tech II	\$ 90.00
Drafter II - Word Processor	\$ 95.00
Engineering Tech I - Drafter III	\$ 105.00
Staff Engineer I - Engineering Tech II - Survey Tech III	\$ 125.00
Staff Engineer II - Engineering Tech III - Survey Tech IV	\$ 130.00
Staff Engineer III - Senior Engineering Tech	\$ 135.00
Staff Engineer IV - Survey Tech V – Construction Inspector	\$ 150.00
Associate Engineer - Associate Surveyor (L.L.S.)	\$ 165.00
Senior Engineer - Construction Manager	\$ 175.00
Senior Construction Inspector	\$ 175.00
Project Manager – Principal Surveyor (L.L.S.)	\$ 190.00
Senior Project Manager – Principal Surveyor (L.L.S.)	\$ 205.00
Associate Principal	\$ 215.00
Principal	\$ 230.00
Forensic Engineering	\$ 325.00
Deposition and Court Appearance	\$ 410.00

Subconsultant, Reproduction, Printing, Travel, Mailing and Delivery - Cost plus 10%

Interest Charge - Billings are due and payable within 30 days. A monthly interest charge equal to the Federal Discount Rate plus 5% will be applied on the next billing beyond the 30-day payment period.

The foregoing Charge Rate Schedule is incorporated into the Agreement for the Services of Freyer & Laureta, Inc. and may be updated annually.



## OFFICE OF COMMUNITY DEVELOPMENT

CITY HALL • BUILDING DEPARTMENT  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
(408) 777-3228 • FAX (408) 777-3333 • [building@cupertino.org](mailto:building@cupertino.org)

August 4, 2016

Albert Salvador, P.E., C.B.O.  
Building Official  
City of Cupertino

### RE: Letter of Recommendation

To whom it may concern,

I am writing this letter to recommend 4LEAF, Inc. (4LEAF) for providing Building Department Services and most notably, Project Inspection Services. I have been fortunate to have 4LEAF as a consultant to the City of Cupertino's Building Department since 2010. Since then, 4LEAF has provided a number of services including as-needed building inspection, plan checking, CASp consultations, and project inspection. 4LEAF has performed services on a number of important City projects including Main Street Cupertino, Biltmore Adjacency, and are currently performing the entirety of the Building and Public Works Inspections on Apple's \$6 Billion corporate office facility. The Apple Campus 2, as it is referred to, consists of a 2.8 million square feet main Office Building with 1.5 million square feet of below grade parking completely supported by 692 triple friction pendulum seismic base isolators, a 1000-seat below grade auditorium connected to circular grade level base isolated structural glass lobby, a 120,000 sf corporate Fitness Center, a parking facility housing 5,874 parking space with an attached Central Utility Plant, and associated site improvements including access tunnels, a surface parking lot, outdoor dining and recreational facilities and landscaping. In addition, 4LEAF was awarded a 2<sup>nd</sup> Phase of the project which includes a 4-story office building with below grade parking, several research and development buildings and another 5-story parking garage housing approximately 644 parking stalls.

Upon award of the Apple Campus 2 project, 4LEAF mobilized a team that now includes more than 20 personnel that includes Civil Engineers, Public Works Inspectors, Combination Building Inspectors, and Project Administrators. This team performs the normal functions of a Building Department including the document control and administration inspection requests, RFI's, inspection results, and the maintenance of six different document control systems provided by the Prime Contractors and Apple Management. 4LEAF has demonstrated the ability to meet the demand of the project by consistently providing the appropriate amount of personnel as dictated by construction schedules and specific trade demands. 4LEAF also provides the City a monthly summary of all activity which is distributed to the City Management and routinely meets with me to discuss critical code items requiring City approval, interpretation or clarification.

I can firmly say that the City's partnership with 4LEAF was vital in helping the City be successful with Apple and their design and development teams. If you have any questions, you are welcome to contact me any time at (408) 777-3206 or by email at [AlbertS@Cupertino.org](mailto:AlbertS@Cupertino.org).

Sincerely,

Albert Salvador



## FIRE DEPARTMENT SANTA CLARA COUNTY



14700 Winchester Blvd., Los Gatos, CA 95032-1818  
(408) 378-4010 • (408) 378-9342 (fax) • www.sccfd.org

### RE: Letter of Recommendation

To whom it may concern,


I am writing this letter of recommendation on behalf of 4LEAF. I have been privileged to work with the 4LEAF team on the Apple Campus 2 (AC2) Project located in Cupertino, CA since 2013. This complex project spans over 176 Acres and includes several buildings including a 2.8 million square foot Main Campus Building.

4LEAF has worked in conjunction with Santa Clara County Fire Department (SCCFD) to help deliver a safe building to its occupants and the public. In addition to providing Building and Public Works Inspections on the \$6 Billion AC2 Campus, 4LEAF has also assisted the SCCFD and its consultants with building and fire code requirements. In many instances the building and fire code requirements overlap and 4LEAF has been instrumental in helping identify these areas and work with SCCFD to ensure compliance.

4LEAF routinely communicates with SCCFD regarding many issues on-site including maintenance of site access, temporary facilities, temporary occupancy provisions, and general informative communication, and site walks when responsibilities are shared.

I recommend 4LEAF to any future inspection projects and hope to work with them in the future. I feel that you will find them as a tremendous partner with a cooperative spirit. If you have any questions, you are welcome to contact me anytime by phone at (408) 378-4010 or by email.

Sincerely,



Dirk Mattern, Deputy Chief

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Organized as the Santa Clara County Central Fire Protection District

Serving Santa Clara County and the communities of Campbell, Cupertino, Los Altos,  
Los Altos Hills, Los Gatos, Monte Sereno, and Saratoga

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CITY OF SAND CITY

RESOLUTION SC \_\_\_\_\_, 2019

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY AUTHORIZING  
THE ACTING CITY MANAGER TO ENTER INTO AN AGREEMENT WITH  
4-LEAF, INC. TO PROVIDE PLAN CHECK AND INSPECTION SERVICES  
TO THE CITY OF SAND CITY FOR THE SOUTH OF TIOGA PROJECT**

**WHEREAS**, the South of Tioga development project, inclusive of a 4-story 216 guestroom hotel and several 5 to 7 story multi-family residential buildings and parking structures with a total of 356 dwelling units located on an approximate 10.64 acre site abutting the intersection of California Avenue and Tioga Avenue, will need to submit construction drawings to the City of Sand City (the "City") for plan check examination that is necessary prior to the City's issuance of building permits for this South of Tioga development project; and

**WHEREAS**, even though 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 since 1994, the scope and scale of the South of Tioga development project will require services and manpower that exceed the current capabilities of Monterey's Building Department; and

**WHEREAS**, the City of Sand City sent out a request for qualifications (the "RFQ") for plan check examination and construction inspection services for the South of Tioga development project; and

**WHEREAS**, in response to the RFQ, only two firms responded, which were 4-Leaf, Inc. (hereinafter "4-Leaf") and CSG Consultants, where it was the consensus of the City's RFQ review team that 4-Leaf was better suited to provide the needed plan check and inspection services for the City in regard to the South of Tioga project; and

**WHEREAS**, 4-Leaf has extensive experience, knowledge, and manpower, as demonstrated in its RFQ response, to provide the necessary plan check examination and construction inspection services for the South of Tioga development project; and

**WHEREAS**, the service agreement with 4-Leaf (hereinafter the "Service Agreement"), attached hereto as Resolution Exhibit A and incorporated herein by this reference, is justified and necessary to secure the appropriate knowledge, experience, and manpower to successfully and efficiently perform plan check examination and construction inspection services for the South of Tioga development project; and

**WHEREAS**, certain plan check and/or construction inspection services activities may still be performed by City personnel and/or other City consultants as deemed appropriate and necessary by the City; and



**WHEREAS**, the City shall, within the limits of the law, maintain authority over final determination(s) regarding plan check and inspection reviews, comments, and requirements of the South of Tioga development project; and

**WHEREAS**, authorization and execution of a service contract does not constitute a "project" as defined by the California Environmental Quality Act (CEQA) guidelines, section 15378 and section 15060(c)(2) & (3) as it will have no direct or indirect physical change to the environment.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Sand City does hereby authorize the following:

1. The City's Mayor and Acting City Manager are hereby authorized to enter into a professional Service Agreement, attached hereto as Resolution Exhibit 'A' and incorporated herein by this reference, with 4-Leaf, Inc. to provide plan check examination and construction inspection services to the City of Sand City for the South of Tioga development project, in accordance with the terms and conditions of the Service Agreement with a cost not to exceed \$340,000.
2. The term of the Service Agreement shall begin on September 24, 2019 and shall end on June 30, 2020, unless it is terminated by either party in accordance with the terms specified within the Service Agreement. This Service Agreement may be reviewed and renewed annually until completion of the last development phase of the South of Tioga Project.
3. 4-Leaf, Inc. shall maintain a current Sand City Business License throughout the term of the Service Agreement.

