



REGULAR MEETING

SAND CITY COUNCIL

AND

SUCCESSOR AGENCY OF THE
REDEVELOPMENT AGENCY

AGENDA

SAND CITY COUNCIL CHAMBERS

TUESDAY, AUGUST 6, 2013

7:00 P.M.

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

Regular Meeting – August 6, 2013
7:00 P.M.

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

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

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

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

- A. Written
- B. Oral

5. CONSENT CALENDAR

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

- A. Approval of Sand City Council Meeting Minutes, July 16, 2013
- B. Approval of City RESOLUTION Authorizing Renewal of the Building Inspection and Plan Check Services Agreement with the City of Monterey
- C. Acceptance of Fort Ord Reuse Authority (FORA) Monthly Report, July, 2013
- D. Acceptance of 2013 League of California Cities Annual Conference Resolutions Packet
- E. Approval of City Donation/Contribution
 - 1) The Panetta Institute for Public Policy - \$500

6. CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

7. PUBLIC HEARING

- A. Consideration of City RESOLUTION Approving Conditional Use Permit 568 and Coastal Development Permit 13-04 authorizing an Artist Metal Workshop at 1815-A Contra Costa Street
- B. Consideration of City RESOLUTION Approving Conditional Use Permit 567 for Teri Takikawa and Todd Fisher authorizing a Sandwich Sales Counter within an existing Commercial Kitchen at 354 Orange Avenue in Sand City

8. OLD BUSINESS

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

9. NEW BUSINESS

- A. Consideration of cancelling City Council meeting due to League of California Cities Conference

PURPOSE: It is proposed that the City Council cancel the City Council meeting scheduled for September 17, 2013 to minimize conflict with the League of California Cities Annual Conference on September 18-20, 2013
- B. Upcoming Meetings/Events

10. CLOSED SESSION

- A. City Council /Agency Board to adjourn to Closed Session:
 - 1) To confer with Legal Counsel regarding pending litigation in accordance with Government Code Section 54956.9(d)(1):
 - a) *Monterey Peninsula Water Management v. State Water Resources Control Board (No. M102101), and related cases*
 - b) *Cal-Am Application to CPUC No. 10-04-019 for Order Authorizing Recovery of Costs for Lease and Operation of the Sand City Desalination Facility*
 - c) *Seaside v. Sand City (No. M120996) and related cross action*
 - d) *Local Educational Agencies' (LEAs) monetary claim to recover pass-through payments from the Sand City Successor Agency to the Redevelopment Agency*
 - 2) Conference with Legal Counsel in accordance with Section 54956.9 of the Ralph M. Brown Act, regarding Claim against Monterey County Reimbursement of Property Tax Administration Fee

3) To confer with Legal Counsel regarding potential litigation pursuant to Section 54956.9 (c) of the Ralph M. Brown Act; 1 case

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

11. **ADJOURNMENT**

Next Scheduled Council Meeting:
Tuesday, August 20, 2013
7:00 P.M.
Sand City Council Chambers
1 Sylvan Park, Sand City

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

The current Sand City agenda is available in PDF format on our website at:
www.sandcity.org/agenda

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

AGENDA ITEM

5A

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

Regular Meeting – July 16, 2013
7:00 P.M.
CITY COUNCIL CHAMBERS

Mayor Pendergrass opened the meeting at 7:00 P.M.

The invocation was led by Reverend Robert Hellam.

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

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

Staff: Steve Matarazzo, City Administrator/Community Development Director
Jim Heisinger, City Attorney
Leon Gomez, City Engineer
Michael Klein, Police Chief
Linda K. Scholink Administrative Services Director
Charles Pooler, Associate Planner

AGENDA ITEM 4, COMMUNICATIONS

A. Written communication distributed to the Council was a list of potential conflicts (Agenda item 7A).

B. Oral

7:02 P.M. Floor opened for Public Comment.

Public Member Sam Linder congratulated Administrative Services Director/City Clerk Linda Scholink on winning the tennis tournament sponsored by Sam Linder last week at Chamisal.

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

AGENDA ITEM 5, CONSENT CALENDAR

A. Conditional Use Permits (CUP) and Coastal Development Permits (CDP) are subject to annual review by the City Council and City staff. Upon review of each of the

following Use Permits, staff is recommending continued operation of the Use Permits to the City Council based on the finding that these uses are in compliance with their permits. There was no discussion of the following use permits.

- (1) CUP #377, Hartzel Automotive (auto), 510-A California Avenue
- (2) CUP #399, Edgewater Center, (retail/multiple sites), 915, 925 Playa & 2030 California
- (3) CUP #419, Carmel Tile/Doubleday (showroom/storage), 1725 Contra Costa
- (4) CUP #495, Alternator & Starter Exchange (assembly), 352-B Orange Avenue
- (5) CDP 97-05, Monterey Bay Restaurant Equipment (retail/wholesale), 325 Elder Avenue
- (6) CUP #321, Groves Masonry (storage yard), 872 Afton Avenue
- (7) CUP #368, Jersey's (food service), 832 Playa Avenue
- (8) CUP #463, Monterey Mattress (showroom), 1714 Contra Costa
- (9) CUP 521, Michael Sweeney (storage), 467 Shasta Avenue
- (10) CUP #522, North Bay Rehabilitation (contractor), 701 Redwood Avenue
- (11) CDP 11-09, Rebecca Bernstein (hydrotherapy), 1807-B Contra Costa

- B. There was no discussion of the Sand City Council Meeting Minutes, July 2, 2013.
- C. There was no discussion of the Police Department Monthly Report, June 2013.
- D. There was no discussion of the Public Works Monthly Report, June 2013.
- E. There was no discussion of the City **Resolution** approving Time Extensions to October 31, 2013 of Multiple Conditional Use Permits (CUPs 450, 503, 508, 527, 532, 533, 540, 541, 544, 553) to continue as interim uses at their respective locations within the South of Tioga Area.

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

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled.

AGENDA ITEM 7, PUBLIC HEARING

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

A. Consideration of a City Resolution approving 2-Year Time Extensions to July 31, 2015 of CDP 02-04 for Al Saroyan, CDP 03-03 for Cardinale Automotive, CDP 04-01 for Phillip Nicholson, CDP 04-03 for Newton Brothers, CDP 04-04 for Jaguar/Landrover, and CDP 05-03 for Peter Blackstock (Lexus Dealership) regarding their individual Storage Yards within the Railroad Right-of-Way

Associate Planner Charles Pooler reported that the Council had previously granted permits to various businesses to utilize segments of the railroad right-of-way as expansions of their abutting businesses. Five of these businesses are located in the City of Seaside, and one in Sand City. Those permits were originally given 2-year time limits with the possibility of time extensions thereafter, to allow temporary use of the railway until future train or other regional transportation mode is implemented by the Transportation Agency of Monterey (TAMC). The last time extension for those uses was granted in 2011, and will expire on July 31, 2013. Staff recommends approval of the attached resolution granting 2-year time extensions of those coastal development permits.

7:06 P.M. Floor opened for Public Comment.

Public Member Pam Silkwood, representing Peter Blackstock of the Lexus Dealership Group, thanked Mr. Pooler for his thorough staff report, and mentioned that she spoke with Dave Defino of TAMC who jointly supports the time extension of their coastal development permit.

Business Owner Sam Linder of Jaguar/Landrover, located on 1711 Del Monte Boulevard commented that the location has undergone a major remodel of the facility and showroom. A large monetary investment has been made to the aesthetics of the building. He is hopeful that any future improvements to the railroad right-of-way will be forestalled for some time. Mr. Linder was in agreement with the conditions of the use permit.

7:10 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** for 2-year Time Extensions to July 31, 2015 of CDP 02-04 for Al Saroyan, CDP 03-03 for Cardinale Automotive, CDP 04-01 for Phillip Nicholson, CDP 04-03 for Newton Brothers, CDP 04-04 for Jaguar/Landrover, and CDP 05-03 for Peter Blackstock (Lexus Dealership) regarding their individual Storage Yards within the Railroad Right-of-Way was made by Council Member Carbone, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Pendergrass. NOES; None. ABSENT: None. ABSTAIN: Council Members Hubler, Kruper. Motion carried.

{Council Members Hubler and Kruper returned to the dais}

AGENDA ITEM 8, OLD BUSINESS

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

City Engineer Leon Gomez reported that the desalination plant was inoperable for six days due to a clog in the reverse osmosis membranes. Cal-Am performed a cleaning and was able to have the plant running within a few days. Cal-Am determined that the clean in place (CIP) process should occur on a more regular basis, and will schedule a cleaning for the second train (train b) of reverse osmosis membranes. This process should increase the performance of the plant. A water production report should be received by staff by the end of July. He reported that two agreements had been renewed with the Storm Water Inspection Maintenance Services (SWIMS) for the shopping center storm drain systems, and the Watermaster Group for data collection service of the City's two water wells.

Mayor Pendergrass reported on the increase of water usage at the corporation yard, and inquired as to whether the plants were being irrigated properly. He further expressed his concern regarding the water use at the community garden, and asked if the water hose was improperly turned off.

City Administrator Steve Matarazzo reported that he and the City Attorney will be meeting with Dr. Ed Ghandour and his new attorney to ensure that his project continues to move forward.

AGENDA ITEM 9, NEW BUSINESS

A. Upcoming Meetings/Events

Mayor Pendergrass reminded the Council of the upcoming Monterey Peninsula Chamber of Commerce's Annual Business Excellence Awards on Thursday, July 18, 2013. There were no additional RSVP's.

AGENDA ITEM 10, CLOSED SESSION

7: 27 P.M.

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

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

a) *Monterey Peninsula Water Management v. State Water Resources Control Board (No. M102101), and related cases*

- b) Cal-Am Application to CPUC NO. 10-04-019 for Order Authorizing Recovery of Costs for Lease and Operation of the Sand City Desalination Facility*
- c) Seaside v. Sand City (No. M120996) and related cross action*
- d) Local Educational Agencies' (LEAs) monetary claim to recover pass-through payments from the Sand City Successor Agency to the Redevelopment Agency*

2) Conference with Legal Counsel in accordance with Section 54956.9 of the Ralph M. Brown Act, regarding Claim against Monterey County regarding Reimbursement of Property Tax Administration Fee

3) To confer with Legal Counsel regarding potential litigation pursuant to Section 54f956.9 (c) of the Ralph M. Brown Act: 1 case

8:50 P.M.

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

The Council gave Legal Counsel direction with regard to items 10A(1,c,d) and direction to Successor Agency Executive Director on 10A(3).

Motion to adjourn the City Council meeting was made by Council Member Blackwelder, seconded by Council Member Kruper to the next regularly scheduled Council meeting on Tuesday, August 6 2013 at 7:00 P.M. There was unanimous consensus of the Council to adjourn the meeting at 8:51 P.M.

Linda K. Scholink, City Clerk

AGENDA ITEM

5B

**CITY OF SAND CITY
RESOLUTION SC _____, 2013**

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY AUTHORIZING
RENEWAL OF THE BUILDING INSPECTION AND PLAN CHECK SERVICES
AGREEMENT WITH THE CITY OF MONTEREY**

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

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

WHEREAS, the City of Sand City and City of Monterey believe that a one-year extension of these services commencing August 18, 2013 and ending August 17, 2014 will best-serve the building administration needs of the City at an economically efficient cost basis.

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

1. The City of Monterey is hereby selected to serve as Sand City's building inspection and plan check provider in accordance with the Service Agreement terms and conditions listed below:
 - A. Plan check services will be provided on an as-needed basis and charged to the City of Sand City at 75% of the building permit plan check fee collected for the applicable project.
 - B. The hourly rate for administrative services and building inspections (building-related services exclusive of plan checks) will be \$81 per hour (this includes vehicle costs). There shall also be a minimum plan check fee of \$69.25 payable to the City of Monterey.
 - C. The City of Monterey will work with City of Sand City staff and applicants to coordinate and schedule inspection times as conveniently as possible.
 - D. The City of Monterey will work with City of Sand City staff to organize the City's building administration services within the City Community Development Department functions.
 - E. The City of Monterey will assist the City of Sand City in administering Housing grant related programs as may be applicable from time-to-time.

2. The City Administrator for Sand City is authorized to enter into this Agreement for Building Inspection, and Plan Check services which is approved for one year.

Sand City Resolution SC ____, (2013)

3. The City of Monterey services provided for/by this agreement will be under the general supervision of the Sand City, City Administrator.
4. The attached service agreement, incorporated herein by this reference, may be cancelled by either party upon sixty (60) days advanced written notice.

PASSED AND ADOPTED by the Sand City Council on this 6th day of August, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

David K. Pendergrass, Mayor

ATTEST:

Linda K. Scholink, City Clerk



July 17, 2013

BUILDING SAFETY & INSPECTION

City of Sand City
Mr. Steve Matarazzo, City Administrator
1 Sylvan Park
Sand City, CA 93955

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

Dear Mr. Matarazzo:

The City of Monterey would like to extend its contract with City of Sand City, entered into August 18, 2011, for an additional 12 months. Said extension would commence August 18, 2013 and would terminate August 17, 2014.

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

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

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

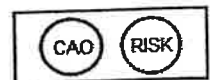
Very Truly Yours,

Fred Meurer
Fred Meurer,
City Manager

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

Dated: _____

By: _____
Mr. Steve Matarazzo, City Administrator



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

City of Monterey and City of Sand City

THIS AGREEMENT for Building Inspection and Plan Review Services is made and entered into this 6th day of August, 2013, by and between the City of Monterey (hereinafter "Monterey"), a municipal corporation, as the service provider, and the City of Sand City, a municipal corporation (hereinafter "Sand City").

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

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

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

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

WHEREAS, the City of Sand City authorized this agreement on [August 6, 2013] by the passage of Resolution No. [_____].

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

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

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

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

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

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

3. **TERM OF AGREEMENT.**

3.01. **INITIAL TERM.** The term of this Agreement shall be from August 18, 2013 through August 17, 2014, unless sooner terminated pursuant to the terms set forth in section 8 herein.

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

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

Exhibit A Scope of Services/Payment Provisions

5. **PERFORMANCE STANDARDS.**

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

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

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

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

6. EXCLUSIONS

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

7. PAYMENT CONDITIONS.

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

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

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

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

8. TERMINATION.

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

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

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

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

9. IMMUNITY.

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

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

10. INDEMNIFICATION.

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

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

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

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

11. INSURANCE.

11.01 Each party shall maintain in effect, at its own cost and expense, the following insurance coverage provided either through a bonafide program of self-insurance, commercial insurance policies, or any combination thereof as follows:

11.02 Commercial General Liability or Public Liability with minimum limits of \$1,000,000 per occurrence and \$2,000,000 in the aggregate. Each party shall prove that is self insured to the limits specified or have its insurance policy endorsed to name the other party additionally insured.

- a. Auto Liability including owned, leased, non-owned, and hired automobiles, with a combined single limit of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate.
- b. If a party employs others in the performance of this Agreement, that party shall maintain Workers' Compensation in accordance with California Labor Code section 3700 with a minimum of \$1,000,000 per occurrence for employer's liability, for the duration of time that such workers are employed.
- c. Each party shall maintain in effect throughout the term of this agreement all risk property insurance, excluding earthquake and flood, on all permanent property of an insurable nature in an amount sufficient to cover at least 100% of the replacement costs of said property.

11.03 All insurance required by this Agreement shall:

- a. be placed (1) with companies admitted to transact insurance business in the State of California and with a current A.M. Best rating of no less than A:VI or with carriers with a current A.M. Best rating of no less than A:VII; or (2) disclosed self-insurance with limits acceptable to the other party
- b. provide that each party's insurance is primary and non-contributing insurance to any insurance or self-insurance maintained by the other party and that the insurance of the other party shall not be called upon to contribute to a loss covered by a party's insurance.
- c. subsequent to execution of this Agreement, each party shall file certificates of insurance with the other party evidencing that the required insurance is in effect.