**PASSED AND ADOPTED** by the City Council of Sand City this \_\_\_ day of September, 2019, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Connie Horca, Deputy City Clerk

\_\_\_\_\_  
Mary Ann Carbone, Mayor

# **RESOLUTION EXHIBIT A**

**Service Agreement with 4-Leaf, Inc.  
for  
Plan Check Examination &  
Construction Inspection Services**

**CITY OF SAND CITY  
PROFESSIONAL SERVICE AGREEMENT**

This Agreement made this \_\_\_\_\_ day of September, 2019 (the "Effective Date"), by and between the CITY OF SAND CITY, a municipal corporation, hereinafter referred to as "CITY", and 4LEAF, Inc. a California Corporation, hereinafter referred to as "Consultant" (together referred to the "Parties").

In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

**I. TERM**

The term of the Agreement will begin on the September 24, 2019 and shall end on June 30, 2020, unless it is terminated by either party in accordance with the terms specified within this Agreement. This Agreement may be reviewed and renewed annually until the completion of the last development phase of the South of Tioga Project. No modification to the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto.

**II. SERVICES**

Subject to the terms and conditions set forth in this Agreement, CONSULTANT shall provide to the CITY the services described in the Scope of Work in Exhibit A, attached hereto and incorporated herein as though set forth in full. To the extent that Exhibit A is a proposal from CONSULTANT, such proposal is incorporated only for the description of the scope of services and no other terms and conditions from any such proposal shall apply to this AGREEMENT unless specifically agreed to in writing. Unless otherwise explicitly stated in Exhibit A, CONSULTANT shall at its sole cost and expense furnish all facilities and equipment which may be required for completing the tasks set forth in Exhibit A. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit A, this Agreement shall prevail.

**III. PERFORMANCE**

CONSULTANT shall at all times faithfully, competently and to the best of his/her ability, experience, and talent, perform all tasks described herein. CONSULTANT shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing similar services as are required of CONSULTANT hereunder in meeting its obligations under this AGREEMENT.

**IV. TIME**

CONSULTANT shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of

performance provided in section III (Performance) and to satisfy CONSULTANT'S obligations hereunder.

**V. ASSIGNMENT OF PERSONNEL**

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

**VI. PAYMENT**

A. The CITY agrees to pay CONSULTANT monthly for services performed and reimbursable costs, in accordance with the payment rates and terms and the schedule of payment as set forth in Exhibit B, attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. This amount shall not exceed three hundred and forty thousand dollars (\$340,000) for the total term of the Agreement unless additional payment is approved as provided in this Agreement. Except as specifically authorized by CITY in writing, CONSULTANT shall not bill CITY for duplicative services performed by more than one person. Fees for work performed by CONSULTANT on an hourly basis shall not exceed the amounts shown on the compensation schedule attached hereto as Exhibit A. Reimbursable expenses are included in the total amount of compensation provided under this Agreement that shall not be exceeded.

B. CONSULTANT shall not be compensated for any services rendered in connection with its performance of this AGREEMENT which are in addition to those set forth herein, unless such additional services are authorized in advance and in writing by the City Manager. CONSULTANT shall be compensated for any additional services in the amounts and in the manner as agreed to by City Manager and CONSULTANT at the time CITY's written authorization is given to CONSULTANT for the performance of said services. The City Manager may approve additional work not to exceed ten percent (10%) of the amount of the AGREEMENT, but in no event shall such sum exceed twenty-thousand dollars (\$20,000.00). Any additional work in excess of this amount shall be approved by the City Council of Sand City.

C. CONSULTANT will submit invoices monthly for actual services performed. Invoices shall be submitted on or about the first business day of each month, or as soon thereafter as practical, for services provided in the previous month. Invoices shall include a task summary containing the original contract amount, the amount of prior billings, the total due this

period, the balance available under the Agreement. For each work item and task, a copy of the applicable time sheets shall be submitted showing the name of the person doing the work, the hours spent by each person, a brief description of the work, and each reimbursable expense. Payment shall be made within thirty (30) days of receipt of each invoice as to all non-disputed fees. If the CITY disputes any of CONSULTANT's fees it shall give written notice to CONSULTANT within thirty (30) days of receipt of an invoice of any disputed fees set forth on the invoice. Any final payment under this AGREEMENT shall be made within forty-five (45) days of receipt of an invoice. In no event shall CONSULTANT submit an invoice for an amount in excess of the maximum amount of compensation provided above for either a task or the entire Agreement, unless the Agreement is properly modified in writing prior to the submission of such an invoice.

## **VII. SUSPENSION OR TERMINATION OF AGREEMENT**

- A. The CITY may at any time, for any reason, with or without cause, suspend or terminate this AGREEMENT, or any portion hereof, upon written notification to CONSULTANT. Upon receipt of said notice, the CONSULTANT shall immediately cease all work under this AGREEMENT, unless the notice provides otherwise. If the CITY suspends or terminates a portion of this AGREEMENT such suspension or termination shall not make void or invalidate the remainder of this AGREEMENT.
- B. CONSULTANT may cancel this Agreement upon 60 days written notice to CITY and shall include in such notice the reasons for cancellation.
- C. In the event this AGREEMENT is terminated pursuant to this Section, the CITY shall pay to CONSULTANT the actual value of the work performed up to the time of termination, provided that the work performed is of value to the CITY; CITY may however condition payment of such compensation upon CONSULTANT delivering to CITY any and all Documents prepared in connection with this Agreement. Upon termination of the AGREEMENT pursuant to this Section, the CONSULTANT will submit an invoice to the CITY pursuant to Section 6.
- D. The parties may amend this Agreement only by a writing signed by all the parties.
- E. All obligations arising prior to the termination of this Agreement and all provision of this agreement allocating liability between the CITY and CONSULTANT shall survive the termination of this Agreement.
- F. If CONSULTANT materially breaches any of the terms of this Agreement, CITY's remedies shall include, but not be limited to, the following:
  - a. Immediately terminate the Agreement

- b. Retain all Documents and other work product prepared by CONSULTANT pursuant to this Agreement
- c. Retain a different consultant to complete the work described in a given task order not finished by Consultant; and/or
- d. Charge the consultant the difference between the cost to complete the work described in a given task order that is unfinished at the time of breach and the amount the CITY would have paid CONSULTANT pursuant to section 6 if CONSULTANT had completed the work.

### **VIII. OWNERSHIP OF DOCUMENTS**

- A. CONSULTANT shall maintain complete and accurate records with respect to sales, costs, expenses, receipts, and other such information required by CITY that relate to the performance of services under this AGREEMENT. CONSULTANT shall maintain adequate records of services provided in sufficient detail to permit an evaluation of services. All such records shall be maintained in accordance with generally accepted accounting principles and shall be clearly identified and readily accessible. CONSULTANT shall provide free access to the representatives of CITY or its designees at reasonable times to such books and records; shall give CITY the right to examine and audit said books and records; shall permit CITY to make transcripts or copies therefrom as necessary; and shall allow inspection of all work, data, documents, proceedings, and activities related to this AGREEMENT. Such records, together with supporting documents, shall be maintained for a period of three (3) years after receipt of final payment. CONSULTANT understands that all such records may be subject to the examination and audit of the State Auditor or as part of any audit of the CITY.
- B. Upon completion of, or in the event of termination or suspension of this AGREEMENT, all original documents, designs, drawings, maps, models, computer files, surveys, notes, and other documents, in electronic or other form, prepared in the course of providing the services to be performed pursuant to this AGREEMENT ("Documents") shall become the sole property of the CITY and may be used, reused, or otherwise disposed of by the CITY in connection with the project for which CONSULTANT'S services are provided under this AGREEMENT and without the permission of the CONSULTANT. With respect to computer files, CONSULTANT shall make available to the CITY, at the CONSULTANT's office and upon reasonable written request by the CITY, the necessary computer software and hardware for purposes of accessing, compiling, transferring, copying and/or printing computer files. CONSULTANT hereby grants to CITY all right, title, and interest, including any copyright, in and to the documents, designs, drawings, maps, models, computer files, surveys, notes, and

other documents prepared by CONSULTANT in the course of providing the services under this AGREEMENT.

## **IX. INDEMNIFICATION AND DEFENSE**

### **A. Indemnity**

To the fullest extent permitted by law, CONSULTANT shall indemnify and hold harmless CITY and any and all of its officials, employees, contractors and agents ("Indemnified Parties") from and against any and all claims, losses, liabilities, damages, costs and expenses, including legal counsel's fees and costs, caused in whole or in part by the negligent, reckless or wrongful act, error or omission of CONSULTANT, its officers, agents, employees or subconsultants (or any agency or individual that CONSULTANT shall bear the legal liability thereof) in the performance of services under this AGREEMENT. CONSULTANT's duty to indemnify and hold harmless CITY shall not extend to the CITY's sole or active negligence. This indemnification obligation is not limited by any limitation on the amount or type of damages available under any applicable insurance coverage and shall survive the expiration or termination of this Agreement with respect to any liability arising during the term of the Agreement. With respect to third party claims against the CONSULTANT, CONSULTANT waives any and all rights of any type to express or implied indemnity against the Indemnified Parties.

### **B. Duty to defend**

In the event the CITY, its officers, employees, agents and/or volunteers are made a party to any action, lawsuit, or other adversarial proceeding arising from the performance of the services encompassed by this AGREEMENT, and upon demand by CITY, CONSULTANT shall defend the CITY at CONSULTANT's cost or at CITY's option, to reimburse CITY for its costs of defense, including reasonable attorney's fees and costs incurred in the defense of such matters to the extent the matters arise from, relate to or are caused by CONSULTANT's negligent acts, errors or omissions. Payment by CITY is not a condition precedent to enforcement of this indemnity.

### **C. California Civil Code Section 2782.8**

Notwithstanding the foregoing, to the extent that the CONSULTANT's services are subject to California Civil Code Section 2782.8, the above indemnity, including the cost to defend, shall be limited to the extent required by California Civil Code Section 2782.8.

**X. INSURANCE**

CONSULTANT shall maintain prior to the beginning of and for the duration of this AGREEMENT insurance coverage as specified in Exhibit C attached to and part of this AGREEMENT.

**XI. INDEPENDENT CONSULTANT**

A. CONSULTANT is and shall at all times remain as to the CITY a wholly independent consultant and/or independent contractor and not an employee of CITY. The personnel performing the services under this AGREEMENT on behalf of CONSULTANT shall at all times be under CONSULTANT's exclusive direction and control. Neither CITY nor any of its officers, employees, or agents shall have control over the conduct of CONSULTANT or any of CONSULTANT's officers, employees, subcontractors or agents, except as set forth in this AGREEMENT. CONSULTANT shall not at any time or in any manner represent that it or any of its officers, employees, subcontractors or agents are in any manner officers, employees, or agents of the CITY. CONSULTANT shall not incur or have the power to incur any debt, obligation, or liability whatever against CITY, or bind CITY in any manner.

B. No employee benefits shall be available to CONSULTANT in connection with the performance of this AGREEMENT. Except for the fees paid to CONSULTANT as provided in the AGREEMENT, CITY shall not pay salaries, wages, or other compensation to CONSULTANT for performing services hereunder for CITY. CITY shall not be liable for compensation or indemnification to CONSULTANT for injury or sickness arising out of performing services hereunder.

**XII. LEGAL RESPONSIBILITIES**

The CONSULTANT shall keep itself informed of State and Federal laws and regulations which in any manner affect those employed by it or in any way affect the performance of its service pursuant to this AGREEMENT. The CONSULTANT shall at all times observe and comply with all such laws and regulations. The CITY, and its officers, consultants and employees, shall not be liable at law or in equity occasioned by failure of the CONSULTANT to comply with this Section.

**XIII. UNDUE INFLUENCE/CONFLICT OF INTEREST**

CONSULTANT declares and warrants that no undue influence or pressure was used against or in concert with any officer or employee of the CITY in connection with the award, terms or implementation of this AGREEMENT, including any



method of coercion, confidential financial arrangement, or financial inducement. No officer or employee of the CITY has or will receive compensation, directly or indirectly, from CONSULTANT, or from any officer, employee or agent of CONSULTANT, in connection with the award of this AGREEMENT or any work to be conducted as a result of this AGREEMENT. Violation of this Section shall be a material breach of this AGREEMENT entitling the CITY to any and all remedies at law or in equity. CONSULTANT may not serve other clients whose activities within the corporate limits of CITY or whose business regardless of location would place CONSULTANT in a "conflict of interest" as that term is defined in the Political Reform Act, California Government Code section 81000 et seq.

**XIV. NO BENEFIT TO ARISE TO LOCAL EMPLOYEES**

No member, officer, or employee of CITY, or their designees or agents, and no public official who exercises authority over or has responsibilities with respect to the Project during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any Agreement or sub-Agreement, or the proceeds thereof, for work to be performed in connection with the Project performed under this AGREEMENT.

**XV. RELEASE OF INFORMATION/CONFLICTS OF INTEREST**

- A. All information gained by CONSULTANT in performance of this AGREEMENT shall be considered confidential and shall not be released by CONSULTANT without CITY's prior written authorization. CONSULTANT, its officers, employees, agents, or subconsultants, shall not without written authorization from the City Manager, or unless requested by the City Attorney, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories, or other information concerning the work performed under this AGREEMENT or relating to any project or property located within the CITY. Response to a subpoena or court order shall not be considered "voluntary" provided CONSULTANT gives CITY notice of such court order or subpoena.
- B. CONSULTANT shall promptly notify CITY should CONSULTANT, its officers, employees, agents, or subconsultants be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions, or other discovery request ("Discovery"), court order, or subpoena from any person or party regarding this AGREEMENT and the work performed there under or with respect to any project or property located within the CITY, unless the CITY is a party to any lawsuit, arbitration, or administrative proceeding connected to such Discovery, or unless CONSULTANT is prohibited by law from informing the CITY of such Discovery. CITY retains the right, but has no obligation, to represent CONSULTANT and/or be present at any deposition, hearing, or similar proceeding as allowed by law. Unless CITY

is a party to the lawsuit, arbitration, or administrative proceeding and is adverse to CONSULTANT in such proceeding, CONSULTANT agrees to cooperate fully with CITY and to provide the opportunity to review any response to discovery requests provided by CONSULTANT. However, CITY's right to review any such response does not imply or mean the right by CITY to control, direct, or rewrite said response.

**XVI. NOTICES**

Any notices which either party may desire to give to the other party under this AGREEMENT must be in writing and may be given either by (i) personal service, (ii) delivery by a reputable document delivery service, such as but not limited to, Federal Express, which provides a receipt showing date and time of delivery, or (iii) mailing in the United States Mail, certified mail, postage prepaid, return receipt requested, addressed to the address of the party as set forth below or at any other address as that party may later designate by notice:

To CITY: City of Sand City  
1 Pendergrass Way  
Sand City, CA 93955  
Attention: City Clerk

To CONSULTANT: 4LEAF, Inc.  
2126 Rheem Drive  
Pleasanton, CA 94588

**XVII. ASSIGNMENT**

The CONSULTANT shall not assign the performance of this AGREEMENT, nor any part thereof, nor any monies due hereunder, without prior written consent of the CITY. Because of the personal nature of the services to be rendered pursuant to this AGREEMENT, only CONSULTANT shall perform the services described in this AGREEMENT.

Before CONSULTANT retains or contracts with any subcontractor, CONSULTANT shall provide CITY with the identity of the proposed CONSULTANT, a copy of the proposed written contract between CONSULTANT and such subcontractor which shall include an indemnity provision similar to the one provided herein and identify CITY as an indemnified party, or an incorporation of the indemnity provision provided herein, and proof that such proposed subcontractor carries insurance at least equal to that required by this AGREEMENT or obtain a written waiver from CITY for such insurance.

**XVIII. LICENSES**

At all times during the term of this AGREEMENT, CONSULTANT, its employees, agents, and any subcontractors shall have in full force and effect, all licenses, permits, qualifications and approvals required of it by law for the performance of the services described in this Agreement. In addition, CONSULTANT and any subcontractors shall obtain and maintain during the term of this Agreement a valid Sand City business license.

**XIX. GOVERNING LAW**

The CITY and CONSULTANT understand and agree that this Agreement shall be governed by and interpreted in accordance with the laws of the State of California. Any action to enforce or interpret this Agreement shall be brought in the Superior Court of the State of California, County of Monterey, or, in the case of any federal claims, in the United States District Court, Central District of California.

**XX. ENTIRE AGREEMENT**

This AGREEMENT contains the entire understanding between the parties relating to the obligations of the parties described in this AGREEMENT. All prior or contemporaneous Agreements, understandings, representations, and statements, oral or written and pertaining to the subject of this AGREEMENT or with respect to the terms and conditions of this AGREEMENT, are merged into this AGREEMENT and shall be of no further force or effect. Each party is entering into this AGREEMENT based solely upon the representations set forth herein and upon each party's own independent investigation of any and all facts such party deems material.

**XXI. SEVERABILITY/NO IMPLIED WAIVER OF BREACH**

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

The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any breach of that term or any other term of this Agreement.

**XXII. ATTORNEYS FEES**

If a party to this Agreement brings any action to enforce or interpret this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief to which that party may be entitled.