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

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

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

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

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

15. **MISCELLANEOUS PROVISIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF MONTEREY

By: [Signature]
City Manager

Approved as to form:

[Signature]
Monterey City Attorney

CITY OF SAND CITY

By: [Signature]
City Manager

Approved as to form:

[Signature]
Monterey Risk Manager

EXHIBIT A

SCOPE OF SERVICES/PAYMENT PROVISIONS

I City of Monterey to Provide the Following:

A. Plan Review Services:

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

B. Inspection Services:

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

C. Staff Functions to Include

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

II City of Sand City to Provide the Following:

A. *Plan Review Services:*

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

B. *Building Inspection Services:*

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

ATTACHMENT A (2012-2013 RATES)

PLANS EXAMINER	\$84.00/HOUR
INSPECTIONS	\$81.00/HOUR
EXPEDITED PLAN CHECK FEE	90% of Plan Check Fee
MINIMUM PLAN REVIEW FEE	\$84.00

AGENDA ITEM

5C

MEMORANDUM

TO: City Council
FROM: Mayor Pendergrass
DATE: July 23 2013
SUBJECT: FORA Board Meeting, July 12, 2013

The Agenda is included for your reference. Should you desire further information that may or may not be contained in the packet, an agenda packet is available at City Hall or on the FORA website at: www.fora.org.

Item 1 Procedural

Item 2 CLOSED SESSION

No reportable action(s) were taken.

Item 3 ANNOUNCEMENT OF ACTION TAKE IN CLOSED SESSION

Item 4 PLEDGE OF ALLEGIANCE

Item 5 ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

Items 3-5, Procedural.

Item 6 CONSENT AGENDA

- a. Approval of the June 21, 2013 Board Meeting Minutes
- b. Resolution Fixing the Employer's Contribution Under the Public Employee's Medical and Hospital Care Act

All items unanimously approved.

Item 8 NEW BUSINESS

- a. Environmental Services Cooperative Agreement (ESCA) – Update
 - i. Presentation/Update
 - ii. Property Transfer/Risk Management

Informational update.

b. FY 2013/14 Capital Improvement Plan

The CIP is still going through refinement and was continued to August.

c. Preston Park Fiscal Year 2013/14 Budget (2nd vote)

Approved by a majority vote.

d. Base Reuse Plan (BRP) Post-Reassessment Advisory Committee

- i. Receive Report from Post-Reassessment Advisory Committee
- ii. Consider PRAC "Category IV" Approach Recommendations

ii. Approved recommendations

e. FORA Initiatives Status Report and Recommendations

- i. California Central Coast Veterans Cemetery, Open Space Preservations, and Economic Revitalization Initiative
- ii. Protect Fort Ord Open Space Initiative

Both the Cemetery Initiatives qualified for the November election and FORA will employ the County Elections Department to conduct this election.

Item 9 PUBLIC COMMENT PERIOD

Procedural (few comments).

Item 10 EXECUTIVE OFFICER'S REPORT

All informational, except Item 10e. Administrative Consistency Determination for Entitlement: City of Seaside's Chartwell School Kiln and Clay Storage Shed; which was approved by a unanimous vote.



FORT ORD REUSE AUTHORITY

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

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

BOARD OF DIRECTORS SPECIAL MEETING

Friday, July 12, 2013 at 2:00 p.m.

910 2nd Avenue, Marina, CA 93933 (Carpenter's Union Hall)

AGENDA

CITY OF SAND CITY

JUL 09 2013

RECEIVED

1. CALL TO ORDER AND ROLL CALL

2. CLOSED SESSION

- a. Conference with Legal Counsel - Existing Litigation, Gov Code 54956.9(a) – Five Cases
 - i. Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Numbers: M114961, M116438, M119217
 - ii. Bogan v. Houlemard, Case Number: M122980
 - iii. The City of Marina v. Fort Ord Reuse Authority, Case Number: M118566
- b. Conference with Legal Counsel - Anticipated Litigation, Gov Code 54956.9(b) – One Case
- c. Public Employee Performance Evaluation – Executive Officer (Gov Code 54957)

3. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

1. PLEDGE OF ALLEGIANCE

5. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

6. CONSENT AGENDA

- a. Approval of the June 21, 2013 Board Meeting Minutes (pg. 1-4) ACTION
- b. Resolution Fixing the Employer's Contribution Under the Public Employee's Medical and Hospital Care Act (pg. 5-6) ACTION

7. NEW BUSINESS

- a. Fort Ord Reuse Authority Master Resolution Section 2.02.010 (Meetings – Time and Place) – Amend Board Meeting Start Time (pg. 7-9) ACTION

8. OLD BUSINESS

- a. Environmental Services Cooperative Agreement (ESCA) – Update (pg. 10-12) INFORMATION
 - i. Presentation/Update
 - ii. Property Transfer/Risk Management
- b. FY 2013/14 Capital Improvement Program (pg. 13-21) INFORMATION/ACTION
- c. Preston Park Fiscal Year 2013/2014 Budget (2nd Vote) (pg. 22-45) ACTION
- d. Base Reuse Plan (BRP) Post-Reassessment Follow-Up (pg. 46)
 - i. Receive Report from Post-Reassessment Advisory Committee (PRAC) INFORMATION
 - ii. Consider PRAC "Category IV" Approach Recommendations ACTION
- e. FORA Initiatives Status Report and Recommendations (pg. 47-48) INFORMATION/ACTION
 - i. California Central Coast Veterans Cemetery, Open Space Preservation, and Economic Revitalization Initiative
 - ii. Protect Fort Ord Open Space Initiative

9. PUBLIC COMMENT PERIOD

Members of the public wishing to address the Fort Ord Reuse Authority (FORA) Executive Committee on matters that are not on this agenda, but are within FORA's jurisdiction, may comment for up to three minutes during this period. Public comments on specific agenda items are heard under that item.

10. EXECUTIVE OFFICER'S REPORT

- a. Outstanding Receivables (pg. 49) INFORMATION
- b. Habitat Conservation Plan Update (pg. 50) INFORMATION
- c. Administrative Committee (pg. 51-55) INFORMATION
- d. Veterans Issues Advisory Committee (pg. 56-58) INFORMATION
- e. Administrative Consistency Determination for Entitlement:
City of Seaside's Chartwell School Kiin and Clay
Storage Shed (pg. 59-102) INFORMATION/ACTION
- f. Capital Improvement Program Review –
Phase II Study Final Report (pg. 103-161) INFORMATION
- g. Base Reuse Plan California Environmental Quality Act and Land
Use Memorandum Summary (pg. 162-164) INFORMATION
- h. Public Correspondence to the Board (pg. 165) INFORMATION

11. ITEMS FROM MEMBERS

12. ADJOURNMENT

NEXT REGULAR BOARD MEETING: AUGUST 9, 2013

Persons seeking disability related accommodations should contact FORA 24 hours prior to the meeting. This meeting is recorded by Access Monterey Peninsula (AMP) and is televised Sundays at 9:00 a.m. and 1:00 p.m. on Marina/Peninsula Chanel 25. The video and full Agenda packet are available online at www.fora.org.

AGENDA ITEM

5D

Memo

To: City Council

From: Connie Horca

Date: 7/30/2013

Re: Proposed Resolutions for the LOCC Annual Conference September 20, 2013 Business Meeting

The Annual Conference Resolutions packet for the League of California Cities Conference is attached for your review. Two Resolutions are presented for your consideration:

- 1) Resolution calling upon the Governor and the Legislature to work with the League of California Cities in providing adequate funding and to prioritize water bonds to assist Local Government in Water Conservation, Groundwater Recharge and Refuse of Stormwater and Urban Runoff Programs
- 2) Resolution calling upon the Governor and the Legislature to enter into discussions with the League and California Police Chief's Association representatives to Identify and Enact Strategies that will ensure the success of Public Safety realignment from a Local Municipal Law Enforcement perspective.

Each City is encouraged to consider the above Resolutions so that the voting delegate may represent the City's position.

Connie Horca

From: city_clerks-bounces@lists.cacities.org on behalf of Natasha Karl <nkarl@cacities.org>
Sent: Tuesday, July 23, 2013 6:52 PM
To: 'city_managers@lists.cacities.org'; city_clerks@lists.cacities.org
Cc: Samantha Caygill; Meg Desmond
Subject: [City_clerks] 2013 Annual Conference Resolutions Packet/Notice of League Annual Meeting
Attachments: Untitled attachment 00010.txt

July 23, 2013

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

RE: Annual Conference Resolutions Packet
Notice of League Annual Meeting

Click [here](#) for the 2013 Annual Conference Resolutions Packet. A hard copy will be mailed the week of August 5.

Annual Conference in Sacramento. This year's League Annual Conference will be held September 18 - 20 in Sacramento. The conference announcement has previously been sent to all cities and we hope that you and your colleagues will be able to join us. More information about the conference is available on the League's Web site at www.cacities.org/ac. We look forward to welcoming city officials to the conference.

Annual Luncheon/Business Meeting - Friday, September 20, 12:00 p.m. The League's Annual Business Meeting will be held at the Hyatt Regency Hotel.

Resolutions Packet. At the Annual Conference, the League will consider the two resolutions introduced by the deadline, Saturday, July 20, 2013, midnight. These resolutions are included in this packet. New this year, resolutions submitted to the General Assembly must be concurred in by five cities or by city officials from at least five or more cities. These letters of concurrence are included with this packet. We request that you distribute this packet to your city council.

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

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

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

For questions about the Resolutions process please contact Meg Desmond at mdesmond@cacities.org or Natasha Karl at nkarl@cacities.org.



*Annual Conference
Resolutions Packet*

115th Annual Conference



*Sacramento
September 18 - 20, 2013*

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 by the Annual Conference and referred to the League policy committees.

POLICY COMMITTEES: Two policy committees will meet at the Annual Conference to consider and take action on resolutions referred to them. The committees are Environmental Quality and Public Safety. These committees will meet on Wednesday, September 18, 2013, at the Sheraton Grand Hotel in Sacramento. The sponsors of the resolutions have been notified of the time and location of the meetings.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet at 1:00 p.m. on Thursday, September 19, at the Sacramento Convention Center, to consider the reports of the two policy committees regarding the two 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 12:00 p.m. on Friday, September 20, at the Hyatt Regency Hotel.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (47 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Session of the General Assembly. This year, that deadline is 12:00 p.m., Thursday, September 19. If the petitioned resolution is substantially similar in substance to a resolution already under consideration, the petitioned resolution may be disqualified by the General Resolutions Committee.

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

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

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

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

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

Guidelines for Annual Conference Resolutions

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

LOCATION OF MEETINGS

Policy Committee Meetings

Wednesday, September 18, 2013
Sheraton Grand Hotel
1230 J Street, Sacramento

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

General Resolutions Committee

Thursday, September 19, 2013, 1:00 p.m.
Sacramento Convention Center
1400 J Street, Sacramento

Annual Business Meeting and General Assembly Luncheon

Friday, September 20, 2013, 12:00 p.m.
Hyatt Regency Hotel
1209 L Street, Sacramento

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	Water Bond Funds			

PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
2	Public Safety Realignment			

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

KEY TO ACTIONS TAKEN ON RESOLUTIONS *(Continued)*

KEY TO REVIEWING BODIES

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

Action Footnotes

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

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 - Amend and refer as amended to appropriate policy committee for study
- Raa - Additional amendments and refer
- Da - Amend (for clarity or brevity) and Disapprove
- Na - Amend (for clarity or brevity) and take No Action
- W - Withdrawn by Sponsor

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

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

2013 ANNUAL CONFERENCE RESOLUTIONS

RESOLUTION REFERRED TO ENVIRONMENTAL QUALITY POLICY COMMITTEE

- 1. RESOLUTION CALLING UPON THE GOVERNOR AND THE LEGISLATURE TO WORK WITH THE LEAGUE OF CALIFORNIA CITIES IN PROVIDING ADEQUATE FUNDING AND TO PRIORITIZE WATER BONDS TO ASSIST LOCAL GOVERNMENT IN WATER CONSERVATION, GROUND WATER RECHARGE AND REUSE OF STORMWATER AND URBAN RUNOFF PROGRAMS.**

Source: Los Angeles County Division

Concurrence of five or more cities/city officials: Cities of Alhambra; Cerritos; Claremont; Glendora; Lakewood; La Mirada; La Verne; Norwalk; Signal Hill; Mary Ann Lutz, Mayor, city of Monrovia.

Referred to: Environmental Quality Policy Committee

Recommendations to General Resolutions Committee: Approve

WHEREAS, local governments play a critical role in providing water conservation, ground water recharge and reuse of stormwater infrastructure, including capture and reuse of stormwater for their citizens, businesses and institutions; and

WHEREAS, local governments support the goals of the Clean Water Act to ensure safe, clean water supply for all and the U.S. Environmental Protection Agency has encouraged local governments to implement programs to capture, infiltrate and treat stormwater and urban runoff with the use of low impact development ordinances, green street policies and programs to increase the local ground water supply through stormwater capture and infiltration programs; and

WHEREAS, local governments also support the State's water quality objectives, specifically Section 13241 of the Porter-Cologne Water Quality Control Act, on the need to maximize the use of reclaimed and water reuse and the Regional Water Quality Control Boards and the State Water Resources Board encourage rainwater capture efforts; and

WHEREAS, the State's actions working through the water boards, supported by substantial Federal, State and local investments, have led to a dramatic decrease in water pollution from wastewater treatment plants and other so-called "point sources" since 1972. However, the current threats to the State's water quality are far more difficult to solve, even as the demand for clean water increases from a growing population and an economically important agricultural industry; and

WHEREAS, the State's Little Hoover Commission found in 2009 that more than 30,000 stormwater discharges are subject to permits regulating large and small cities, counties, construction sites and industry. The Commission found that a diverse group of water users – the military, small and large businesses, home builders and local governments and more – face enormous costs as they try to control and limit stormwater pollution. The Commission concluded that the costs of stormwater clean up are enormous and that the costs of stormwater pollution are greater, as beach closures impact the State's economy and environmental damage threatens to impair wildlife; and

WHEREAS, at the same time that new programs and projects to improve water quality are currently being required by the U.S. EPA and the State under the National Pollution Discharge Elimination System (NPDES) permits and the Total Daily Maximum Load (TMDL) programs, many local governments find that they lack the basic infrastructure to capture, infiltrate and reuse stormwater and cities are facing difficult economic challenges while Federal and State financial assistance has been reduced due to the impacts of the recession and slow economic recovery; and

WHEREAS, cities have seen their costs with the new NPDES permit requirements double and triple in size in the past year, with additional costs anticipated in future years. Additionally, many local businesses have grown increasingly concerned about the costs of retrofitting their properties to meet stormwater and runoff requirements required under the NPDES permits and TMDL programs; and

WHEREAS, the League of California Cities adopted water polices in March of 2012, recognizing that the development and operation of water supply, flood control and storm water management, among other water functions, is frequently beyond the capacity of local areas to finance and the League found that since most facilities have widespread benefits, it has become the tradition for Federal, State and local governments to share their costs (XIV, Financial Considerations); and the League supports legislation providing funding for stormwater and other water programs; and

WHEREAS, the Governor and the Legislature are currently contemplating projects for a water bond and a portion of the bond could be directed to assist local government in funding and implementing the goals of the Clean Water Act and the State's water objectives of conserving and reusing stormwater in order to improve the supply and reliability of water supply; and now therefore let it be

RESOLVED by the General Assembly of the League of California Cities, assembled in Sacramento on September 20, 2013, that the League calls for the Governor and the Legislature to work with the League and other stakeholders to provide adequate funding for water conservation, ground water recharge and capture and reuse of stormwater and runoff in the water bond issue and to prioritize future water bonds to assist local governments in funding these programs. The League will work with its member cities to educate federal and state officials to the challenges facing local governments in providing for programs to capture, infiltrate and reuse stormwater and urban runoff.

////////

Background Information on Resolution No. 1

Source: Los Angeles County Division

Background:

In order to meet the goals of both the Federal Clean Water Act and the State's Porter-Cologne Water Quality Control Act, which seek to ensure safe clean water supplies, cities provide critical water conservation, ground water recharge and reuse of stormwater infrastructure, including capture and reuse of stormwater for their citizens, businesses and institutions.

Working with the State's Regional Water Quality Control Boards and the State Water Resources Board through the National Pollution Discharge Elimination System (NPDES) permitting process and Total Maximum Daily Load (TMDL) Programs, California's cities implement programs to capture, infiltrate and treat stormwater and urban runoff with the use of low impact development ordinances, green streets policies and other programs to increase the local ground water supply.

These actions have led to a dramatic decrease in water pollution from wastewater treatment plants and other so-called "point sources" since the adoption of the Clean Water Act in 1972. However, current threats to the State's "non-point sources" of pollution, such as stormwater and urban runoff are far more difficult to solve, even as the demand for clean water increases from a growing population and an economically important agricultural industry.

Current Problem Facing California's Cities

The Little Hoover Commission found in 2009 that more than 30,000 stormwater discharges are subject to permits regulating large and small cities, counties, construction sites and industry. The Commission found that a diverse group of water users – the military, small and large businesses, home builders and local governments and more – face enormous costs as they try and control and limit stormwater pollution. The Commission concluded that the costs of stormwater clean up are enormous and that the costs of stormwater pollution are greater as beach closures impact the state's economy and environmental damage threatens to impair wildlife.