**XXIII. AUTHORITY TO EXECUTE THIS AGREEMENT**

The person or persons executing this Agreement on behalf of CONSULTANT warrants and represents that he/she has the authority to execute this Agreement on behalf of the CONSULTANT and has the authority to bind CONSULTANT to the performance of its obligations hereunder. This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

CONSULTANT

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Typed Name)

\_\_\_\_\_  
(Title)

CITY OF SAND CITY

\_\_\_\_\_  
Linda Scholink, Acting City Manager

ATTEST:

\_\_\_\_\_  
Connie Horca/Deputy City Clerk

APPROVED AS TO FORM:  
City Attorney

By: \_\_\_\_\_

Attachments:      Exhibit A      Consultant's Proposal  
                         Exhibit B      Consultant's Fee Schedule  
                         Exhibit C      Insurance Requirements

Draft

**EXHIBIT A**  
**CONSULTANT'S PROPOSAL**

Draft



City of Sand City  
City Hall  
1 Pendergrass Way  
Sand City, CA 93955  
Attn: Fred Meurer, Interim City Administrator

February 28, 2019

**RE: Qualifications to Provide Professional Services for the South of Tioga Development Project**

Dear Mr. Meurer,

4LEAF, Inc. (4LEAF) is excited to have the opportunity to submit our proposal to provide Professional Services for the South of Tioga Development for the City of Sand City. 4LEAF has been providing these services for numerous public and private clients in California for more than 20 years and is looking forward to the opportunity to provide these services for the City. 4LEAF is the ideal choice for the following reasons:

**Monterey Peninsula Experience**

4LEAF is currently under contract with the City of Monterey and has local staff ready to serve the City of Sand City. Some of our completed or in progress projects with the City of Monterey include:

- 484 Cannery Row (~\$120 Million)
- Portola Hotel and Conference Center (~\$35 Million)
- Monterey Motorsport Park (~\$10.5 Million)

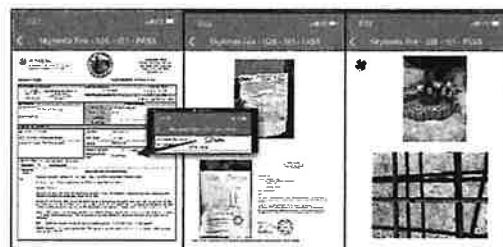
**Mixed-Use Project Experience**

4LEAF is the Building and Safety Industry leader in Mixed-Use Project Plan Review and Inspections. 4LEAF has worked on some of the Country's largest projects and programs including Waterfront Office Campuses, Casinos, Hotels, and Parking Garages. Some of our highlight projects include:

- Apple Campus 2 (\$6 Billion)
- Wynn Resorts (\$2.5 Billion)
- VMware Campus (\$1.2 Billion)
- San Mateo County PDU (\$900 Million)
- San Jose State University (\$900 Million)
- Taube-Koret Palo Alto (\$350 Million)
- California Polytechnic University (\$350 Million)
- Main Street Cupertino (\$300 Million)

**Approach**

Our team will begin closing out the project from the day we start the project. The 4LEAF team is seasoned with reviewing RFI's in the field within 24 hours to keep projects on schedule. Our exemplary record keeping and project tracking allows us to keep our client informed in real-time. Our inspection program GoFormz interfaces with all the popular Building software systems. In addition, 4LEAF will provide the City a monthly report including a list of all the prime contractors and subcontractors. This also includes updates on construction activity and pictures of each project and its progress.



**Proposed Team**

Our team has the requisite experience in building, accessibility, fire, public works, civil engineering, and stormwater. Each member of the team has worked on large projects and will live locally to ensure the City has access to our team on short notice to satisfy overtime or emergency field requests. We are happy to team with the following subconsultants Oracle Public Sector (Municipal Software) Freyer & Laureta (Civil Engineering and Traffic Engineering) and Sandis (Stormwater):

 **Deliverables**

4LEAF has assembled a very experienced pre-construction and construction team that is dedicated and experienced with aggressive construction schedules. 4LEAF has the depth of resources including the ability to "ramp up" during peak construction activity utilizing our flexible staffing model. 4LEAF has been instrumental in providing the organized document control required for project close-out as well as providing the City Administration team with professional closeout documentation complete with special inspection reports, building inspection reports, affidavits, etc. We have provided a sample closeout package in Appendix A of our Qualifications package for your review.

 **Leadership**

The contract with the City of Sand City will be managed by Craig Tole. Craig has a proven track record of success with cities and counties neighboring the City of Sand City. Craig's contact information is as follows:

4LEAF, Inc.  
2126 Rheem Drive  
Pleasanton, CA 94588

Office: (925) 462-5959  
Fax: (925) 462-5958  
Email: [ctole@4leafinc.com](mailto:ctole@4leafinc.com)

We appreciate this opportunity to present our qualifications. This proposal shall remain valid for 120 days from the due date. If you have any questions, please do not hesitate to contact us.

Respectfully submitted,  
4LEAF, Inc.

Craig Tole  
Director of Development Services





## Section 2: Approach

### Program Experience for Large Developments

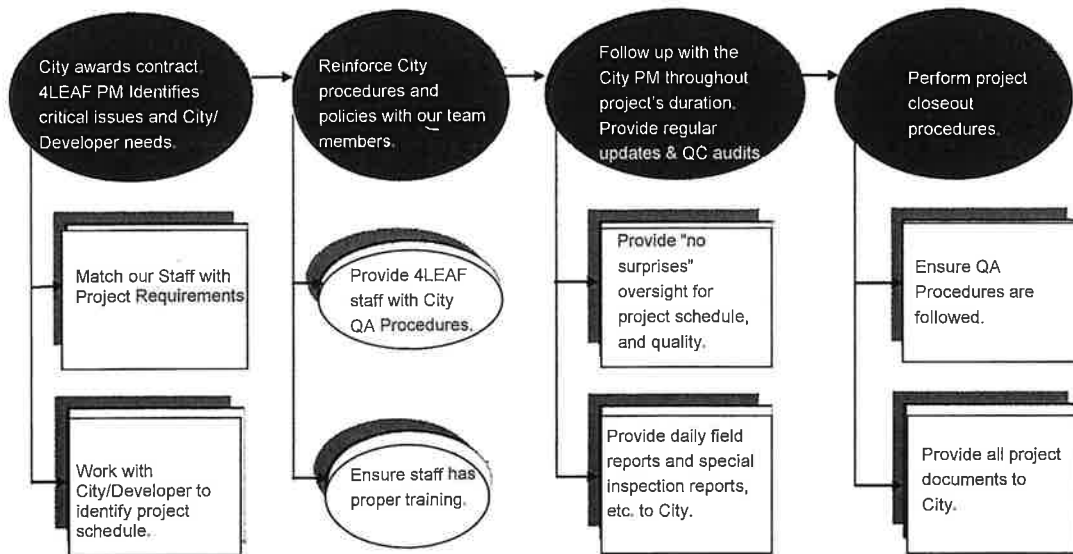
4LEAF has an established and effective Quality Assurance Program for Developer-funded and high-profile projects. **4LEAF plan reviews approximately 10,000 plans each year and has the depth of experience in providing plan reviews (including fire review) and the performance of inspection services (Building and Public Works) to those very same clientele.** 4LEAF has implemented our Quality Assurance Program with the respective municipalities on a number of high-profile “Developer Funded” projects, including:

- Apple Campus 2 - Cupertino, CA
- Encore Boston Harbor Waterfront Resort – Everett, MA
- VMware – Palo Alto, CA
- Taube-Koret Campus for Jewish Living – Palo Alto, CA
- Main Street Cupertino, Cupertino, CA
- Project Development Unit, County of San Mateo
- Sonoma County Fire Recovery Program, Santa Rosa, CA
- California Department of Parks and Recreation, Statewide CA

### Quality Assurance Program

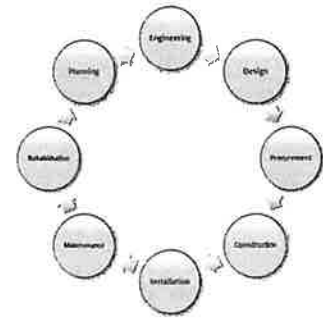
4LEAF’s Quality Assurance Program as implemented with similar clientele is as follows:

Since our inception, 4LEAF has excelled in providing plan review, construction management, and inspection services to more than 200 municipal clients including private entities, cities, counties, state, and Federal agencies. Having worked with many public agencies, we know how to accomplish the roles of plans examiner, construction manager, Inspector of Record, and construction inspector on projects of all sizes, durations, and complexities from conception to completion. We realize it’s not an easy task, procedures must be followed, and documentation must be maintained in order to properly close out a project. We are not satisfied with just knowing how to do our job, we want to continue to improve our efficiency. 4LEAF is dedicated to improving the effectiveness of our methodology which will assist you in achieving your goals. Our general methodology for performing plan review and inspection services on construction projects is outlined below.





We understand that an effective Quality Assurance (QA) program is absolutely necessary to deliver a quality project, and that the program has a place in each stage of the project’s life. The accompanying graphic illustrates how QA and Quality Control (QC) are the heart of any project.



We believe that quality and safety must be maintained as the ultimate priority of every person involved in a project. Without quality, the other elements of the project simply don’t matter.