Additionally, new programs and projects to improve water quality are currently being required by the U.S. EPA and the State under the NPDES permits and the TMDL programs. Many local governments find that they lack the basic infrastructure to capture, infiltrate and reuse stormwater and the cities are facing difficult economic challenges while Federal and State financial assistance has been reduced due to the impacts of the recession and slow economic recovery.

Cities have seen their costs with the new NPDES permit requirements triple in size in the past year, with additional costs anticipated in future years. Additionally, many local businesses have grown increasingly concerned about the costs of retrofitting their properties to meet stormwater and runoff requirements required under the NPDES permits and TMDL programs.

In Los Angeles County alone, reports commissioned by the Los Angeles County Flood Control District estimate the costs of achieving region-wide compliance for implementing TMDL programs in the NPDES permits required by the Los Angeles Regional Water Quality Control Board (LARWQCB) will be in the tens of billions of dollars over the next twenty years. Additionally, failure to comply with the LARWQCB's terms could result in significant Clean Water Act fines, state fines and federal penalties anywhere from \$3,000- \$37,500 per day. Violations can also result in third-party litigation. Such costs are not confined to Los Angeles County and are being realized statewide.

Clearly, compliance with the NPDES permit and TMDL programs will be expensive for local governments over a long period of time and cities lack a stable, long-term, dedicated local funding source to address this need. Many cities are faced with the choice of either cutting existing services or finding new sources of revenue to fund the NPDES and TMDL programs.

Los Angeles County Division Resolution

The Division supports strong League education and advocacy at both the State and Federal levels to help cities face the challenges in providing programs to capture, infiltrate and reuse stormwater and urban runoff. While Los Angeles County cities and other regions seek to secure local funding sources to meet the Clean Water Act and the State's water objectives, it will simply not be enough to meet the enormous costs of compliance. The Los Angeles County Division strongly believes that State and Federal cooperation are necessary to fund programs to secure and reuse stormwater in order to improve water supply and reliability throughout the state.

The Division calls for the League to engage in discussions on 2014 State Water Bond to assist cities in funding and implementing the goals of the Clean Water Act and the State's Water objectives. This resolution does not support the 2014 bond issue, since the League and individual cities will need to make this decision at a later time upon review of the final language. However, the Governor and Legislature have reopened discussions for the 2014 water bond and funding of urban runoff and stormwater programs has taken a back seat in past bond issues, such as Proposition 84. In May, Assembly Speaker John Perez appointed a Water Bond Working Group which recently outlined a new set of Priorities and Accountability Measures for developing a water bond that would gain the support of 2/3 of the Legislature and voters. One of the priorities identified by the committee included, "Regional Self Reliance/Integrated Regional Water

Management,” posing the question if stormwater capture should be included in any future bonds. The Division believes the opportunity to advocate for funding in the bond is now.

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League of California Cities Staff Analysis on Resolution No. 1

Staff: Jason Rhine; (916) 658-8264
Committee: Environmental Quality

Summary:

This resolution seeks to call upon the Governor and the Legislature to work with the League of California Cities in providing adequate funding and to prioritize water bonds to assist local governments in water conservation, ground water recharge and reuse of stormwater and urban runoff programs.

Background:

In 2009, the State Legislature passed and Governor Arnold Schwarzenegger signed a package of legislation that included four policy bills and an \$11.1 billion water bond (The Clean, and Reliable Drinking Water Supply Act). The water bond included the following major spending proposals:

- \$455 million for drought relief projects, disadvantaged communities, small community wastewater treatment improvements and safe drinking water revolving fund
- \$1.4 billion for "integrated regional water management projects"
- \$2.25 billion for projects that "support delta sustainability options"
- \$3 billion for water storage projects
- \$1.7 billion for ecosystem and watershed protection and restoration projects in 21 watersheds
- \$1 billion for groundwater protection and cleanup
- \$1.25 billion for "water recycling and advanced treatment technology projects"

The \$11.1 billion bond also included nearly \$2 billion in earmarks. Projects slated for funding included:

- \$40 million to educate the public about California's water
- \$100 million for a Lake Tahoe Environmental Improvement Program for watershed restoration, bike trails and public access and recreation projects
- \$75 million for the Sierra Nevada Conservancy, for public access, education and interpretive projects
- \$20 million for the Baldwin Hills Conservancy to be used to buy more land
- \$20 million for the Bolsa Chica Wetlands for interpretive projects for visitors

The water bond was originally scheduled to appear on the 2010 ballot as Proposition 18. However, due to significant criticism over the size of the bond, the amount of earmarked projects, and a lack of public support, the Legislature has voted twice to postpone the ballot vote. The water bond is now slated for the November 4, 2014 ballot.

It is unclear whether or not the water bond will actually appear on the November 2014 ballot. In recent months, pressure has been mounting to postpone the water bond yet again or significantly rewrite the water bond to drastically reduce the overall size of the bond and remove all earmarks. The Legislature has until the summer of 2014 to act.

Fiscal Impact:

Unknown. This resolution does not seek a specified appropriation from a water bond.

Existing League Policy:

In 2008, the League formed a new Water Task Force to consider updates and revision to the Water Guidelines the League drafted and adopted 20 years earlier. These new Guidelines were formally approved by the League board of directors in Feb. 2010. Below are the most pertinent policy and guiding principles related to the proposed resolution. To view the entire water policy guidelines, go to www.cacities.org/waterpolicyguidelines.

General Principles

- The League supports the development of additional groundwater and surface water storage, including proposed surface storage projects now under study if they are determined to be feasible, including but not limited to: environmentally, economically, and geographically relating to point of origin. Appropriate funding sources could include, but are not limited to user fees, bonds and federal funding.
- The League supports state water policy that allows undertaking aggressive water conservation and water use efficiency while preserving, and not diminishing, public and constitutional water rights.

Water Conservation

- The League supports the development of a statewide goal to reduce water use by 20% by 2020 through the implementation of fair and equitable measures consistent with these principles.
- Accomplishing water conservation and water use efficiency goals will require statewide action by all water users, including residential, commercial, industrial and agricultural water users, local and regional planning agencies, state and federal agencies, chambers of commerce, and business, commercial and industrial professional and trade associations.

Water Recycling

- Wherever feasible, water recycling should be practiced in urban, industrial and agricultural sectors. This includes increasing the use of recycled water over 2002 levels by at least one million acre-foot/year (afy) by 2020 and by at least two million afy by 2030.
- Increased recycling, reuse and other refinements in water management practices should be included in all water supply programs.

Water Storage

- The development of additional surface facilities and use of groundwater basins to store surface water that is surplus to that needed to maintain State Water Resource Control Board (SWRCB) Bay-Delta estuary water quality standards should be supported.

Groundwater

- The principle that local entities within groundwater basins (i.e., cities, counties, special districts, and the regional water quality control boards) working cooperatively should be responsible for and involved in developing and implementing basin wide groundwater, basin management plans should be supported. The plans should include, but not be limited to: a) protecting groundwater quality; b) identifying means to correct groundwater overdraft; c) implementing better irrigation techniques; d) increasing water reclamation and reuse; and e) refining water conservation and other management practices.
- Financial assistance from state and federal governments should be made available to requesting local agencies to develop and implement their groundwater management plans.

Financial Considerations

- It is recognized that the development and operation of water supply, water conveyance, flood control and stormwater management, water storage, and wastewater treatment facilities is frequently beyond the capability of local areas to finance;

- The League supports legislation to provide funding for stormwater, water and wastewater programs, including a constitutional amendment which would place stormwater fees in the category of water and wastewater fees, for the purposes of Proposition 218 compliance.

Support:

New this year, any resolutions submitted to the General Assembly must be concurred in by five cities or by city officials from at least five or more cities. Those submitting resolutions were asked to provide written documentation of concurrence. The following letters of concurrence were received: cities of Alhambra; Cerritos; Claremont; Glendora; Lakewood; La Mirada; La Verne; Norwalk; Signal Hill; and Mary Ann Lutz, Mayor, city of Monrovia. A letter of support was also received from the California Contract Cities Association.

RESOLUTION REFERRED TO PUBLIC SAFETY POLICY COMMITTEE

- 2. RESOLUTION CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENTER INTO DISCUSSIONS WITH THE LEAGUE AND CALIFORNIA POLICE CHIEFS' ASSOCIATION REPRESENTATIVES TO IDENTIFY AND ENACT STRATEGIES THAT WILL ENSURE THE SUCCESS OF PUBLIC SAFETY REALIGNMENT FROM A LOCAL MUNICIPAL LAW ENFORCEMENT PERSPECTIVE.**

Source: Public Safety Policy Committee

Concurrence of five or more cities/city officials: Cities of Arroyo Grande, Covina; Fontana; Glendora; Monrovia; Ontario; Pismo Beach; and Santa Barbara

Referred to: Public Safety Policy Committee

Recommendation to General Resolutions Committee: Approve

WHEREAS, in October 2011 the Governor proposed the realignment of public safety responsibilities from state prisons to local government as a way to address recent court orders in response to litigation related to state prison overcrowding, and to reduce state expenditures; and

WHEREAS, the Governor stated that realignment needed to be fully funded with a constitutionally protected source of funds if it were to succeed; and

WHEREAS, the Legislature enacted the realignment measures, AB 109 and AB 117, and the Governor signed them into law without full constitutionally protected funding and liability protection for stakeholders; and

WHEREAS, California currently has insufficient jail space, probation officers, housing and job placement programs, medical and mental health facilities, lacks a uniform definition of recidivism; and utilizes inappropriate convictions used to determine inmate eligibility for participation in the realignment program; and

WHEREAS, since the implementation of realignment there have been numerous issues identified that have not been properly addressed that significantly impact municipal police departments' efforts to successfully implement realignment; and

WHEREAS, ultimately many of these probationers who have severe mental illness are released into communities where they continue to commit crimes that impact the safety of community members and drain the resources of probation departments and police departments throughout the state; and

WHEREAS, an estimated 30 counties were operating under court-ordered or self-imposed population caps before realignment, and the current lack of bed space in county jails has since led to many convicted probationers being released early after serving a fraction of their time; with inadequate to no subsequent supervision, leaving them free to engage in further criminal offenses in our local cities; and

WHEREAS, there is increasing knowledge among the offender population which offenses will and will not result in a sentence to state prison, and many offenders, if held in custody pending trial, that would be sentenced to county jail are ultimately sentenced to time served due to overcrowding in county facilities; and

WHEREAS, there are inadequate databases allowing local police departments to share critical offender information among themselves, with county probation departments, and with other county and state law enforcement entities; and

WHEREAS, local police departments have not received adequate funding to properly address this new population of offenders who are victimizing California communities; and now therefore let it be

RESOLVED by the General Assembly of the League of California Cities, assembled in Sacramento on September 20, 2013, to request the Governor and State Legislature to immediately enter into discussions with League representatives and the California Police Chiefs' Association to address the following issues:

1. The need to fully fund municipal police departments with constitutionally protected funding to appropriately address realignment issues facing front-line law enforcement;
2. Amend appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates (N3) inmates to include their total criminal and mental history instead of only their last criminal conviction;
3. Establish a uniform definition of recidivism with the input of all criminal justice stakeholders throughout the state;
4. Enact legislation that will accommodate the option for city police officers to make ten (10) day flash incarcerations in city jails for probationers who violate the conditions of their probation;
5. Establish oversight procedures to encourage transparency and accountability over the use of realignment funding;
6. Implement the recommendations identified in the California Little Hoover Commission Report #216 dated May 30, 2013;
7. Provide for greater representation of city officials on the local Community Corrections Partnerships. Currently AB 117 provides for only one city official (a police chief) on the seven-member body, six of which are aligned with the county in which the partnership has been established. As a result, the counties dominate the committees and the subsequent distribution of realignment funds.
8. Provide, either administratively or by legislation, an effective statewide data sharing mechanism allowing state and local law enforcement agencies to rapidly and efficiently share offender information to assist in tracking and monitoring the activities of AB 109 and other offenders.

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Background Information on Resolution No. 2

Source: Public Safety Policy Committee

Background:

In October 2011 the Governor proposed the realignment of public safety tasks from State Prisons to local government as a way to address certain judicial orders dealing with State prison overcrowding and to reduce State expenditures. This program shifts the prisoner burden from State prisons to local counties and cities.

When the Governor signed into law realignment he stated that realignment needed to be fully funded with constitutionally protected source of funds to succeed. Nonetheless, the law was implemented without full constitutional protected funding for counties and cities; insufficient liability protections to local agencies; jail space; probation officers; housing and job placement programs; medical and mental health facilities; and with an inappropriate definition of N3 (non-serious, non-sexual, non-violent) criminal convictions used to screen inmates for participation in the program.

Two-thirds of California's 58 counties are already under some form of mandated early release. Currently, 20 counties have to comply with maximum population capacity limits enforced by court order, while another 12 counties have self-imposed population caps to avoid lawsuits.

At this time no one knows what the full impact of realignment will ultimately be on crime. We hope that crime will continue to drop, but with the current experience of the 40,000 offenders realigned since October 2011, and an estimated additional 12,000 offenders being shifted from State prison to local jails and community supervision by the end of fiscal year 2013-14, it will be very difficult to realize lower crime rates in the future.

Beginning in October 2011, California State prisons began moving N3 offenders into county jails, the county probation and court systems, and ultimately funneled them into community supervision or alternative sentencing program in cities where they will live, work, and commit crime.

Note: There is currently no uniform definition of recidivism throughout the state and no database that can deliver statistical information on the overall impact realignment has had on all cities in California. Because of this problem we have used data from Los Angeles County.

The March 4, 2013 report to the Los Angeles County Criminal Justice Coordination Committee (CCJCC) shows a strong effort and progress in addressing the realignment mandate. However, there is insufficient funding.

The report also states the jail population continues to be heavily influenced by participants housed locally. On September 30, 2012, the inmate count in the Los Angeles County Jail was 15,463; on January 31, 2013, the count was 18,864. The realignment population accounted for 32% of the Jail population; 5,743 offenders sentenced per Penal Code Section 1170 (h) and 408 parole violations.

By the end of January 2013, 13,535 offenders were released on Post Release Community Supervision (PRCS) to Los Angeles County including prisoners with the highest maintenance costs because of medical and drug problems and mental health issues costing counties and local cities millions of dollars in unfunded mandates since the beginning of the program. Prisoners with prior histories of violent crimes are also being released without proper supervision. That is why sections of **AB 109 must be amended to change the criteria used to justify the release of N3 inmates to include an offender's total criminal and mental history instead of only their last criminal conviction.** Using the latter as the key criteria does not provide

an accurate risk assessment of the threat these offenders pose to society if they are realigned to county facilities, or placed on Post Release Community Supervision.

Chief Jerry Powers from the Los Angeles County Probation Department recently stated the release criteria for N3 offenders “has nothing to do with reality.” He said initially the State estimated the population of released PRCS offenders would be 50% High Risk, 25% Medium Risk and 25% Low Risk. The reality is 3% are Very High Risk, 55% are High Risk, 40% are Medium Risk and only 2% are Low Risk offenders. He said the High Risk and serious mentally ill offenders being released “are a very scary population.” One of the special needs offenders takes the resources of 20-30 other offenders.

Assistant Sheriff Terri McDonald who is the county Jail Administrator recently stated the Jail has only 30 beds for mentally ill offenders being released – when in fact she actually needs 300 beds to accommodate the volume of serious mentally ill offenders being released that require beds.

Los Angeles County data shows 7,200 released offenders have had some sort of revocation. This number is expected to increase because of a significant increase in the first four months of year two of realignment that totals 83% of the entire first year of the program; 4,300 warrants were issued for offenders; 6,200 offenders have been rearrested; and 1,400 prosecuted. Data reveals one in 10 offenders will test positive for drugs during the first 72 hours after being released knowing they are required to report to a probation officer during that time. Only one in three offenders will successfully complete probation.

There are more than 500 felony crimes that qualify State prison inmates for release under realignment. They will be spending their time in cities with little, if any, supervision.

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League of California Cities Staff Analysis on Resolution No. 2

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

Summary:

This Resolution seeks to outline the deficiencies in the State’s current public safety realignment policy, as implemented in 2011 by AB 109, and to identify policy changes that will assist State, county and municipal law enforcement entities to cope with the expanded universe of offenders that are now being directed to county facilities, resulting in increased related impacts on both local communities and municipal law enforcement.

Background:

This resolution was brought to the Public Safety Policy Committee by individual members of that committee who are increasingly concerned about municipal public safety impacts resulting from county jail overcrowding, a problem that has intensified with realignment, resulting in certain categories of offenders doing no jail time or being sentenced to time served. This has created a climate in which some offenses receive little or no jail time, accompanied by a growing body of anecdotal evidence that property crimes have correspondingly increased, with some, such as auto theft, being committed in serial fashion. Increased criminal activity has strained the resources of many local police departments already struggling to more closely coordinate information sharing with county probation offices to effectively monitor offenders on post-community release supervision.

In addition, there is growing concern about the criteria established for determining which offenders are eligible for post-release community supervision (the non-violent, non-serious, non-sex offenders). There is so much concern that a May 2013 report of California’s Little Hoover Commission recommended adjusting

the criteria to examine an offender's total criminal history rather than merely his or her last known offense, as a means of more accurately assessing the risk he or she might pose to the community.

Implementation of the realignment policy is handled in part by the Community Corrections Partnerships established by AB 109, which currently have only one city representative, compared to at least four county-level representatives.

Fiscal Impact:

Unknown impact on the State General Fund. This resolution seeks to establish increased and constitutionally protected funding for city police departments (and county sheriff's departments, to the degree they are contracted to provide police services for cities), but does not specify a dollar amount for the revenue stream. At a minimum, it would entail an annual revenue stream of at least the amount provided for cities for front-line law enforcement in the State's 2013-14 Budget, \$27.5 million, indefinitely – although that revenue stream has never been formally identified by the Brown Administration as having any direct connection to realignment.

Existing League Policy:

Related to this resolution, existing policy provides:

- The League supports policies establishing restrictions on the early release of state inmates for the purpose of alleviating overcrowding, and limiting parole hearing opportunities for state inmates serving a life sentence, or paroled inmates with a violation.
- The League supports increasing municipal representation on and participation in the Community Corrections Partnerships, which are charged with developing local corrections plans.
- In addition, the Strategic Priorities for 2012, as adopted by the League Board of Directors, included the promotion of local control for strong cities. The resolution's objectives of locking in ongoing funding for front-line municipal law enforcement, and increasing city participation in the Community Corrections Partnerships, are consistent with promoting local control.

Support:

New this year, any resolutions submitted to the General Assembly must be concurred in by five cities or by city officials from at least five or more cities. Those submitting resolutions were asked to provide written documentation of concurrence. The following cities/city officials have concurred: cities of Arroyo Grande; Covina; Fontana; Glendora; Monrovia; Ontario; Pismo Beach; and Santa Barbara.

LETTERS OF CONCURRENCE
Resolution #1
Water Bond Funds

City of Alhambra
Office of the Mayor and City Council

July 1, 2013



*Gateway
to the
San Gabriel Valley*

111
South First Street
Alhambra
California
91801

626
570-5010

FAX
281-2248

Bill Bogaard
President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Los Angeles County Division Annual Conference Resolution

Dear President Bogaard:

The City of Alhambra supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. The City of Alhambra is anticipating spending \$24,101.96 this year to start the development of the Enhanced Watershed Plan and monitoring plan. Prior to 2016, the City anticipates spending \$1,169,000 for full capture device on our storm drain catch basins. In the future, it is estimated the city may need \$34 million dollars to finance the required infrastructure to meet the new permit guidelines. We also anticipate needing to hire additional staff to monitor and maintain the program. None of these costs have a dedicated funding source.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Mary Chavez, Director of Public Works, at (626) 570-5067 if you have any questions.

Very truly yours,

Steven Placido, DDS
Mayor

cc: Jennifer Quan, League of California Cities





CITY OF CERRITOS

CIVIC CENTER • 18125 BLOOMFIELD AVENUE
P.O. BOX 3130 • CERRITOS, CALIFORNIA 90703-3130
PHONE: (562) 916-1310 • FAX: (562) 468-1095
CELL PHONE: (562) 547-1732
E-mail: bbarr90703@aol.com
WWW.CERRITOS.US



OFFICE OF THE MAYOR
BRUCE W. BARROWS

July 8, 2013

Bill Bogaard
President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Los Angeles County Division Annual Conference Resolution

President Bogaard: *B*

The City of Cerritos supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. The City of Cerritos expended \$866,000 in the Fiscal Year 2011-2012 for compliance with required stormwater programs. Future expenditures are expected to be over \$1.5 million annually, as the City will be required to begin construction of costly stormwater capital improvements.

As members of the League our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Art Gallucci, City Manager at (562)916-1301 or agallucci@cerritos.us, if you have any questions.

Sincerely,

Bruce W. Barrows
MAYOR

cc: Ling-Ling Chang, President, Los Angeles County Division c/o
Robb Korinke, Executive Director, Los Angeles County Division, robb@lacities.org



CITY OF CLAREMONT

City Hall
207 Harvard Avenue
P.O. Box 880
Claremont, CA 91711-0880
Fax: (909) 399-5492
Website: www.ci.claremont.ca.us
Email: contact@ci.claremont.ca.us

City Council • (909) 399-5444
Corey Calaycay
Joseph M. Lyons
Opanyi K. Nasiali
Sam Pedroza
Larry Schroeder

July 1, 2013

Bill Bogaard
President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

President Bogaard:

**RE: Los Angeles County Division Proposed Resolution for LCC Approval
At The 2013 Annual Conference**

The City of Claremont supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond.

As members of the League, our City values the policy development process provided to the General Assembly and appreciates your time on this issue. If you have any questions, please feel free to contact Tony Ramos, City Manager, at (909) 399-5441.

Sincerely,

Opanyi Nasiali
Mayor

c: Jennifer Quan, League of California Cities

v:\TMoreno\City Council\Letters\LCC Annual Conf Approval Ltr-ON-July'13



CITY OF GLENDORA CITY HALL

(626) 914-8200

116 East Foothill Blvd., Glendora, California 91741
www.ci.glendora.ca.us

July 15, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Los Angeles County Division Annual Conference Resolution

President Bogaard:

The City of Glendora supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond.

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

Sincerely,

Joe Santoro, Mayor

cc: Ling-Ling Chang, President, Los Angeles County Division c/o Robb Korinke,
Executive Director, Los Angeles County Division, robb@lacity.org
Jennifer Quan, Regional Public Affairs Manager, League of California Cities -
jqun@cacities.org

PRIDE OF THE FOOTHILLS

Todd Rogers
Vice Mayor

Jeff Wood
Council Member

Diane DuBois
Council Member

Ron Piazza
Council Member

CITY OF LAKEWOOD

CALIFORNIA

Steve Croft
Mayor

July 2, 2013

Mr. Bill Bogaard
President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

RE: Los Angeles County Division Annual Conference Resolution - Support

Dear President Bogaard:

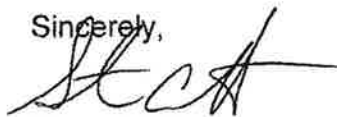
The City of Lakewood supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond.

For Lakewood, the initial cost alone to prepare the Watershed Management Plan (WMP), Coordinated Integrated Management Plan (CIMP), and Reasonable Assurance Modeling for the three watersheds that Lakewood is a part of is estimated to be \$153,167. This cost does not include administration costs, monitoring costs, construction costs, or inspection costs, which are estimated to be in the millions of dollars.

As members of the League our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Paolo Beltran, Senior Management Analyst, at (562) 866-9771, extension 2140, or email at pbeltran@lakewoodcity.org, if you have any questions.

Sincerely,



Steve Croft
Mayor

cc: Ling-Ling Chang, President, Los Angeles County Division c/o
Robb Korinke, Executive Director, Los Angeles County Division,
robb@iacities.org

Lakewood



CITY OF LA MIRADA
DEDICATED TO SERVICE

13700 La Mirada Boulevard
La Mirada, California 90638
P.O. Box 828
La Mirada, California 90637-0828
Phone: (562) 943-0131 Fax: (562) 943-1464
www.cityoflamirada.org

July 15, 2013

LETTER OF SUPPORT

Bill Bogaard
President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

SUBJECT: LOS ANGELES COUNTY DIVISION ANNUAL CONFERENCE RESOLUTION

Dear President Bogaard:

On behalf of the City of La Mirada, I am writing to express support for the League of California Cities, Los Angeles County Division's effort to submit a resolution for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for local governments working to meet Federal and State objectives to protect water resources and storm water management plans. The resolution also provides direction for the League to educate State leaders and advocates for the inclusion of storm water funding in the State's proposed 2014 Water Bond.

Like many cities, the City of La Mirada does not have the basic infrastructure to capture, filter, and reuse storm water, and Federal and State funding to assist in providing this infrastructure has been reduced in recent years as a result of the economic recession. Compliance with the MS-4 permit and other storm water regulations could cost the City millions, and reduce funding for other vital City services such as infrastructure and public safety. The City could also face steep fines, penalties, and third party lawsuits if it is unable to meet the National Pollutant Discharge Elimination Systems (NPDES) permit requirements. Receiving State funding could help alleviate the financial burden placed on local governments to meet storm water requirements.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact Jeff Boynton, Deputy City Manager, at (562) 943-0131 if you have any questions.

Sincerely,

CITY OF LA MIRADA

Steve De Ruse
Mayor

TER:jb:vdr

cc: Ling-Ling Chang, President, Los Angeles County Division
Robb Korinke, Executive Director, Los Angeles County Division



CITY OF LA VERNE CITY HALL

3660 "D" Street, La Verne, California 91750-3599
www.ci.la-verne.ca.us

July 2, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Los Angeles County Division Annual Conference Resolution

President Bogaard:

The City of La Verne supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. While the City is still in the process of identifying the costs associated with meeting the new requirements of the MS-4 PERMIT, it is expected these measures will far exceed existing local resources.

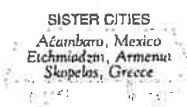
As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact our City Manager, Bob Russi at 909-596-8726, if you have any questions.

Sincerely,


Don Kendrick
Mayor

cc: Jennifer Quan, League of California Cities
JR Ranells, Senior Management Analyst

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General Administration 909/596-8726 • Water Customer Service 909/596-8744 • Parks & Community Services 909/596-8700
Public Works 909/596-8741 • Finance 909/596-8716 • Community Development 909/596-8706 • Building 909/596-8713
Police Department 909/596-1913 • Fire Department 909/596-5991 • General Fax 909/596-8737

LUIGI VERNOLA
Mayor
MARCEL RODARTE
Vice Mayor
CHERI KELLEY
Councilmember
MICHAEL MENDEZ
Councilmember
LEONARD SHRYOCK
Councilmember
MICHAEL J. EGAN
City Manager



12700 NORWALK BLVD., P.O. BOX 1030, NORWALK, CA 90651-1030 * PHONE: 562/929-5700 * FACSIMILE: 562/929-5773 * WWW.NORWALKCA.GOV

July 2, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Los Angeles County Division Annual Conference Resolution

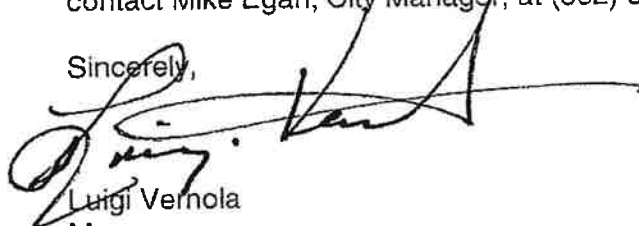
Dear President Bogaard:

The city of Norwalk supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. The cost of compliance with the new storm water permit is in the millions of dollars. The Watershed Management Plan alone will cost close to \$1M. Implementation of projects in the near future based on that Watershed Management Plan could potentially cost the City of Norwalk \$5 - \$10 million annually.

As members of the League our City values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Mike Egan, City Manager, at (562) 929-5772 if you have any questions.

Sincerely,



Luigi Vernola
Mayor

cc: Ling-Ling Chang, President, Los Angeles County Division c/o
Robb Korinke, Executive Director, Los Angeles County Division, robb@lacies.org



CITY OF SIGNAL HILL

2175 Chery Avenue • Signal Hill, California 90755-3799

June 27, 2013

Bill Bogaard
President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Los Angeles County Division Annual Conference Resolution

President Bogaard:

The city of Signal Hill supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. The city of Signal Hill currently budgets for \$755,000 annually for compliance with required stormwater programs, which represents over 4% of the entire General Fund. Future expenditures are expected to be over \$1.5 million annually, as the City will be required to begin construction of costly stormwater capital improvements.

As members of the League our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Ken Farfsing, City Manager at (562) 989-7302 or kfarfsing@cityofsignal.org, if you have any questions.

Sincerely,

Michael J. Noll
Mayor

CC: Ling-Ling Chang, President, Los Angeles County Division c/o
Robb Korinke, Executive Director, Los Angeles County Division, robb@lacity.org



Office of the Mayor and the City Council

July 2, 2013

Bill Bogaard
President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

SUBJECT: Los Angeles County Division Annual Conference Resolution

Dear President Bogaard:

As Mayor of the City of Monrovia, I support the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. The City is anticipating millions of dollars in stormwater permit compliance costs over the next five years – funds the City currently does not have available. Funding assistance is vital in order for the City to meet stormwater permit requirements.

As members of the League, our City values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Heather Maloney, Senior Management Analyst, at (626) 932-5577 or hmaloney@ci.monrovia.ca.us, if you have any questions.

Sincerely,

Mary Ann Lutz,
Mayor

- cc: City Council
- Ling-Ling Chang, President, Los Angeles County Division c/o
- Robb Korinke, Executive Director, Los Angeles County Division, robb@lacities.org
- Laurie K. Lile, City Manager
- Ron Bow, Director of Public Works



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Rolling Hills Estates

EXECUTIVE DIRECTOR
SAM OLIVITO

June 20, 2013

Bill Bogaard
President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Los Angeles County Division Annual Conference Resolution

President Bogaard:

The California Contract Cities Association supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. All of the 58 cities we represent can ill afford this increasingly expensive ongoing cost.

As members of the League our association values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact our office at (562) 622-5533 if you have any questions.

Sincerely,

Steve Tye
CCCA President

CC: Ling-Ling Chang, President, Los Angeles County Division c/o
Robb Korinke, Executive Director, Los Angeles County Division, robb@lacity.org

11027 Downey Ave. Downey, CA 90241 P(562) 622-5533 F(562) 622-9555 www.contractcities.org

LETTERS OF CONCURRENCE
Resolution #2
Public Safety Realignment

OFFICE OF THE
MAYOR



300 East Branch Street
Arroyo Grande, CA 93420
Phone: (805) 473-5400
FAX: (805) 473-0386
agcity@arroyogrande.org
www.arroyogrande.org

July 17, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Public Safety Realignment Resolution

Dear President Bogaard:

On behalf of the City of Arroyo Grande, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact our City Manager, Steve Adams, at (805)473-5404, if you have any questions.

Sincerely,

Tony Ferrara

Mayor, City of Arroyo Grande



CITY OF COVINA

125 East College Street • Covina, California 91723-2199

www.covinaca.gov

July 17, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

RE: Public Safety Realignment Resolution

Dear President Bogaard:

On behalf of the City of Covina, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact Daryl Parrish, City Manager, at (626) 384-5410, if you have any questions.

Sincerely,

Walter Allen III
Mayor, City of Covina



Mayor Acquanetta Warren



July 17, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

RE: Public Safety Realignment Resolution

Dear President Bogaard:

On behalf of the City of Fontana, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact Ken Hunt City Manager, at (909)350-7654, if you have any questions.

Sincerely,

Mayor, City of Fontana

AW/ac



CITY OF GLENDORA CITY HALL

(626) 914-8201

OFFICE OF THE MAYOR

116 East Foothill Blvd., Glendora, California 91741

FAX (626) 914-8221

www.ci.glendora.ca.us

July 19, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

RE: Public Safety Realignment Resolution

Dear President Bogaard:

On behalf of the City of Glendora, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact Chris Jeffers, City Manager, at cjeffers@ci.glendora.ca.us or (626) 914-8201, if you have any questions.

Sincerely,

City of Glendora

Joe Santoro
Mayor

PRIDE OF THE FOOTHILLS



Office of the Mayor and the City Council

July 19, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

RE: PUBLIC SAFETY REALIGNMENT RESOLUTION

Dear President Bogaard:

As Mayor of the City of Monrovia, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact Laurie Lile, City Manager, at (626) 932-5501, if you have any questions.