We agree with the definition of an effective Quality Management System as “not just one where good products and services are delivered.” Rather, it is one that continuously seeks to improve the products and services being delivered and the corresponding delivery processes used by the organization.

4LEAF’s commitment to City is that, if selected, we will work alongside you to develop, establish, implement, and maintain project-specific QA procedures that meet or surpass City standards.

- We will ensure QA Plan compliance throughout the project’s duration.
- We will monitor and assist with QA deviations/non-compliance actions until resolved.
- We will systematically and continually review plan review, inspection procedures, and activities for compliance with the procedures.
- We will implement and maintain effective procedures to ensure that all complies with requirements.
- Our QA program will emphasize both preventative and verification activities. We will conduct and formally document verification processes, including both daily and weekly review of documents and maintenance of checklists and/or logs for control of documentation.
- We will provide weekly updated plan review inventory logs and inspection reports to City.

We understand that **our role is to be an advocate on behalf of the City of Sand City** and represent your best interests. 4LEAF’s team will function as an extension of the City’s staff, seamlessly integrating with the personnel and practices established by Sand City, while adding the perspective and expertise that 4LEAF can offer. Our corporate philosophy, which we have successfully accomplished again and again, is to fully integrate our staff with our client’s staff and be accepted as an essential part of the project.



Our proposed Project Manager will support the project by periodically meeting with Sand City’s dedicated point of contact to identify areas where we can improve our services and confirm we are meeting the City’s needs.

**Streamlining**

4LEAF has vast experience with large and high-profile projects. Some of our strategies for streamlining the review process and supporting a fast track schedule include having the design professional determine which items can be deferred. This is particularly important with long lead-time items that have long lead times such as fire protection systems. Phased approvals are recommended starting with the foundation and underground utilities, followed by the shell and core and finally the fit-out.



## Approach

4LEAF has a team of more than 180 ICC Certified Building Inspectors, OSHPD/DSA Inspectors of Record, Fire Personnel, and Construction Inspectors working on various contracts. We plan to phase a team of the highest quality pre-construction and construction team with a proven track record of project success. 4LEAF has several staff committed to work in the Monterey Peninsula and will remain for the duration of the project to ensure we capture the goals and performance that have made our inspection system successful. 4LEAF plans to:

- Provide you with the "depth of resources" of **highly qualified, experienced professionals** necessary for this project, personnel who are registered, certified or has a license and can effectively collaborate with the City's Project Managers, design team, and contractors.
- Utilize **innovative technology** that will enhance our open lines of communication with the City and design team that will interface with the City's technology systems and software platforms.
- Make our team available during the **Construction Document** and **Construction Administration** phases of the project which will expedite issues that may arise.
- Have a well-planned approach throughout the Pre-Construction Phase, Construction Phase, and Closeout Phase to ensure we begin the preparations to close the project out from the day we begin.
- Partner with reputable subconsultants for expertise in areas like Storm Water Pollution Prevention, Traffic Engineering, etc.

## Pre-Construction Phase

4LEAF has been preparing to provide the Development services on this job since its announcement. As a uniquely qualified firm with experience with Universities, Public Works, and Municipal Building Departments, our experience includes large-scale inspection staffing on large complex projects. 4LEAF has the depth of resources, industry relationships, and the experience to provide the City's jurisdictional duties and responsibilities with excellence while providing a collaborative "can do" attitude to facilitate the project's scheduling needs.

### 1. Relationships

4LEAF will take the time to meet all of the stakeholders for this development project. We want to work alongside members of the City including City Personnel, Fire Personnel, General Contractor's Project Managers, Superintendents, and Project Managers. Our first goal would be to sit with the Construction Management team to discuss the goals of the department and then attend all pre-construction meetings to discuss the code required position of the City's team to gain a complete understanding prior to construction and set the expectations of the City. We will want to learn which projects can be handled by the same IOR to maximize the efficiency of our team and help the City control costs.

### 2. Staffing

One of the most challenging aspects of providing the development services for large-scale complex projects like this City Housing is providing the right qualified people at the right time. The project will require a significant ramp up in level of effort for the provision of inspectors. With more than 180 inspectors (Building, Fire, and Public Works) on staff, 4LEAF has the depth of resources to ramp up or ramp down to handle the demand of this project. 4LEAF has many clients that require 4LEAF to maintain an extensive database of qualified inspectors of various skill levels. Currently, 4LEAF provides the inspection services for many municipalities that have projects requiring multiple Inspectors. 4LEAF also manages statewide contracts that requires 4LEAF to staff projects and hundreds of separate work-orders throughout the State of California for projects of various durations from one month to multiple full-time inspections for multiple years.



4LEAF has established our team based on the scope outlined in the RFQ. We have been proactive in our approach to staffing this project. In anticipation of this work, 4LEAF is committed to allocating the resources outlined below.

Role	Personnel
Complete Plan Review	4LEAF (Farheen Sultana, SE, Scott Martin, PE, Joseph Nicolas, PE, Marcus Johnson, MEP, Gene Ferrero, MEP)
Complete Building Inspection	4LEAF (Christopher Fowler,CBO, Jeffrey Rocca)
Complete Building Official	4LEAF (Michael Leontiades, CBO)
Complete Public Works Inspection	4LEAF (Anthony Fanucci, Delrae Violetti, Ray Gary)
Complete Fire Plan Review & Inspection Services	4LEAF (Gib Moush, FPE, Flora Chen, FPE, Ron Griesenger, and Christopher Fowler, CBO)
Complete ADA Plan Review Services	4LEAF (Mike Anderson, CASp)
Complete Disabled Access Plan Review	4LEAF (Mike Anderson, CASp)
Complete ADA/Disabled Access Inspection	4LEAF (Brent Hipsher, CASp)
Record Keeping System and Coordination	4LEAF (Traci Caton)
Complete Civil Engineering Services	Freyer & Lauretta (Subconsultant)
Complete Traffic Engineering	Freyer & Lauretta (Subconsultant)
Complete Storm Water Inspection	Sandis (Subconsultant)

4LEAF’s Project Management team worked with our other clientele to create a flexible schedule to allow them time and opportunities to spend time researching, organizing, and facilitating the needs of the large project part-time in addition to their normal work duties in order to have the most up to date knowledge and preparation.

**3. Meetings**

This project requires detailed organization and substantial organizational meetings. Our Lead Inspectors will propose to meet with Superintendents and their Quality Control Managers daily to understand the most pressing need for inspections. Our team will be available for same-day inspection requests and propose to attend General Contractor’s to create a team building approach. This includes meeting and establishing rapport with the City’s designated Inspection Manager to establish consistent inspection protocols and communication.

**4. Plan Review Page Turning**

4LEAF’s Plan Review Management team and Lead Plans Examiner will meet with the design team and City to determine a mutually agreed upon schedule. Prior to the review, we recommend a full day page turning session with the design team to talk about large items of concern that we can address prior to starting the review. We will also aim to build a great rapport between the review team and the design team so there can be an open line of communication during the review process so we can help expedite the plan review schedule. We can also discuss the use of technology such as our EZPlan Review portal and the use of Bluebeam to review the plans electronically if the City desires.



## **Plan Review Services**

4LEAF will provide plan review for any and all types of structures to ensure compliance with all adopted codes, local ordinances (including Tier 1 of Cal Green, if required) and state and federal laws that pertain to Building and Safety, and for compliance with the adopted ICC Building, Plumbing, Electrical, Mechanical, National Fire Protection codes and standards, and the Accessibility and Noise and Energy Conservation requirements as mandated by the State of California Title 24, State of California Water Efficient Landscape Ordinance, the State of California Certified Access Specialist (CASp) compliance, and all other applicable ordinances.

### **Off-Site Review Work Plan**

4LEAF is able to work effectively with design teams and assist Public Works, Planning, Fire, and Building Departments in the construction, rehabilitation, and repair of both public and private projects. Our experience includes checking for compliance with the structural, life-safety, accessibility, plumbing, mechanical, electrical, fire, and local codes/ordinances.

### **Approach**

We understand that the specific building plan review responsibilities will include, but are not limited to:

- Examining plans, drawings, specifications, computations documents, soils reports, and any additional data.
- Ascertaining whether projects are in accordance with applicable building and fire codes, and City ordinances, including but not limited to Title 24 and Title 25.
- Performing reviews such as Structural, MEP, Green Building, Fire and Life Safety, Grading and Drainage.
- Reviewing plans to ensure conformity to the required strengths, stresses, strains, loads, and stability as per the applicable laws.
- Reviewing plans to ensure conformity with use and occupancy classification, general building heights and areas, types of construction, fire resistance construction and protection systems, means of egress, accessibility, structural design, soils and foundations; and masonry.
- Providing additional plan review services as requested by the City.
- Conducting all plan review at the City Department or, as needed, at a site mutually agreed upon in writing.
- Supplying all plan review staff with all code books and other basic professional references.

### **4LEAF's EZPlan Review**

EZPlan Review is our in-house tracking software that acts as a communication tool between 4LEAF and the jurisdictions we work with. This web portal allows users to visualize project due dates, notes, and status updates so that projects can be followed from start to finish. Additionally, users have access to view their electronically uploaded plans that 4LEAF digitally stamps upon project approval. With the use of EZPlan Review, 4LEAF to provide a level of ease and transparency during the plan review process.

### **Document Control**

When plans and documents are received for review, 4LEAF's Plan Review Manager and Document Control Technician analyze the project, creates a job number, and completes a Job Setup Sheet. This form highlights both the jurisdiction, applicable contact information, and all project specific design criteria and notes. Jobs are then transmitted through 4LEAF's easily accessed EZPlan Review Portal which tracks initial and subsequent reviews and is open for view by the client. The Clients can view 4LEAF's plan





# 4LEAF, INC.

ENGINEERING • CONSTRUCTION MANAGEMENT  
BUILDING INSPECTION • PLAN CHECK

review control log through 4LEAF's EZPlan Review Portal.

Plans then get distributed for review to a 4LEAF team consisting of Plan Review Engineers, Architect (a licensed state professional) and/or an ICC-Certified Plans Examiner, as applicable. Our staff then performs his or her function of analyzing the plans and documentation for effective conformance to the state codes, referenced construction standards, and local jurisdiction amendments. 4LEAF's code review methodology is "The Effective Use of the Codes" reinforced through proprietary and jurisdictional checklists. When complete, the Plan Review Manager overviews the project for quality control purposes and forwards comments or approvals to the client's pre-designated contacts.

## Sample Tracking Log

Below is a snapshot of 4LEAF's EZPlan Review Portal.

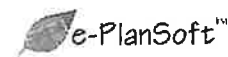
4LEAF #	Permit #	Project Address	Project Name	Description	Expedite	Detail	Due Date	EPC	PC#	Status	Date Returned
558-18-027	95744297 (D-4L) PSA1116.1	UCD	Mak Suite 100 Renov		N	09-21-2018	09-27-2018	N	1	RTR	
558-18-028	95345301 (D-4L) PSA1118.1 & 100X	UCD	VMI Tire Felice Treatment	Project broken into	N	09-13-2018	09-26-2018	N	2	SP	
558-18-025	05742201 (D-4L) PSA1117.1	UCD	GESEF Room 4519 Comput		N	09-13-2018	09-26-2018	N	1	SP	
558-18-024	26308807 (D-4L) PSA1115.1	207 3rd Street	Old J.A. Sevel Planned	Renovate and suite o	N	09-24-2018	08-30-2018	N	1	RTR	
558-18-023	250723899504700 (D-4L) PSA1117.2	DCI Barn	Shelton Library Room	Comment book depend	N	09-15-2018	08-21-2018	N	1	RTR	
558-18-022	96744707 (D-4L) PSA1113.1	Young Hall, LSC Davis	Young Hall Room 310	Demolition/renovating	N	09-04-2018	09-10-2018	N	1	AP	

## Electronic Plan Review

4LEAF has successfully implemented and used Bluebeam for electronic review of files to help eliminate the use of paper and take the plan review workflow to a whole new level. 4LEAF's offices are equipped with large scale monitors for easy review of plans. Bluebeam Revu combines powerful PDF editing, markup, and collaboration technology with reliable file creation.

## Additional Technologies

Having served more than 100 jurisdictions, 4LEAF and our staff are knowledgeable and have experience working with a variety of different technologies for Electronic Plan Review, Permit Tracking, and Building Inspections. 4LEAF's experience with tracking technologies include but are not limited to:





## Construction Phase

With the goal of completion by the Fall of 2020, 4LEAF plans to work with the City and the Construction Project Managers to draft an inspection staffing plan that mirrors the construction activity of the contractors. Our intent is to provide a flexible staffing model with a team of inspectors that can “ramp-up” and “ramp-down” based upon the construction activity on-site to be consistent with our proposed cost proposal. 4LEAF anticipates up to four different inspectors for the projects listed, but can meet the demands of additional inspectors, even on short notice or for short durations. 4LEAF will coordinate with the City’s Construction Management team to maximize the use of all inspection personnel to cover projects. All staffing will be coordinated through 4LEAF’s Executive Project Manager, Craig Tole. Craig has been with 4LEAF for more than 13 years in the capacity of inspection manager and has recruited, hired, and managed more than 80% of 4LEAF’s team of inspectors. Craig will continue to attend regular meetings with our Project Manager and Building Official in order to fill inspection requests expeditiously. 4LEAF has the depth of resources to staff this job immediately with current 4LEAF employed inspection personnel.

### 1. Office Set-Up and Requisition of Equipment

Upon contract award, 4LEAF will immediately begin mobilizing and set up our offices at the site. 4LEAF will establish our Code and Regulation Library and requisition the proper equipment such as iPad’s with the current building codes loaded on each device.

### 2. Safety Training

4LEAF will coordinate with the Prime Contractors Safety Manager and schedule all 4LEAF staff to attend any mandatory safety training. As we transition in new team members, our project leads will facilitate all new inspectors to complete the mandated safety training as well. 4LEAF also has our own training program which includes Fall Protection; Personal Protective Equipment; Slips, Trips, and Falls, Ladder Safety, Electrical Safety, and Heat Illness Prevention. Our Safety Coordinator will email all of our updated safety records with the selected General Contractor.

### 3. Project Staffing

4LEAF will continue to monitor the progress of the job in conjunction with the inspection requests. 4LEAF will scale the inspectional services based upon the demand of the job to ensure the “right” amount of staff is there to ensure construction activity is meeting the current adopted codes and the requirements of the contract documents.

### 4. Reports

4LEAF’s Administration team will keep daily activity logs and prepare detailed monthly reports of the construction activity including progress of work completed in percentage form. This report will be detailed to identify contractors, subcontractors, progress of work, pictures, and detailed explanations of the field activities. This report will be distributed to the Construction Management team and City stakeholders.

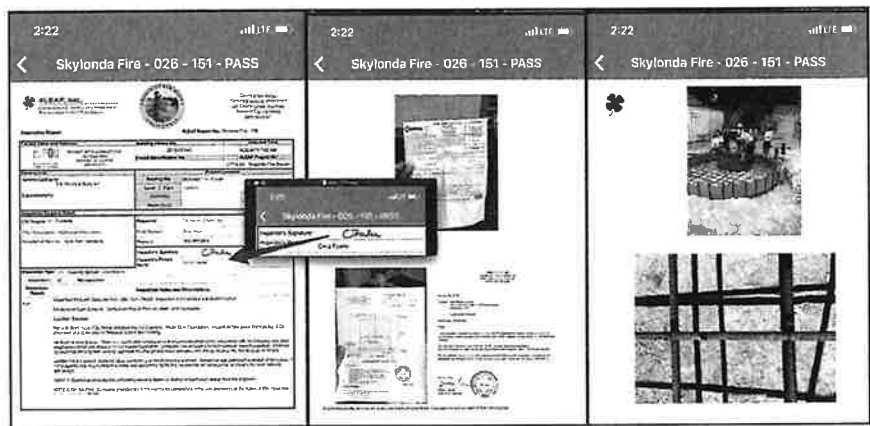
### 5. Real Time Inspections

4LEAF proposes to use GoFormz for documenting inspections. 4LEAF’s Inspection Form is already available in GoFormz and can be accessed by simply downloading the application to your iPad or Mobile Device.



**Building Inspection Technology**

4LEAF has extensive experience working with various inspection reporting technologies, including GoFormz which 4LEAF is currently using for the following projects; Apple 2 Campus (~\$6 Billion), Wynn Casino (~\$2.5 Billion), San Mateo County Project Development Unit (~\$1 Billion), and San Jose State University (~\$1 Billion). GoFormz allows every piece of information collected on a project to be accessible by all staff as every inspection report is stored securely and safely in the cloud. The information can be accessed through a user’s web account where any inspection report can be viewed and reports can be ran using stored project data. With GoFormz, 4LEAF inspectors are able to leave detailed notes under the inspections and observations box and instantaneously attach pictures to reports to show the items inspected. By means of an iPad, inspectors sign reports using a mobile signature block and attached pictures of the item inspected that were taken using the iPad.



**Work Order Tracking**

4LEAF’s Project Manager will submit a monthly Work Order to include the following information:

- Notice to Proceed (NTP) Date
- Work Order Status
- Schedule
- Budget
- Expended Amount to Date
- Remaining Budget to Date
- Pertinent Comments

**Monthly Expenditure Reports**

4LEAF’s Project Manager will submit a monthly expenditure report for each Work Order to include the following information:

- Percent complete
- Percent expended
- Brief summary of monthly activity
- Identification of problem areas

In addition to those listed, the monthly expenditure report will include a Work Order summary, a list summarizing budget and status, and a monthly invoice summary (i.e. invoiced this month, prior amount invoiced, billed to date, etc.).