Sincerely,

Mary Ann Kutz
Mayor

cc: City Council
James Hunt, Police Chief

CITY OF



ONTARIO

303 EAST "B" STREET, CIVIC CENTER

ONTARIO

CALIFORNIA 91764-4105

(909) 395-2000
FAX (909) 395-2070

PAUL S. LEON
MAYOR

JIM W. BOWMAN
MAYOR PRO TEM

ALAN D. WAPNER
DEBRA DORST-PORADA
PAUL VINCENT AVILA
COUNCIL MEMBERS

July 18, 2013

CHRIS HUGHES
CITY MANAGER

MARY E. WIRTES, MMC
CITY CLERK

JAMES R. MILHISER
TREASURER

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

RE: Public Safety Realignment Resolution

Dear President Bogaard:

On behalf of the City of Ontario, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision; i.e., a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact Chris Hughes, City Manager, at (909) 395-2010, if you have any questions.

Sincerely,


PAUL S. LEON
Mayor



From the Office of the Mayor

Shelly Higginbotham

760 Mattie Road

Pismo Beach, CA 93449

(805) 235-6604

shigginbotham@pismo-beach.org

July 18, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

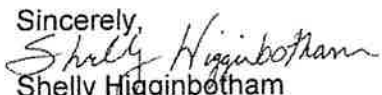
RE: Public Safety Realignment Resolution

Dear President Bogaard:

On behalf of the City of Pismo Beach, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact James R. Lewis, City Manager, at (805) 773-7007, if you have any questions.

Sincerely,

Shelly Higginbotham
Mayor



City of Santa Barbara

Office of Mayor

HSchneider@SantaBarbaraCA.gov
www.SantaBarbaraCA.gov

July 19, 2013

Helene Schneider
Mayor

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

City Hall
735 Anacapa Street
Santa Barbara, CA
93101-1990

RE: Public Safety Realignment Resolution

Dear President Bogaard:

Mailing Address:
P.O. Box 1990
Santa Barbara, CA
93102-1990

On behalf of the City of Santa Barbara, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

Tel: 805.564.5323
Fax: 805.564.5475

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

It is important to our City, that such state-mandated programs remain fully-funded and that the regulations do not impede our law enforcement officers' ability to use their professional discretion in protecting our community.

As a member of the League, our City values the League's leadership and policy direction on this issue.

Sincerely,

Helene Schneider,
Mayor

cc: Dave Mullinax, League of California Cities



Please consider the environment before printing this letter.

AGENDA ITEM

5E

Memo

To: City Council
From: City Administrator/Executive Director
Date: July 23, 2013
Subject: Review of City Contribution/Donation

Enclosed is a request for support and contribution for FY 2013-14. After reviewing this request, the following contribution/donation is recommended:

- The Panetta Institute for Public Policy - \$500

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

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



The Panetta Institute for Public Policy

July 8, 2013

CITY OF SAND CITY

JUL 15 2013

RECEIVED

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

Dear Dave:

This year marks a big change for the Panetta Institute. Our co-founder and former co-director, my husband Leon Panetta, has returned to the organization after four years of leading the Central Intelligence Agency and then the Department of Defense.

While I continue to supervise the Institute's day-to-day operation, Leon now serves as chairman of our board of directors and has resumed his direct involvement in the programs that have built our extraordinary success.

- He's returned to his role as moderator of the successful Leon Panetta Lecture Series, which this spring welcomed an outstanding roster of speakers to the Monterey Peninsula to discuss the challenges and consequences of political gridlock in a hyper-partisan environment.
- He's serving again as a teacher in our Leadership Seminar course, a set of intensive training sessions for student government officers from twenty-six California universities.
- He'll be engaging directly this summer with another set of students from those same campuses as they come here to prepare for their eleven weeks of service on Capitol Hill in the Institute's Congressional Internship Program.
- He serves once again as a mentor to our Research Fellows, the select group of law students who help us with the studies and reports that inform our program efforts.
- And, he provides ongoing advice and guidance as we constantly strive to fulfill our mission of attracting thoughtful young men and women to lives of public service.

Meanwhile, along with my other duties, I continue to direct the Monterey County Reads program, which recruits, trains and places dedicated volunteers in our area's elementary schools, giving children a better chance to participate some day in our civic life by helping them learn to read.

With continued commitment to our mission, our level of dedication remains the same. And so does our need for your support. To keep the Institute at the forefront of education for civic engagement and bipartisan problem solving, we continue to rely on the financial

generosity of friends like you. With the gridlock in Washington, the best hope we have for the future is to inspire young people to get involved in lives of public service.

The donation you make today will ...


- Provide books for the children who participate in the Monterey County Reads program.
- Help cover transportation, housing and living expenses for our congressional interns, to ensure that students of all backgrounds will be able to participate in the program.
- Pay for the development of educational materials we provide to students from area high schools, colleges and military installations in connection with the Institute's lecture series, preparing them for their own special sessions with our speakers.

To meet these and other critical needs, I'm asking you to please give now, as generously as you can, to the Panetta Institute for Public Policy.

Your tax-deductible donation will be put to work immediately, efficiently and effectively, promoting more thoughtful and informed civic involvement on the part of all citizens and preparing a new generation of leaders for the challenges of the 21st century.

Leon and I thank you for any amount you may be able to give – and for everything else you do for your community and country.

Sincerely,


Sylvia M. Panetta
Co-Chair and CEO

SMP:jf/c
Enclosures

Leon & I deeply appreciate your support -
[Signature]

AGENDA ITEM

7A

CITY OF SAND CITY

STAFF REPORT

JULY 17, 2013
(For City Council Review on August 6, 2013)

TO: Mayor and City Council

FROM: Charles Pooler, Associate Planner

SUBJECT: Application for Conditional Use and Coastal Development Permits by Shawn Kelly Artist Workshop & Metal Work

BACKGROUND

An application was submitted by Shawn Kelly for coastal development and conditional use permit approval to establish a metal art workshop within an approximate 1,400 square foot portion of an existing commercial building at 1815-A Contra Costa Street (portion of APN 011-177-025) in Sand City. This applicant was issued permits to operate within the adjacent building; however, due to circumstances beyond the applicant's control, he was not able to take occupancy. He is now applying to use space in the adjacent building/property. The property has a non-appealable Coastal Planned-Mixed Use (CZ-MU-P) zoning designation and a General Plan land use designation of Mixed-Use (MU-D). The intended use at the subject property qualifies as a categorical exemption, under State CEQA (California Environmental Quality Act) Guidelines, Section 15301.

Site Description:

This is an approximate 7,400 square foot multi-tenant commercial building with three commercial units on the ground level and two 500 square foot office on the second level. The applicant's unit is approximately 25-feet wide and 60-feet deep, with some floor area dedicated for the stairway to the upper level offices. Nine (9) perpendicular parking spaces (includes 1 handicapped space) exist along the building's 20-foot front setback. There are additional parking spaces along the north end of the building at the top of Contra Costa Street. The southerly adjacent building at 1807 Contra Costa Street facilitates a kettle-bell weight training operation on the lower level, and residential dwellings and commercial offices on the upper level. There are also single family residential dwellings approximately 50-feet from the project site on Bay Avenue. On-site water credit is adequate to accommodate the proposed Group I manufacturing operation, and existing utilities (i.e. gas, electric, water, sewer, etc.) are available to service the proposed use.

DISCUSSION

Project Description:

The applicant intends to establish an artist workshop, working primarily with steel materials in the creation of art forms. Materials and equipment used on site will include a work table,

mild steel, metal inert gas (MIG) welder, oxy acetylene torch, upright sander, compressor, lift table, lathe, drill press, band saw, custom tools and hand held power tools. The applicant states that his operation does not include hammering. Metals are formed through hydraulic compression into a mold. There are no routine deliveries or shipments. The applicant's personal vehicle will serve as a mobile truck for artwork installations.

Land Use: The property has a Zoning designation of "Coastal Zone Planned Mixed-Use" (CZ-MU-P). Section 18.26.040.C lists 'light manufacturing' as a conditional use in the CZ-MU-P district, subject to City Council approval of a coastal development and conditional use permits. Other light-manufacturing uses have operated at the subject property in the past. The scale and scope of operation is consistent with the description of "Light Manufacturing."

Parking: The applicant's unit is approximately 1,400 square feet, which requires a minimum of two (2) off-street parking spaces based upon a 1/700 ratio for manufacturing. The building is setback 20-feet from Contra Costa Street, providing nine (9) on-site perpendicular parking spaces (including 1 handicapped space). The paved area abutting to the north (under the same ownership) can accommodate approximately eight (8) additional parking spaces perpendicular to the building and four (4) spaces facing the freeway (see Exhibit D); for a total on-site parking capacity of twenty-one (21) spaces. There are another four spaces at the north end of Contra Costa Street within the street right-of-way. On-street parallel parking is also available along the easterly side of Contra Costa Street, opposite the property frontage. The chart below summarizes parking requirements for tenants/uses within the subject building.

	Location	Floor Area	Use	Parking Ratio	Required Parking
Unit A	Ground level	1,400 sq.ft.	Service Commercial	1/700	2
Unit B	Ground level	3,000 sq.ft.	Wholesale Distributor	1/1000	3
Unit C	Ground level	3,000 sq.ft.	Service Commercial	1/700	5
Unit D	Upstairs	500 sq.ft.	Office	1/300	2
Unit E	Upstairs	500 sq.ft.	Office (vacant)	1/300	2

Total Parking Required	14
-------------------------------	-----------

Based upon the parking assignment chart above, the property provides adequate on-site parking to satisfy zoning requirements for all units and tenants of this building. Parking conflicts between these tenants are not expected.

Operational Hours: The applicant's intended hours of operation will be from 8:00 a.m. to 6:00 p.m. daily. If the Council authorizes the applicant's use at the subject property, then staff recommends limiting hours of manufacturing activities to only occur between 8:00 a.m. to 5:00 p.m. Monday through Friday and 10:00 a.m. to 5:00 p.m. on Saturdays; thus minimizing potential impacts upon residential dwellings within the neighborhood. Office and other non-manufacturing activities could occur beyond these

hours provided they do not create a public nuisance. These hours are consistent with other permit approvals for the West End District.

Loading/Unloading: No large truck activity for loading/unloading is anticipated for this use. The parking in front of the applicant's unit can be used for on-site loading/unloading by small trucks. The applicant's unit is approximately 100-feet north of the California Avenue and Contra Costa Street intersection, a hub of traffic circulation through the West End District. Therefore, the location and level of loading/unloading activity is not anticipated to pose a problem with primary thoroughfare traffic circulation. Regardless, staff recommends the permit contain language prohibiting the applicant's interference with through traffic along both California Avenue and Contra Costa Street.

Trash: The property does not provide a trash enclosure; however, there is an existing fenced yard abutting Unit C of this building with a gate that opens to the abutting on-site parking area. This yard is of adequate size to accommodate several trash dumpsters/bins. Staff recommends the permit prohibit the outside storage of trash bins/dumpsters unless they are within this fenced yard, with exception to designated trash collection days.

Impacts: Metal workshops have the potential to create negative impacts, depending upon the scale of operation. Activities such as hammering or saw/blade cutting of metal can create detrimental levels of noise and/or vibrations. The applicant states that his operation does not involve hammering. Rather, metals are formed through a hydraulic compression method, which is understood by City staff to be a more benign activity. There are several metal workshops in Sand City; one of which along Holly Street is located below two residential dwellings. There is another workshop at 460 Elder Avenue that neighbors a residential unit. In regard to noise and vibration, staff has not received complaints.

Signs: The applicant states he has no intention to establish a business related sign. If the applicant chooses to have a sign in the future, review and approval by the City's Design Review Committee (DRC) is required prior to installation. This should be a condition of land use approval.

Water:

The proposed manufacturing use qualifies as a Group I category low water use in accordance with the Monterey Peninsula Water Management District (MPWMD) regulations. The site has credit based upon a Group I use; therefore, no additional water credit is required. If a permit is approved, it should contain standard language stating that approval of the permit does not grant the applicant any right or privilege to any allocation of water credit.

Advisory Agencies:

Information on the proposed project was circulated to the City's advisory agencies. Comments received from the Police Department, Monterey County Health Department

expressed no concerns with this project. The Seaside County Sanitation District commented that the project be reviewed by the Monterey Regional Water Pollution Control Agency (MRWPCA). No other comments were received.

CONCLUSION & RECOMMENDATION

Due to the mixed residential/commercial nature of the building complex, staff recommends **APPROVAL**, provided:

- 1) Hammering or other activities that are detrimental to a mixed-use neighborhood should be prohibited as a condition of permit approval (see Condition No. 2 & 16),
- 2) If a motorized compressor that generates noise and/or vibration is noticeable to other businesses and/or residents of this neighborhood, then said compressor needs to be within a noise/vibration insulating enclosure during times of use (see Condition No.16),
- 3) The property satisfies applicable Fire and Building Codes (see Condition No. 14).

Findings for Approval:

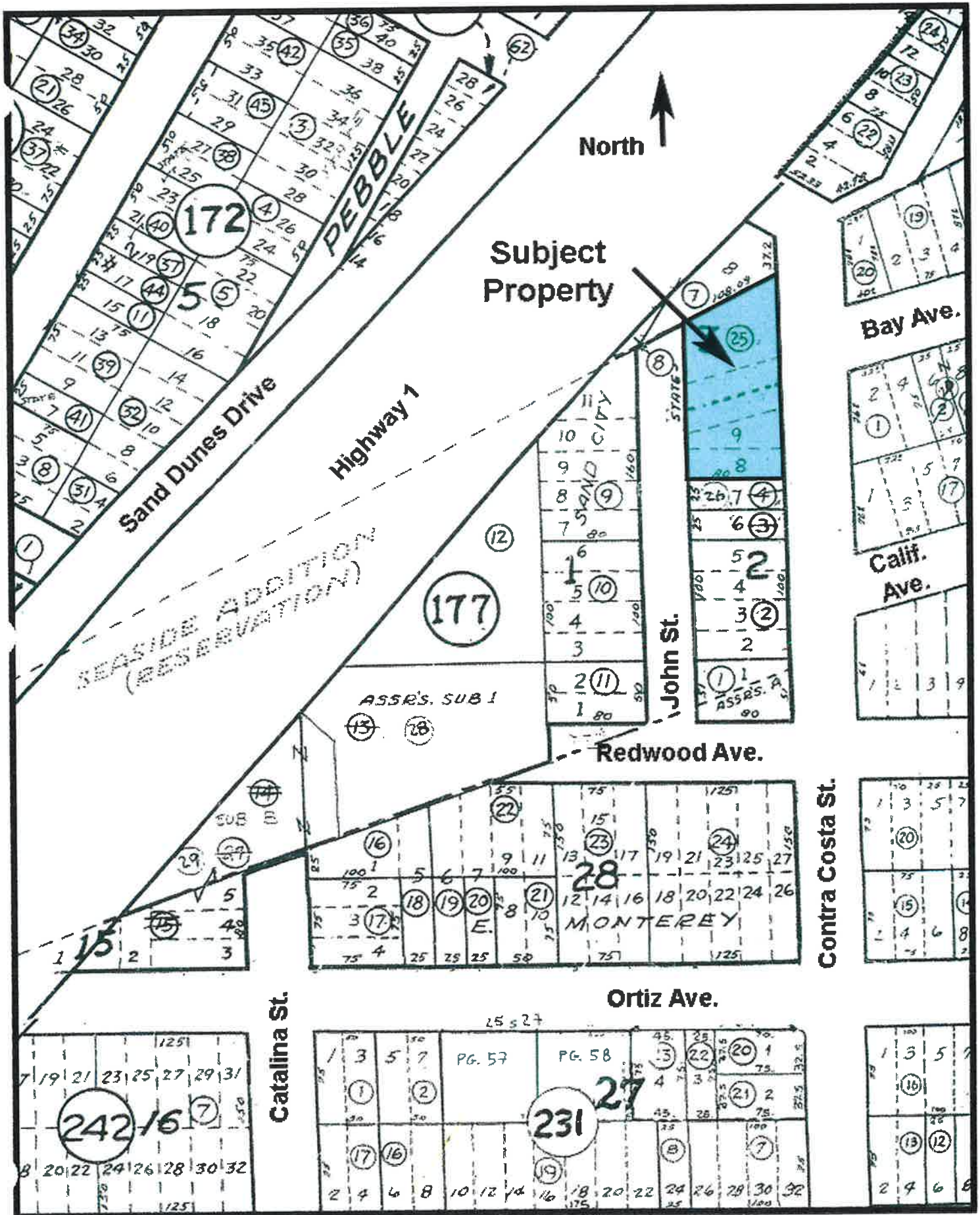
1. The proposed use, at the described scale and intensity, and as conditioned, is compatible with the Planned Mixed-Use (MU-P) zoning district and the existing neighboring land uses, as conditioned.
2. No allocation of water credit from Sand City is required for the proposed use.
3. Adequate utilities are available to facilitate the proposed use.
4. The project qualifies as a categorical exemption, under State CEQA Guidelines, Section 15301.
5. Adequate on-site parking is provided.