**EXHIBIT B**

**CONSULTANT'S FEE SCHEDULE**

Draft



## Pricing Structure

### **Pre-Construction Services (4LEAF Plan Review)**

4LEAF will negotiate a lump sum agreement with the City for Plan Review Services. 4LEAF will schedule meetings with the design team for “page-turning sessions” at no additional charge. This will allow for an expedited review where all the large design issues and be discussed and worked out prior to review.

### **Construction Services (4LEAF Inspection)**

4LEAF will negotiate hourly fees for all staff augmentation scopes to be performed on a time and materials basis. This includes the utilization of our stormwater subconsultant Sandis and our Civil and Traffic Engineering subconsultant Freyer and Laurretta.

### **Municipal Software (Oracle Public Sector)**

We recommend the City partner with Oracle Public Sector for Municipal Software solutions. This would be independent of an agreement with 4LEAF, however we would be happy to arrange a meeting for the City of Sand City and Oracle Public Sector to development a system for the management of this project and future permitting.



## 4LEAF FEE SCHEDULE & BASIS OF CHARGES

### Plan Review Services\*

Plan Review (Building, Accessibility, Fire, & Civil) ..... \$ 160 per hour

\*4LEAF's preference is to negotiate a flat fee for the entire plan review

### Inspection Services\*

Lead Inspector/Fire Inspector/Building Official ..... \$ 140 per hour  
 Assistant Inspector/CASp Inspection ..... \$ 120 per hour  
 Fire Inspection ..... \$ 155 per hour  
 Public Works Inspector (Prevailing Wage) ..... \$ 149 per hour

### Administrative Services

On-Site Permit Manager ..... \$ 90 per hour  
 GoFormz Software ..... \$ 30 per use  
 Project Manager/Principal-in-Charge ..... \$175 per hour  
 Mileage (for inspections performed within the City)..... IRS Rate + 20%

*\*All Fees Subject to Basis of Charges*

### BASIS OF CHARGES

Rates are inclusive of "tools of the trade" such as forms, telephones, and consumables.

- All invoicing will be submitted monthly.
- Staff Augmentation work (excluding plan review) is subject to 4-hour minimum charges unless stated otherwise. Services billed in 4-hour increments.
- Plan review turn-around times are negotiable
- Plan review of deferred submittals & revisions will be billed at the hourly rates listed above.
- 4LEAF assumes that these rates reflect the 2019-2020 contract period. 3% escalation for 2021 is negotiable.
- Overtime and Premium time will be charged as follows:
 

- Night Time (work begun after 4PM or before 5AM)	1.125 x hourly rate
- Overtime (over 8-hour M-F or Saturdays)	1.5 x hourly rate
- Overtime (over 8 hours Sat or 1 <sup>st</sup> 8-hour Sun)	2 x hourly rate
- Overtime (over 8 hours Sun or Holidays)	3 x hourly rate
- Overtime will only be billed with prior authorization of the City Manager, Public Works Director, or other responsible designated City personnel.
- All work with less than 8 hours rest between shifts will be charged the appropriate overtime rate.
- Mileage driven during the course of Inspections will be charged at cost plus 20%.
- Subconsultants will be charged at cost plus 20%.
- Payment due on receipt. All payments over 30 days will be assessed a 1.5% interest charge.
- Client shall pay attorneys' fees, or other costs incurred in collecting delinquent amounts.
- Client agrees that 4LEAF's liability will be limited to the value of services provided.

## EXHIBIT C

### INSURANCE REQUIREMENTS

Without limiting CONSULTANT's indemnification of CITY, and prior to commencement of Work, CONSULTANT shall obtain, provide and maintain at its own expense during the term of this AGREEMENT, policies of insurance of the type and amounts described below and in a form satisfactory to CITY.

**General liability insurance.** CONSULTANT shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than \$1,000,000 per occurrence, \$2,000,000 general aggregate, for bodily injury, personal injury, and property damage. The policy must include contractual liability that has not been amended. Any endorsement restricting standard ISO "insured contract" language will not be accepted.

**Automobile liability insurance.** CONSULTANT shall maintain automobile insurance at least as broad as Insurance Services Office form CA 00 01 covering bodily injury and property damage for all activities of the Consultant arising out of or in connection with Work to be performed under this AGREEMENT, including coverage for any owned, hired, non-owned or rented vehicles, in an amount not less than \$1,000,000 combined single limit for each accident.

**Professional liability (errors & omissions) insurance.** CONSULTANT shall maintain professional liability insurance that covers the Services to be performed in connection with this AGREEMENT, in the minimum amount of \$1,000,000 per claim and in the aggregate. Any policy inception date, continuity date, or retroactive date must be before the effective date of this AGREEMENT and CONSULTANT agrees to maintain continuous coverage through a period no less than three (3) years after completion of the services required by this AGREEMENT.

**Workers' compensation insurance.** CONSULTANT shall maintain Workers' Compensation Insurance (Statutory Limits) and Employer's Liability Insurance (with limits of at least \$1,000,000).

CONSULTANT shall submit to CITY, along with the certificate of insurance, a Waiver of Subrogation endorsement in favor of CITY, its officers, agents, employees and volunteers.

**Umbrella or excess liability insurance.** [Optional depending on limits required]. CONSULTANT shall obtain and maintain an umbrella or excess liability insurance policy with limits that will provide bodily injury, personal injury and property damage liability coverage at least as broad as the primary coverages set forth above, including commercial general liability, automobile liability, and employer's liability. Such policy or policies shall include the following terms and conditions:

- A drop down feature requiring the policy to respond if any primary insurance that would otherwise have applied proves to be uncollectible in whole or in part for any reason;
- Pay on behalf of wording as opposed to reimbursement;
- Concurrency of effective dates with primary policies;
- Policies shall “follow form” to the underlying primary policies; and
- Insureds under primary policies shall also be insureds under the umbrella or excess policies.

### **Other provisions or requirements**

**Proof of insurance.** CONSULTANT shall provide certificates of insurance to CITY as evidence of the insurance coverage required herein, along with a waiver of subrogation endorsement for workers’ compensation. Insurance certificates and endorsements must be approved by City’s Risk Manager prior to commencement of performance. Current certification of insurance shall be kept on file with CITY at all times during the term of this contract. CITY reserves the right to require complete, certified copies of all required insurance policies, at any time.

**Duration of coverage.** CONSULTANT shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the performance of the Work hereunder by CONSULTANT, his agents, representatives, employees or subconsultants.

**Primary/noncontributing.** Coverage provided by CONSULTANT shall be primary and any insurance or self-insurance procured or maintained by CITY shall not be required to contribute with it. The limits of insurance required herein may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of CITY before the CITY’s own insurance or self-insurance shall be called upon to protect it as a named insured.

**City’s rights of enforcement.** In the event any policy of insurance required under this AGREEMENT does not comply with these specifications or is canceled and not replaced, CITY has the right but not the duty to obtain the insurance it deems necessary and any premium paid by CITY will be promptly reimbursed by CONSULTANT or CITY will withhold amounts sufficient to pay premium from CONSULTANT payments. In the alternative, CITY may cancel this AGREEMENT.

**Acceptable insurers.** All insurance policies shall be issued by an insurance company currently authorized by the Insurance Commissioner to transact business of insurance or is on the List of Approved Surplus Line Insurers in the State of California, with an assigned policyholders’ Rating of A- (or higher) and Financial Size Category Class VI (or larger) in accordance with the latest edition of Best’s Key Rating Guide, unless otherwise approved by the City Administrator.

**Waiver of subrogation.** All insurance coverage maintained or procured pursuant to this Agreement shall be endorsed to waive subrogation against CITY, its elected or appointed officers, agents, officials, employees and volunteers or shall specifically allow CONSULTANT or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. CONSULTANT hereby waives its own right of recovery against CITY, and shall require similar written express waivers and insurance clauses from each of its subconsultants.

**Enforcement of contract provisions (non estoppel).** CONSULTANT acknowledges and agrees that any actual or alleged failure on the part of the CITY to inform CONSULTANT of non-compliance with any requirement imposes no additional obligations on the CITY nor does it waive any rights hereunder.

**Requirements not limiting.** Requirements of specific coverage features or limits contained in this Section are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type. If the Consultant maintains higher limits than the minimums shown above, the CITY requires and shall be entitled to coverage for the higher limits maintained by the Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the CITY.

**Notice of cancellation.** Consultant agrees to oblige its insurance agent or broker and insurers to provide to CITY with a thirty (30) day notice of cancellation (except for nonpayment for which a ten (10) day notice is required) or nonrenewal of coverage for each required coverage.

**Additional insured status.** General liability policies shall provide or be endorsed to provide that CITY and its officers, officials, employees, and agents, and volunteers shall be additional insureds under such policies. This provision shall also apply to any excess/umbrella liability policies.

**Prohibition of undisclosed coverage limitations.** None of the coverages required herein will be in compliance with these requirements if they include any limiting endorsement of any kind that has not been first submitted to CITY and approved of in writing.

**Separation of insureds.** A severability of interests provision must apply for all additional insureds ensuring that Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the insurer's limits of liability. The policy(ies) shall not contain any cross-liability exclusions.

**Pass through clause.** CONSULTANT agrees to ensure that its subconsultants, subcontractors, and any other party involved with the project who is brought onto or involved in the project by CONSULTANT, provide the same minimum insurance coverage and endorsements required of CONSULTANT. CONSULTANT agrees to monitor and review all such coverage and assumes all responsibility for ensuring that such coverage is provided in conformity with the requirements of this section. CONSULTANT agrees that upon request, all Agreements with consultants, subcontractors, and others engaged in the project will be submitted to CITY for review.

**City's right to revise specifications.** The CITY reserves the right at any time during the term of the contract to change the amounts and types of insurance required by giving the CONSULTANT ninety (90) days advance written notice of such change. If such change results in substantial additional cost to the CONSULTANT, the CITY and CONSULTANT may renegotiate CONSULTANT's compensation.

**Self-insured retentions.** Any self-insured retentions must be declared to and approved by CITY. CITY reserves the right to require that self-insured retentions be eliminated, lowered, or replaced by a deductible. Self-insurance will not be considered to comply with these specifications unless approved by CITY.

**Timely notice of claims.** CONSULTANT shall give CITY prompt and timely notice of claims made or suits instituted that arise out of or result from CONSULTANT's performance under this AGREEMENT, and that involve or may involve coverage under any of the required liability policies.

**Additional insurance.** CONSULTANT shall also procure and maintain, at its own cost and expense, any additional kinds of insurance, which in its own judgment may be necessary for its proper protection and prosecution of the work.

**AGENDA ITEM**

**10C**



Search for Event by:

M/d/yyyy

M/d/yyyy

« Change Dates »

Narrow search by:

## **Heritage Galleria Grand Opening & Ribbon Cutting**

Tuesday Oct 1, 2019

... [read more](#) →

*Categories: Community, Chamber Of Commerce, Ribbon Cutting*

## **Monterey Ski and Social Club 25th Anniversary Mixer**

Wednesday Oct 2, 2019

... [read more](#) →

*Categories: Community, Chamber Of Commerce, Mixer*

## **Blessing of the Animals Ceremony for Pastures of Heaven**

Saturday Oct 5, 2019

... [read more](#) →

*Categories: Community, Chamber Of Commerce, Ribbon Cutting*

## **Balance Physical Therapy Ribbon Cutting**

Thursday Oct 10, 2019

... [read more](#) →

*Categories: Community, Chamber Of Commerce, Ribbon Cutting*

## **Network Like a Boss with Monterey Peninsula Young Professionals**

Thursday Oct 17, 2019

... [read more](#) →

*Categories: Community, Chamber Of Commerce, Mixer*

## **Ted Taylor Ag Vocational Center at Rancho Cielo Ribbon Cutting**

Thursday Oct 24, 2019

... [read more](#) →

*Categories: Community, Chamber Of Commerce, Ribbon Cutting*

## **Monterey Peninsula Young Professionals Halloween Party**

Thursday Oct 24, 2019

... [read more](#) →

*Categories: Festivals & Celebrations, Community, Chamber Of Commerce, Mixer*

## **Salinas Self Storage Ribbon Cutting**

Tuesday Oct 29, 2019

... [read more](#) →

*Categories: Community, Chamber Of Commerce, Ribbon Cutting*

*Save the date!*

OCTOBER 16-18, 2019  
LONG BEACH CONVENTION CENTER



ANNUAL CONFERENCE & EXPO | 2019

*Strengthening California Cities Through Education & Advocacy*



**From:** Monterey County Business Council <ff@mcbc.biz>  
**Sent:** Friday, September 13, 2019 9:00 AM  
**To:** Connie Horca  
**Subject:** Friday Facts

Cannabis production to be included in Monterey County Crop Report; CSUMB researcher receives Department of Defense grant for fog collection research; Monterey announces State of the City.

[View this email in your browser](#)



*Monterey County Business Council*

Open for Business

**Friday, Sept. 13, 2019**

*Edition 808*



## **Assemblymember Robert Rivas featured at our next Members Only Luncheon**

We are excited to welcome

Assemblymember Robert Rivas to our monthly members-only lunch. Robert Rivas, who is in his first term, represents the 30th District, which includes parts of Monterey and San Benito counties. Assemblymember Rivas will be discussing with MCBC members some of his current legislation for our district.

Monterey County Business Council Monthly Luncheons are for **MEMBERS ONLY**.

Friday, Oct. 11, 2019

11:30 a.m.-1:30 p.m.

Bayonet Black Horse Golf Course, Seaside



## Monterey's 2019 State of the City to take place Sept. 26

Join the Monterey Commercial Property Owners Association and co-hosts, the Monterey Peninsula Chamber of Commerce, on the evening of Thursday, Sept. 26th for the **Annual State of the City Address**, featuring Monterey Mayor Clyde Roberson and Monterey City Manager Hans Uslar. The event takes place from 6-8 p.m. at the Portola Hotel, where wine and appetizers will be served.



## Free Community Power Festival to showcase clean energy, sustainability

Monterey Bay Community Power (MCBC member) hosts its second **Annual Community Power Festival** from 10 a.m. to 4 p.m. Saturday, Sept. 21 at Monterey's Custom House Plaza. This outdoor, family-friendly event includes electric vehicle test drives and e-bike test rides, interactive booths, local vendors, community organizations, live music and sustainable food trucks, with opportunities to share and learn more about clean energy, community and sustainability. The first 200 attendees will receive a \$10 Community Bucks token that they can donate to one of the seven incredible nonprofits that will be tabling at the

event. Admission is free. [Learn more](#)



## **Fenton & Keller to host Workplace Sexual Harassment Prevention Training Workshops**

As of January 2019...

**MANDATORY**

Workplace Sexual Harassment Prevention Training

For Supervisors and Non-Supervisors

The law firm of Fenton & Keller (MCBC member) presents in Spanish (Sept. 23) and another in English (Sept. 24) the California required workplace harassment and discrimination prevention training for supervisory and non-supervisory employees.

OJO: Este entrenamiento también se presentará en español el 23 de septiembre, 2019.

September 23, 2019 (IN SPANISH)

[HAGA 'CLIC' PARA INSCRIBIRSE](#)

September 24, 2019 (IN ENGLISH)

[CLICK HERE TO REGISTER](#)

COST\*:

\$50 for Supervisors

\$25 for Non-Supervisors

\*(Includes light breakfast)

WHERE: Hampton Inn & Suites Salinas, 523 Work St., Salinas



MONTEREY  
COUNTY CA

**PTAC**

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### UPCOMING MONTEREY BAY PTAC EVENTS

#### **Technology Showcase and Acquisition of Capital Seminar for the Small and Medium-Sized Manufacturer**

Date: Thursday, Sept. 26

Time: 11:30 a.m.-1:30 p.m.

Location: Cabrillo College Room 2100 B, 6500 Soquel Drive, Aptos

For details and to register, visit [https://www.cmtc.com/cmtc\\_events](https://www.cmtc.com/cmtc_events)

#### **Made in Monterey Bay Manufacturing Meetup**

Date: Thursday, Sept. 26

Time: 4-6:30 p.m.

Location: Annieglass, Inc., 310 Harvest Drive, Watsonville

For details and to register, visit:

<https://www.meetup.com/MadeinMontereyBay/events/264628083/>

#### **Startup Investment & Community Capital Expo**

Date: Friday, Sept. 27

Time: 8:30 a.m.-1 p.m.

Location: Embassy Suites Hotel, Seaside

For details and to register, visit <https://www.siccmonterey.com/>

## Get Connected 2019 – Doing Business with State, County, and Local Agencies

Date: Thursday, Oct. 3

Time: 9 a.m.-noon

Location: SJC Cabral Agricultural Center, 2101 E. Earhart Ave, Stockton

For details and to register, visit: [tiny.cc/getconnected2019](http://tiny.cc/getconnected2019)

We at [Monterey Bay Procurement Technical Assistance Center](#) (PTAC) help businesses navigate the labyrinth of the government procurement system. Visit the [website](#) to learn about upcoming workshops or sign up to become a client. Call 831-216-3000 or see us on Facebook: [@MontereyBayPTAC](#).



Special thanks to the County of Monterey for its ongoing support of the Monterey County Business Council's efforts for economic development and education.

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## Make sure your news gets noticed!

Submit news items of general interest about your organization or upcoming events for consideration for inclusion in Friday Facts, our weekly MCBC e-newsletter that reaches key decision-makers, industry leaders, movers and shakers in Monterey County and the greater region. And if you aren't yet a member, join us now and help shape the future of Monterey County for the better. Download the [membership application](#) or call 216-3000.

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