Exhibits:

- A. Location Map
- B. Building Location Map
- C. Site & Floor Plan
- D. Parking Diagram

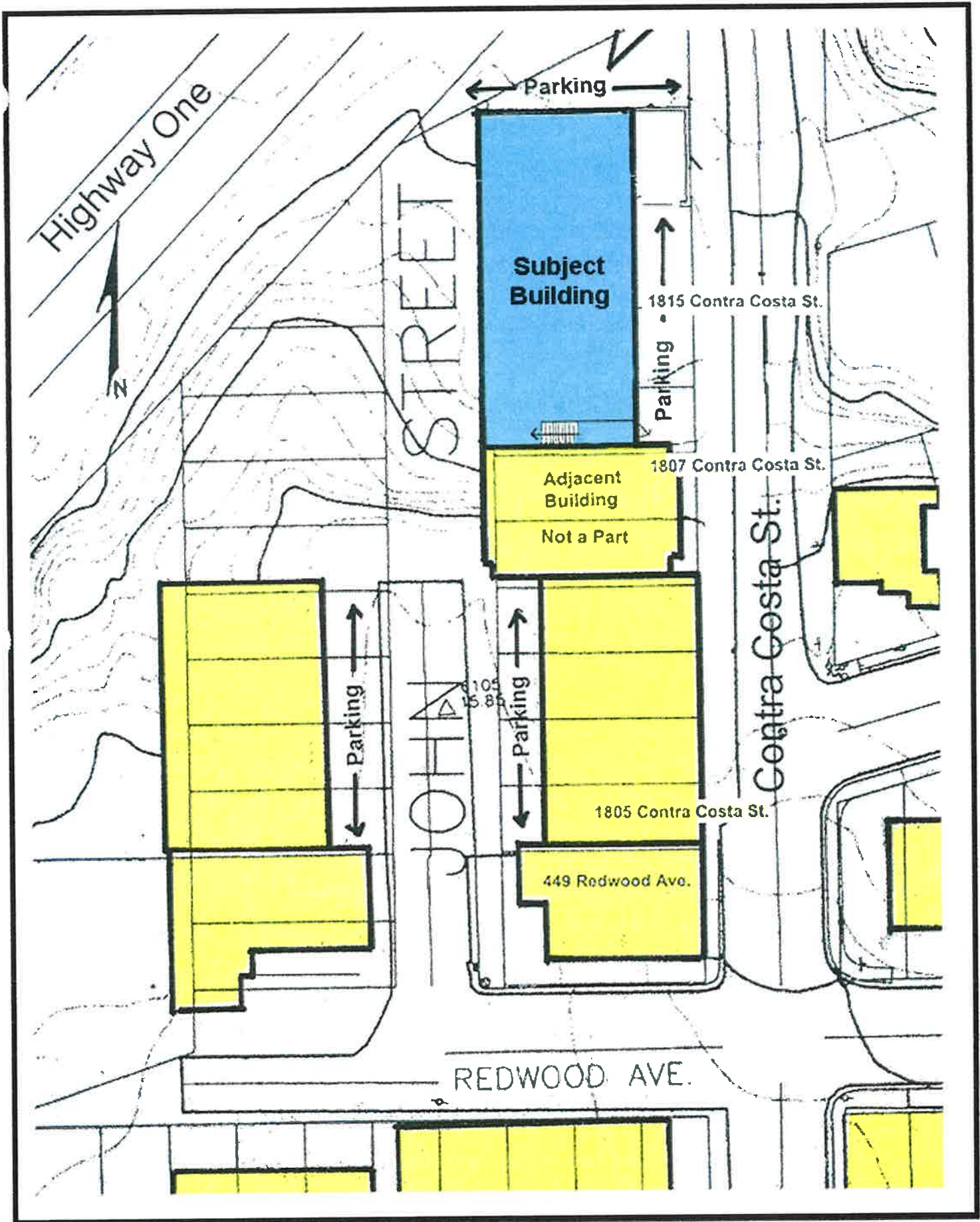
Attachments:

- Draft Resolution to approve CUP 568 & CDP 13-04

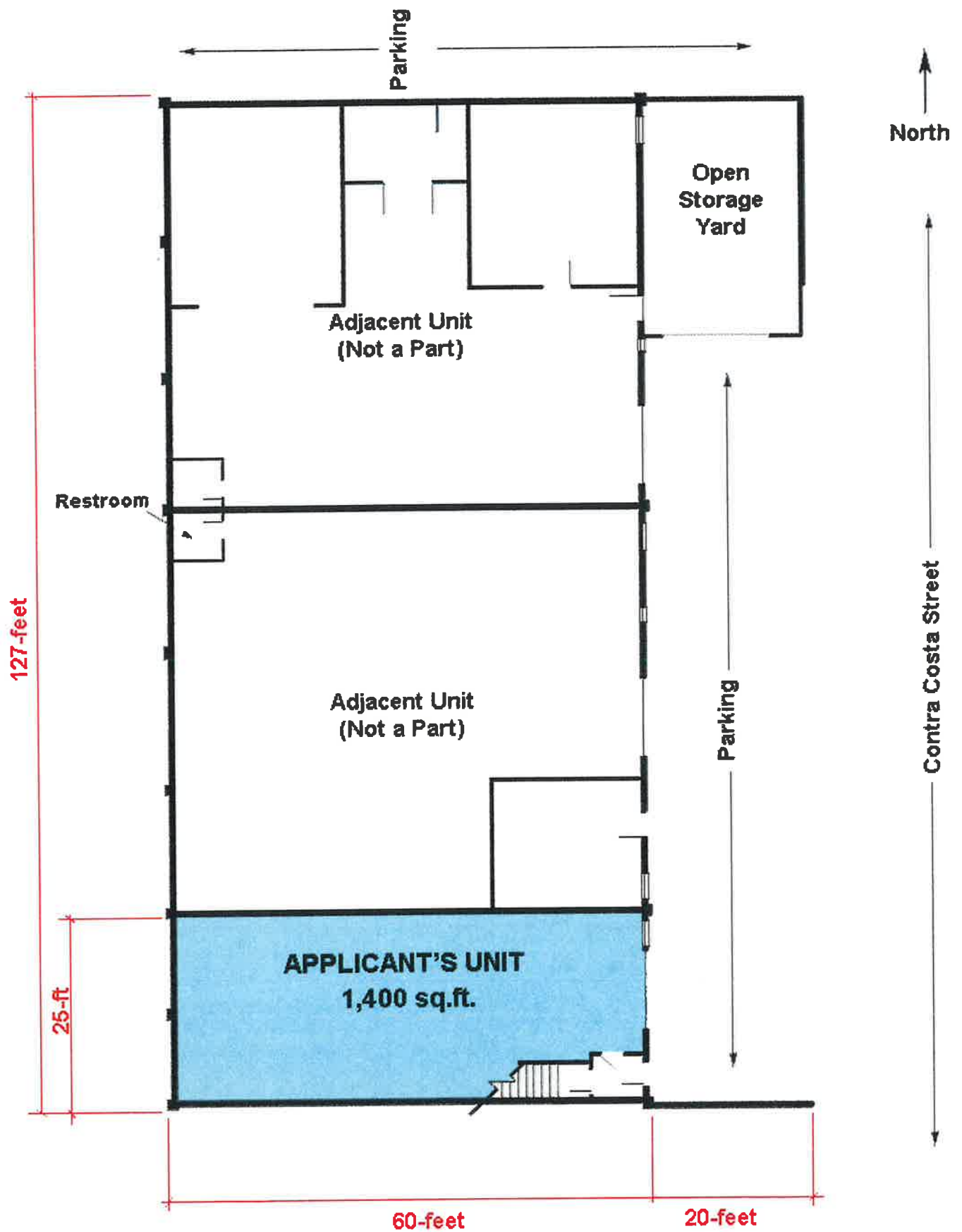


Location Map

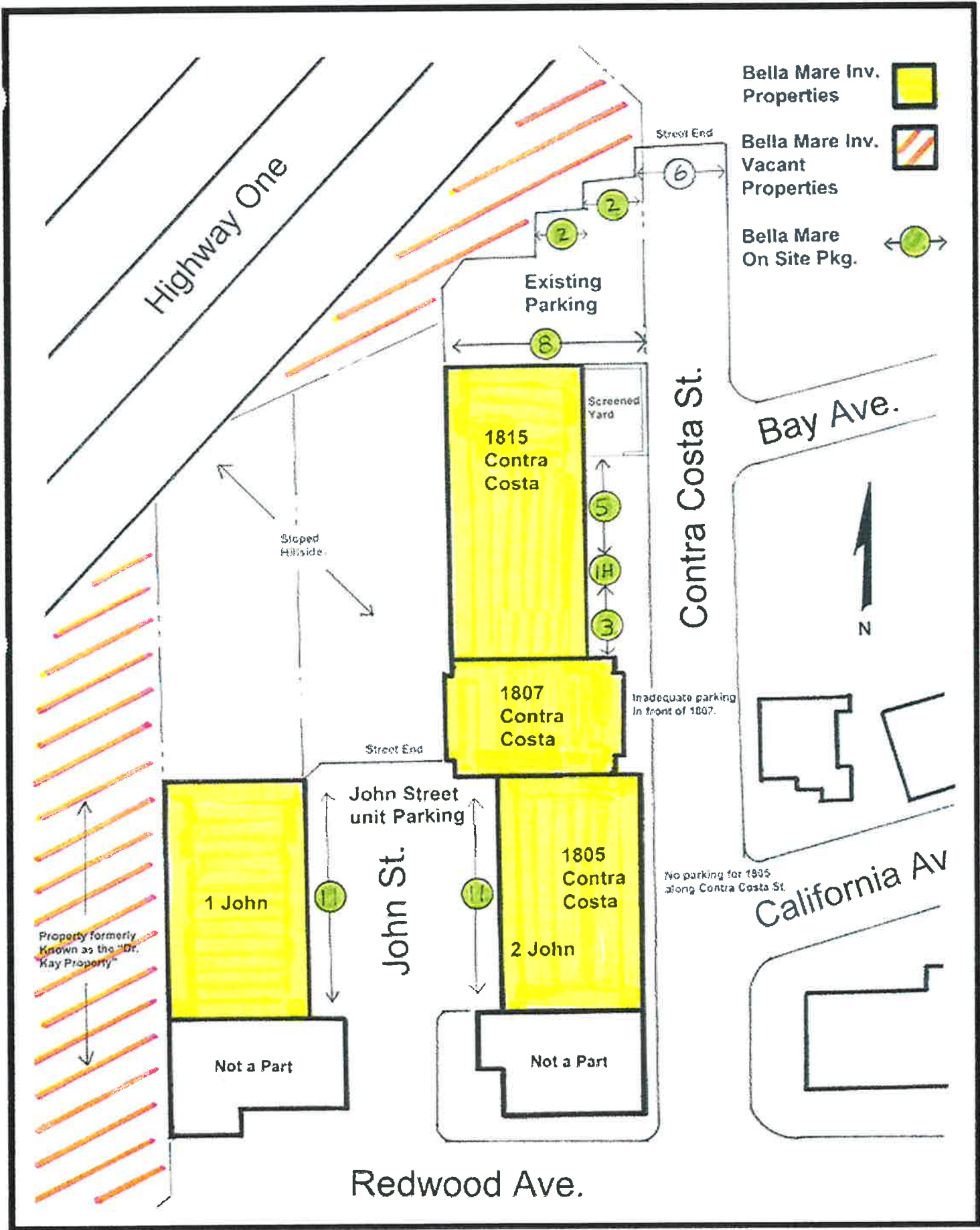
EXHIBIT A



Location & Building Map



Site Plan & Floor Plan



Parking Diagram

CITY OF SAND CITY

RESOLUTION SC _____, 2013

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY APPROVING
CONDITIONAL USE PERMIT 568 AND COASTAL DEVELOPMENT
PERMIT 13-04 AUTHORIZING AN ARTIST METAL WORKSHOP AT
1815-A CONTRA COSTA STREET**

WHEREAS, Shawn Kelly submitted an application to the City of Sand City for conditional use permit and coastal development permit approvals to utilize an approximate 1,400 square foot unit of an existing commercial property at 1815 Contra Costa Street (portion of APN 011-177-025) to establish and operate a limited scale metal artist workshop; and

WHEREAS, if this limited and specialized use, as identified by the applicant, is properly regulated and managed, especially in respect to noise and vibration, then this use can be compatible with the Coastal Planned Mixed Use (CZ-MU-P) zoning designation of the City's Zoning Ordinance; and

WHEREAS, the approved use, within the subject commercial building, will not require an allocation of water under the current regulations of the Monterey Peninsula Water Management District (M.P.W.M.D.); and

WHEREAS, the proposed 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 _____, 2013, has found and determined that the proposed specialized metal art workshop, as identified by the applicant and appropriately conditioned, 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 thus Conditional Use Permit (CUP) 568 and Coastal Development Permit 13-04 shall be granted upon the conditions hereinafter set forth; and

WHEREAS, the City Council of the City of Sand City has accepted the findings for approving Conditional Use Permit (CUP) 568 and Coastal Development Permit (CDP) 13-04 as outlined in the City staff report, dated July 17, 2013.

NOW THEREFORE, the City Council of the City of Sand City hereby grants and issues Conditional Use Permit (CUP) 568 and Coastal Development Permit (CDP) 13-04 upon the following terms and conditions:

1. Conditional Use Permit (CUP) 568 and Coastal Development Permit (CDP) 13-04 are not valid, and the use of the property shall not commence unless and until two copies of the Resolution/Permit, signed by the permittee and the landowner, acknowledging receipt of the Permits and acceptance of the terms and conditions, is returned to the

City's Planning Department. Failure to return said signed/executed documents may be grounds for termination of said Permits.

2. Conditional Use Permit (CUP) 568 and Coastal Development Permit (CDP) 13-04 are for the express purpose of authorizing the establishment and operation of a limited scale specialized metal workshop in the creation of art forms, utilizing mild steel and a process of hydraulic compression. Other items used on site may include a Metal Inert Gas (MIG) welder, oxy acetylene torch, upright sander, compressor, lift table, lathe, drill press, band saw, custom tools and hand held power tools. Metal hammering is prohibited, and other detrimental activities that generate excessive noise, fumes, and/or vibration(s) that cannot be mitigated to the City's satisfaction are also prohibited. There shall be no expansion to the scope or intensity of this operation beyond that use authorized by CUP 568 and CDP 13-04 without either an amendment of said Permits or the issuance of new permits. All service, office, storage, and other activities associated with this operation shall be maintained within the subject building at all times.
3. Termination: If the use authorized by CUP 568 and CDP 13-04 violates any term, condition, and/or requirement of said Permits, and/or otherwise poses a public nuisance, a public hearing may be scheduled by the City to consider amending or revoking said Permits at any time. The business and property owner 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 said Permits.
4. Hours of Activity: The applicant shall only conduct metal work activities between the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturdays. Office and cleanup activities are allowed beyond these hours provided such use of the premises does not pose a nuisance to surrounding units and/or properties.
5. Parking: A minimum of two (2) regulation sized parking spaces shall be maintained on the property for the applicant's use. The overall property shall maintain a minimum of nine (9) parking spaces along the building's frontage, eight (8) spaces perpendicular to the north elevation, and another four (4) spaces facing north opposite of the eight spaces, for use by tenants of this building.
6. Loading/Unloading: All loading/unloading activities shall only occur during permit authorized operational hours (see Condition No. 4). Short term (approximately 5-minute) loading/unloading within the upper segment of Contra Costa Street, north of the California Avenue intersection and only in front of the applicant's unit, is allowed via private shipment companies (i.e. Federal Express, UPS, USPS, etc.), provided it does not impede overall traffic circulation of public streets. All other loading/unloading activity associated with the applicant's business operation shall be conducted within the applicant's designated on-site parking spaces without encroaching into the street.

7. **Signs**: Any sign on the exterior of the building, or anywhere on the subject property, identifying the approved use at this location, shall be reviewed and approved by the Sand City Design Review Committee (DRC) prior to the establishment of any sign at this site. The applicant shall not place any free-standing sign anywhere within City limits without Community Development Director approval.
8. **Storage**: There shall be no storage of any material, equipment, packaging, crate, pallet, vehicle, or any other item associated with this use outside the building. All storage for this use shall be maintained within the building unless otherwise allowed by CUP 568 and CDP 13-04.
9. **Maintenance**: The site shall be maintained in a clean, orderly, weed-free, and litter-free condition. There shall be no storage of waste material or debris on-site, except as allowed in CUP 568 and CDP 13-04. The applicant and/or property owner shall be responsible for maintenance and upkeep of the applicant leased area for the duration of the allowed use.
10. **General Waste**: Trash, litter, boxes, crates, debris, or other used and/or discarded materials generated by this operation shall be stored in an appropriate waste collection bin or dumpster. Said dumpsters and/or bins are not allowed to be openly stored along the Contra Costa Street frontage, and shall be maintained within the building or the fenced yard at the north end of the parking area; except on a designated trash collection day. The applicant shall implement recycling as part of this operation's regular routine.
11. **Hazardous Waste**: Any and all hazardous waste used or generated by the approved use shall be legally disposed of in accordance with the regulations of Sand City, the County of Monterey, and the State of California. Any illegal dumping/disposal shall be adequate grounds for termination of CUP 568 and CDP 13-04.
12. **Water Runoff**: This operation 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 premises or in the street by the applicant.
13. **Local/Regional Compliance**: All requirements of the City's contracted Building and Fire Departments, the City Engineer, the Seaside County Sanitation District, the Monterey Regional Water Pollution Control Agency, and Monterey County Health Department, shall be implemented to the satisfaction of each department. Police Department requirements pertaining to security and law enforcement shall be implemented to the satisfaction of the City's Police Chief.
14. **Fire Separation**: Prior to commencement of operation by the applicant, the subject building and applicant's unit shall be of a sufficient occupancy separation rating to satisfy the City's Building Code and Fire Code regulations, particularly if residential occupancies are on the subject property or abutting properties. The applicant shall

either provide the City's Fire Marshall with evidence that this separation exists or install such separation to the satisfaction of the City's Fire Marshall and/or Building Official, which may involve submitting construction drawings for plan check review. Failure to provide this separation to the satisfaction of the City's Fire Marshall shall constitute a violation of CUP 568 and CDP 13-04, and be adequate grounds for termination of said Permits and termination of the applicant's use. The applicant shall not commence operation at the subject property until the Fire Marshall is satisfied in regards to the required occupancy separation. If there are no residential occupancies in the subject building or on abutting properties, the property owner is required to provide the City with a written declaration to that effect. The applicant's and property owner's signatures of acceptance to the conditions and terms of CUP 568 and CDP 13-04 shall signify their understanding and acknowledgment that either proper fire separation is provided prior to the applicant's use or that there are no residential occupancies in this and the abutting buildings.

15. Waste Discharge: There shall be no discharge of any hazardous material(s) into the sanitary sewer system or storm drain system, nor shall there be any illegal waste dumping. Violation shall be adequate grounds for termination of CUP 568 and CDP 13-04.
16. Nuisance: Use of the property shall be conducted in such a way that it does not constitute a nuisance to neighboring units of the subject building, or surrounding properties. This operation shall implement all mitigation necessary to inhibit any noise, vibration, dust, odors, and/or other negative impacts that this operation may or will generate. Hammering, pounding, or other such similar method of physical metal manipulation shall not be allowed. Adequate ventilation shall be provided to mitigate fumes/odors. If a motorized compressor on-site generates noise and/or vibration that carries beyond the confines of the applicant's unit, then said compressor must be maintained within a noise/vibration insulating enclosure when in use. Failure to effectively implement mitigation to abate negative impacts generated by this use may be adequate grounds for the City to amend or terminate CUP 568 and CDP 13-04 . The applicant shall be considered responsible for the impacts created by his operation. If the City Council finds at any time that any use of the property constitutes a nuisance, or is otherwise detrimental to the neighborhood or to the community, such use shall be discontinued or modified as may be required by the City. Failure to comply with such direction may result in the revocation of CUP 568 and CDP 13-04 .
17. If the City determines that any term or condition of CUP 568 and CDP 13-04 has been violated, written notice shall be issued, 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 revoking CUP 568 and CDP 13-04, and may then order said Permit revoked.
18. Interpretation: Any questions of intent or interpretation regarding any condition within CUP 568 and CDP 13-04 shall be resolved by the Community Development Director.

19. The issuance of CUP 568 and CDP 13-04 shall not supersede or override any requirements of any other City, County, State, or Federal agency.
20. Business License: The applicant shall acquire, maintain, and annually renew a Sand City business licence for the duration of the approved use within Sand City. Failure to maintain a current business licence may be sufficient grounds for termination of CUP 568 and CDP 13-04 .

PASSED AND ADOPTED by the City Council of Sand City this ___ day of August, 2013, by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

APPROVED:

ATTEST:

 Linda K. Scholink, City Clerk

 David K. Pendergrass, Mayor

This is to certify that the Conditional Use Permit (CUP) 568 and Coastal Development Permit (CDP) 13-04 contain the conditions specified by the City Council in approving these Permits.

 Charles Pooler, Associate Planner

APPLICANT ACCEPTANCE (CUP 568 & CDP 13-04)

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

DATED: _____

BY: _____
Applicant

CONSENT OF OWNER (CUP 568 & CDP 13-04)

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

DATED: _____

BY: _____
Property Owner

AGENDA ITEM

7B

CITY OF SAND CITY

STAFF REPORT

**JULY 15, 2013
(For City Council Review on August 6, 2013)**

TO: Mayor and City Council

FROM: Charles Pooler, Associate Planner

SUBJECT: Conditional Use Permit for Teri Takikawa and Todd Fisher at 354 Orange Avenue for a 'Take-Out' Sandwich Shop

BACKGROUND

An application for a conditional use permit was submitted by Teri Takikawa, representing Todd Fisher, to establish a sandwich sales counter within an existing commercial kitchen (called "The Kitchen") at 354 Orange Avenue in Sand City. The existing kitchen is operating as a grandfathered use; however, introduction of the sales counter for take-out is a change of use, and is therefore required to obtain conditional use permit approval. The site has a zoning designation of Planned-Mixed Use (MU-P) and a General Plan land use designation of Mixed-Use (MU-D). The intended use at the subject property qualifies as a categorical exemption, under State CEQA (California Environmental Quality Act) Guidelines, Section 15301.

Site Description:

This is an existing 1-story 5,500 square foot commercial building divided into multiple units fronting Olympia Avenue to the south and Orange Avenue to the north. The existing kitchen operation currently occupies approximately 1,660 square feet with its roll-up door and entrance fronting Orange Avenue. Those units facing Olympia Avenue are cumulatively 2,750 square feet. The unit adjacent to the applicant, fronting Orange Avenue, is about 1,090 square feet, is not used by the applicant, and is vacant. The building frontage is 50-feet wide with a continuous driveway apron, providing five (5) regulation sized perpendicular parking spaces within the building's 20-foot front setback. There is virtually no curbside parking along the 300 block of Orange Avenue. The property owner, Mr. Lipori, also owns the adjacent building at 336 Orange Avenue. Existing utilities (i.e. gas, electric, water, sewer, etc.) are available. Street improvements (i.e. curb, gutter, sidewalk, drive apron) exist along the property's street frontages.

Project Description:

The applicant wishes to set up a sandwich 'take-out' sales counter within the existing kitchen facility. The sales counter will be established just inside the building's roll-up door, with NO on-site eating or service. Sandwiches will be 'made-to-order' and sold 'to-go'. The

cooking of meats and other items will be done within the existing commercial kitchen, currently operating as a grandfathered use. The applicant anticipates most of his clientele, at least initially, will be those walking from nearby neighboring businesses, not driving. There will be construction to install the sales counter, and the applicant proposes installing an awning over the roll-up door.

Land Use: The property has a General Plan land use and Zoning Map designation of "Mixed-Use". Section 18.13.040 of the City's Zoning Ordinance lists 'restaurants' and 'bakeries' as allowable, contingent upon conditional use permit approval. These are the most similar uses listed in the Code that closest reflects the proposed 'take-out' sandwich sales counter, but there will be lesser impact in that there are to be no on-site eating amenities or services.

The existing commercial kitchen, a grandfathered use, is currently utilized in a cooperative arrangement between Todd Fisher with partner Johnathon Roberts and Teri Takikawa and his associates. Todd and Johnathon use the kitchen for preparing food for events and catering contracts. Teri Takikawa uses the kitchen to roast meats, prepare salads, and steam vegetables for his food vending truck that sells and serves away from the subject property. Both teams receive shipments of food and supplies at the 354 Orange Avenue location, they utilize the refrigeration unit for storage, and the appliances for cooking. These activities will continue.

Hours & Employees: The existing kitchen does not operate on a routine schedule, rather, it is utilized by various individuals on a rotating co-operative schedule. Anytime between morning and evening hours, one or two individuals will use the kitchen for several hours, while other persons will use it for several hours during a different time and/or day. There are no standard 8-hour day work-shifts within the kitchen.

The proposed sandwich counter is intended to serve between the hours of 10:00 a.m. and 3:00 p.m. Monday through Friday, with an hour before for preparations and an hour after for cleanup. The sandwich counter will be staffed by two persons (one of which may include Todd Fisher) with potential assistance from 1 or 2 others in the kitchen if available and needed.

Parking: The site provides five (5) on-site perpendicular parking spaces along its Orange Avenue frontage, and another five (5) spaces along Olympia Avenue. Neither frontage provides curbside parking. Parking facing Olympia Avenue serves those units fronting that street, and are not available for the applicant's use.

The City's Zoning does not specify a parking requirement for "take out" food uses. Parking requirements for restaurants are based upon either a ratio of 1 space per 50 square feet of floor area or upon the number of seats provided. However, the applicant does not intend to provide seats or any on-site eating amenities or services. Staff researched parking requirements for this type of 'take-out' use in other local cities. Only the City of Marina has a specific requirement for 'take-out'; requiring a minimum of eight (8) spaces plus 1 additional space for each 1,000 square feet of gross floor area, which exceeds the available parking at the applicant's site.

The City's Zoning Ordinance does not specify parking for commercial kitchens; however, the 1/700 ratio for manufacturing could be applicable as it is a "production" facility. The existing 1,660 square foot commercial kitchen would then be required to have three (3) on-site spaces (rounded up) for its current operation, based upon this ratio. As a reasonable compromise, the City of Monterey would consider this use to be a commercial food and beverage sales business, requiring 1 parking space for every 500 square feet of total building area devoted to the business, which in this case is 1,660 square feet that requires 4 spaces (rounded up). Based on this, staff recommends the permit require four (4) spaces in front of the building be reserved for the sandwich sales (see Permit Condition No. 5) and the commercial kitchen. The remaining parking space should be maintained for the adjacent unit. Staff also recommends the permit prohibit on-site seating/eating accommodations (i.e. tables, chairs, stools, etc) on the property to ensure this remains a "take-out" and "made-to-go" operation (see Permit Condition No. 4).

Food Truck: Teri Takikawa currently parks his food vending truck on site, and uses the kitchen to prepare meals that are then loaded into this truck and sold "on-the-road". Mr. Takikawa states that the proposed hours for the sandwich bar will be when his truck is out selling at various locations. If the Council decides to grant a use permit for the sandwich sales, staff recommends the permit prohibit the parking of any company vehicles associated with use of the kitchen during the sandwich sales hours. (see Permit Condition No. 7).

Shipments/Deliveries: The applicant states that the kitchen currently receives a medium sized bobtail truck twice a week for shipments to the site. Scheduling these shipments to arrive when the sandwich sales counter is closed will be important to maximize available on-site parking for sandwich patrons. In addition, deliveries from the sandwich counter are not intended at this time; however the applicant may eventually consider such service only for large orders, and only after such demand presents itself. These shipment activities are not anticipated to impede traffic circulation on Orange Avenue, which is also a "dead-end" street on this block.

Food Waste: Food preparation facilities typically generate "food waste", which can be collected for recycling. The applicant states that The Kitchen currently utilizes Salinas Tallow and Waste Management's food waste recovery programs. Staff recommends that the sandwich counter be required to also utilize these food waste recovery programs. Continued and improved diversion efforts will assist the City in satisfying State mandated diversion requirements.

Trash Enclosure: Waste bins are currently maintained along a wall separating the applicant's parking area from the adjacent building's parking. This does not utilize space needed for the five on-site parking spaces. Staff recommends installation of a small enclosure be required (see Permit Condition No. 10), and completed within 3-months of the use permit's approval. Five parking spaces at 8.5-feet wide each requires 42.5 feet of the total 50-foot wide frontage, leaving 7.5-feet of frontage width for the enclosure. This enclosure could consist of something as simple as chain-link with vinyl

slats or a wood fence, but should be subject to staff review and approval prior to installation. Due to this being a food preparation area, maintaining waste bins inside may not be an option.

Impacts: The site currently accommodates an operating commercial kitchen, preparing food items for off-site consumption and sales in a multi-person co-operative rotating schedule arrangement. Impacts from the sandwich counter, such as noise, odors, and vibrations, will be indistinguishable from those same impacts generated by the existing kitchen operation. However, an increased demand for parking will be introduced by the proposed sandwich sales. Considering that this is intended only as 'take-out' with no on-site eating amenities, customer rotation will be quicker than that of a restaurant or sit-down sandwich deli. Furthermore, the applicant anticipates most of his clientele will walk in from neighboring business, limiting the demand for parking. The applicant should be held responsible for any overflow parking by employees and patrons alike that might occur from this use; and therefore, staff recommends the permit prohibit double parking into the street or parallel parking along the driveway apron. If overflow parking becomes an issue, this should be considered a public nuisance and sufficient grounds for permit termination and closure of the sandwich sales counter. Beyond the parking concerns, staff does not anticipate any other negative impacts from the proposed sandwich sales counter.

Awning: The applicant indicated that an awning will be installed over the roll-up door. Information as to the materials or colors of this awning/canopy was not indicated on the submitted plan. The addition of an awning is a minor modification that does not justify the Design Review Committee's review; however, staff does recommend the permit require the applicant to submit an illustration of the proposed awning to the Planning Department for staff review and approval prior to installation (see Permit Condition No. 13). A building permit is required prior to installation.

Sign: The applicant states that they want to place a sign on the building for the sandwich sales. No information as to the sign design was provided at the time of use permit application. Installation of a sign does require Design Review Committee (DRC) review and approval prior to installation. This should be included as a condition of use permit approval.

Water:

Staff contacted the Monterey Peninsula Water Management District (MPWMD) regarding this application to determine whether additional water would be necessary. According to MPWMD staff, the site currently has water allocated for Group II occupancy for the kitchen operation. The proposed sandwich sales also falls within a Group II classification; and therefore, no additional water allocation is necessary. MPWMD staff added that if this use were to expand to a Group III use (i.e. restaurant, etc.), then additional water would be necessary. The permit should contain the standard language stating that approval of the use permit does not grant the applicant and/or property owner any right or privilege to any further allocation of water.

Advisory Agencies:

Information on the proposed project was circulated to the City's advisory agencies. The Police Chief questioned whether there was adequate parking for such a use. The Monterey Fire Department commented that "any changes or alterations to the building or cooking line requires a plan submission and a permit, and that all building Code requirements will be reviewed upon plan check." The Monterey County Health Department stated that the applicant must contact the Health Department Office. The Seaside County Sanitation District commented that the use maintain the grease trap. No other comments were received at the time of this report.

CONCLUSION / RECOMMENDATION

Parking is the only potential problem staff foresees with this type of use at the subject property due to the limited on-site parking. No other negative impacts are anticipated from this use. Introduction of a 'take-out' food operation would contribute towards a more pedestrian and interactive neighborhood. Due to the parking concern, if the Council decides to approve a permit for the applicant, then staff recommends the permit include the following conditions/terms (as discussed in this report):

1. That tables, chairs, or other on-site eating amenities are prohibited (see Permit Condition No. 4),
2. That the sales hours be limited to the 10:00 a.m. to 3:00 p.m. time period (see Permit Condition No. 3),
3. That a small enclosure be installed, subject to staff review and approval, to conceal trash bins along either side of the property's 20-foot front setback area without impeding any of the five parking spaces (see Permit Condition No. 10) ,
4. That the food truck that currently parks on the site be prohibited parking on the property during the 10:00 a.m. to 3:00 p.m. sales time (see Permit Condition No. 7), and
5. That a minimum of four (4) on site parking spaces be reserved and signed by the applicant/property owner for exclusive use by the applicant's patrons; and that employees and company vehicles shall not use these spaces during those hours the sandwich sales counter is open (see Permit Condition Nos. 5 & 7).

With these limitations as conditions of the use permit, staff recommends **APPROVAL** of a conditional use permit to the applicant for the intended sandwich sales counter.

Findings for Approval:

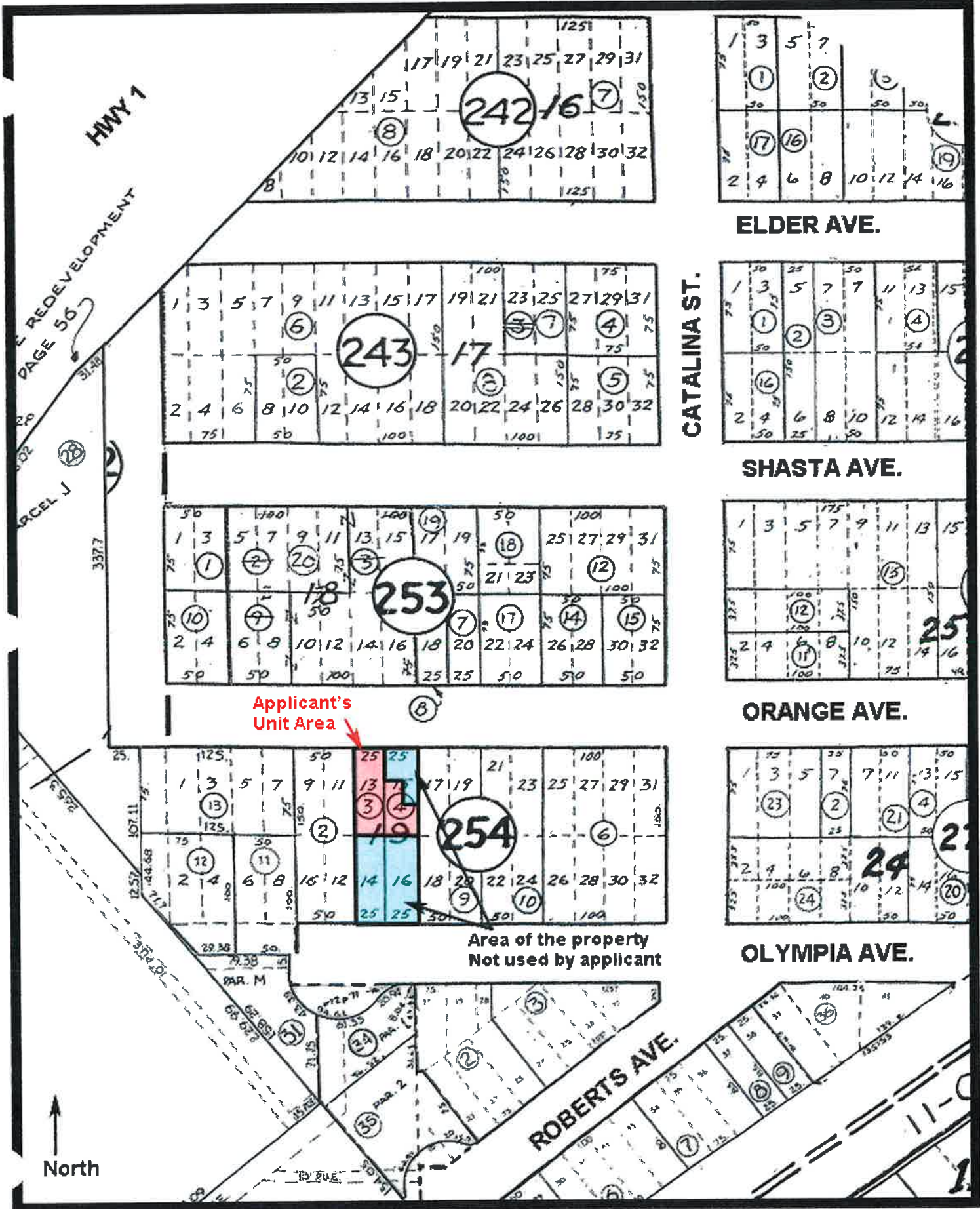
1. The proposed use at the intended scale within an existing kitchen facility is compatible with the Planned Mixed-Use (MU-P) zoning district and the existing neighboring land uses, as conditioned.
2. On-site parking is minimally sufficient to accommodate the proposed use; provided that the use remains "take-out" only, and that on-site eating amenities (i.e. chairs, tables, etc) are not provided.
3. Existing on-site water allocation is sufficient to accommodate the proposed use.
4. Adequate utilities are available to facilitate the proposed use.
5. The project qualifies as a categorical exemption, under State CEQA Guidelines, Section 15301.

EXHIBITS:

- A. Location Map
- B. Parcel & Use Map
- C. Site Plan
- D. Unit Floor Plan
- E. Project Floor Plan
- F. Conceptual Menu for Sandwich Bar

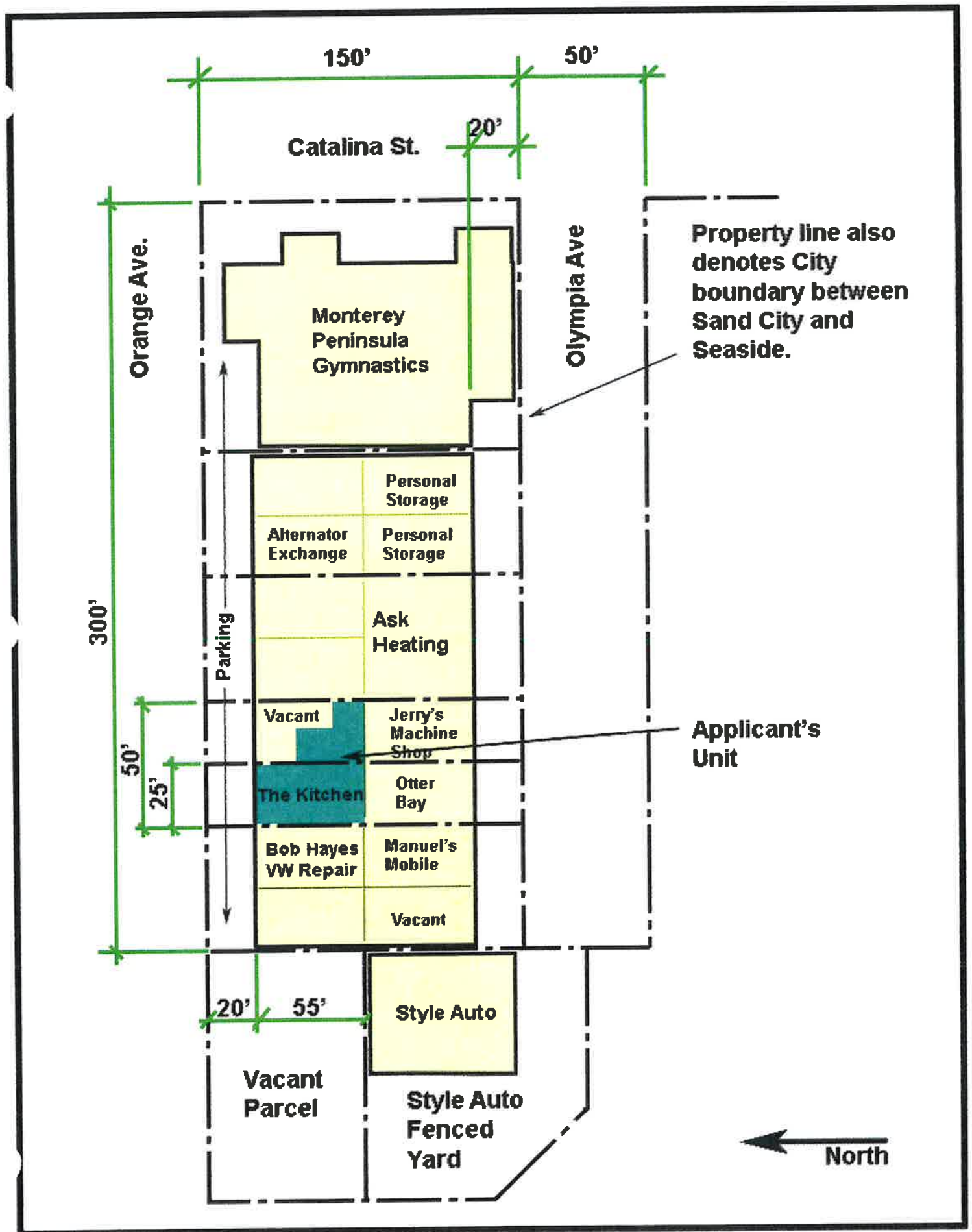
ATTACHMENT:

- Draft Resolution to approve a conditional use permit.

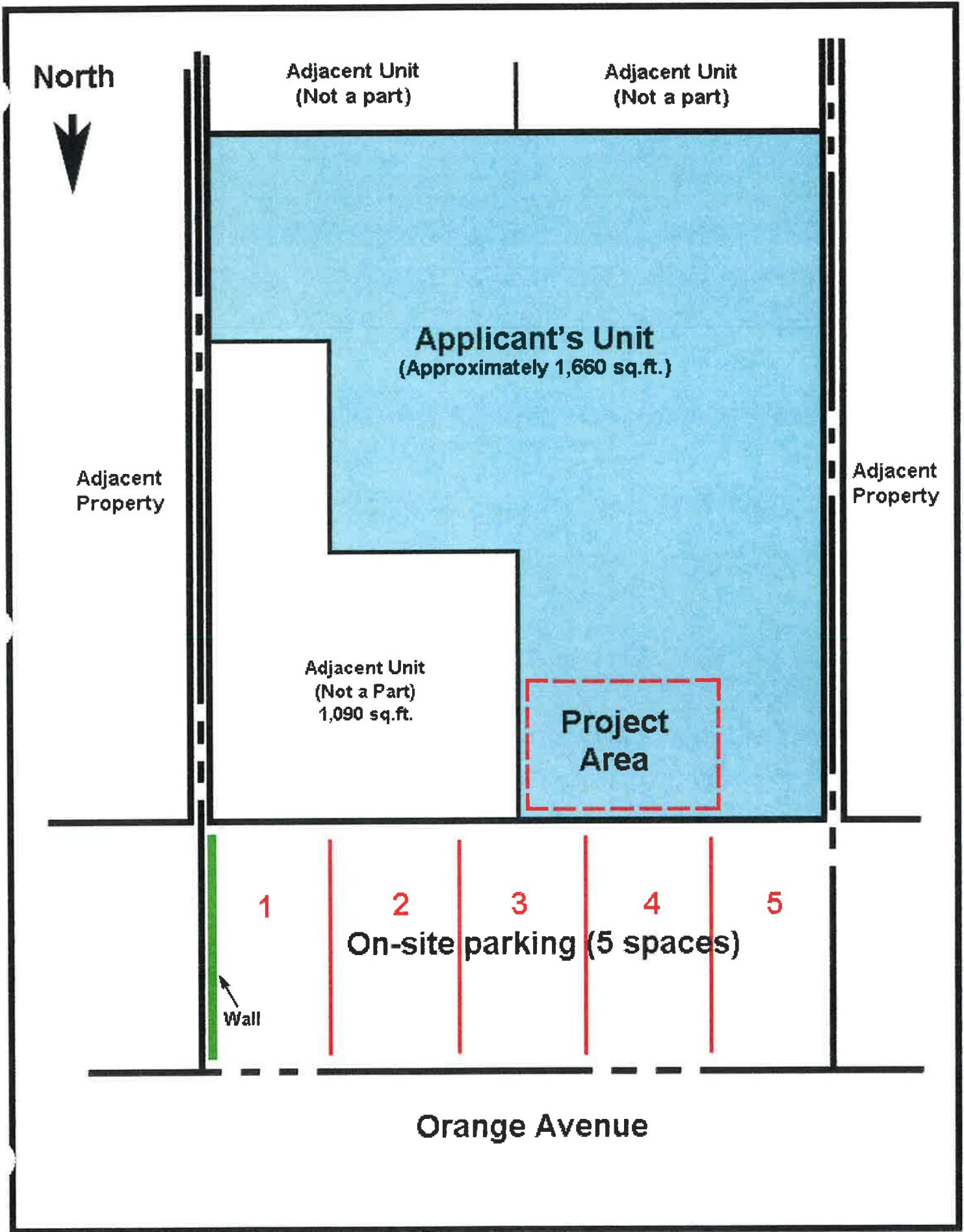


Location Map

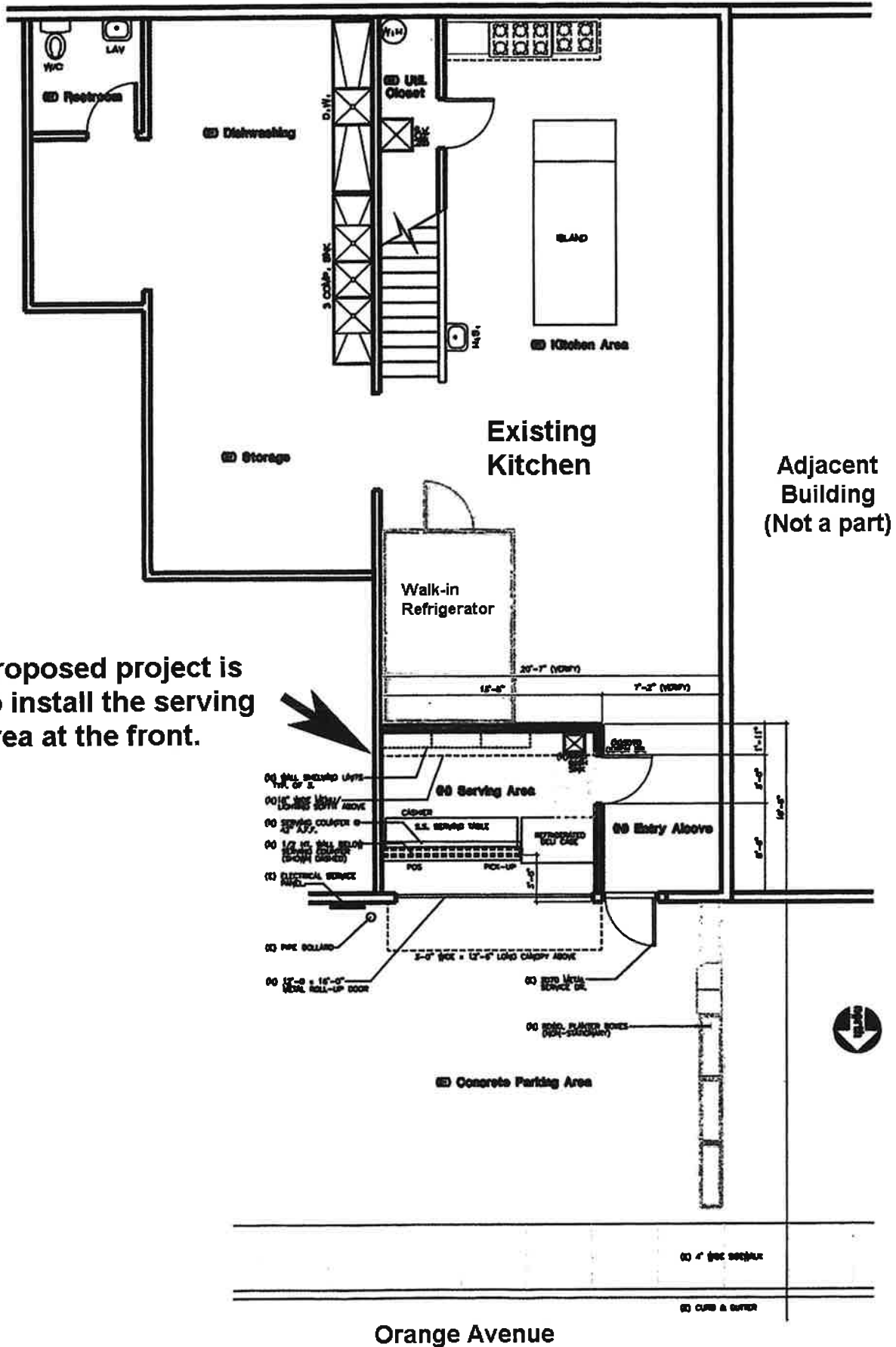
EXHIBIT A



Parcel & Use Map



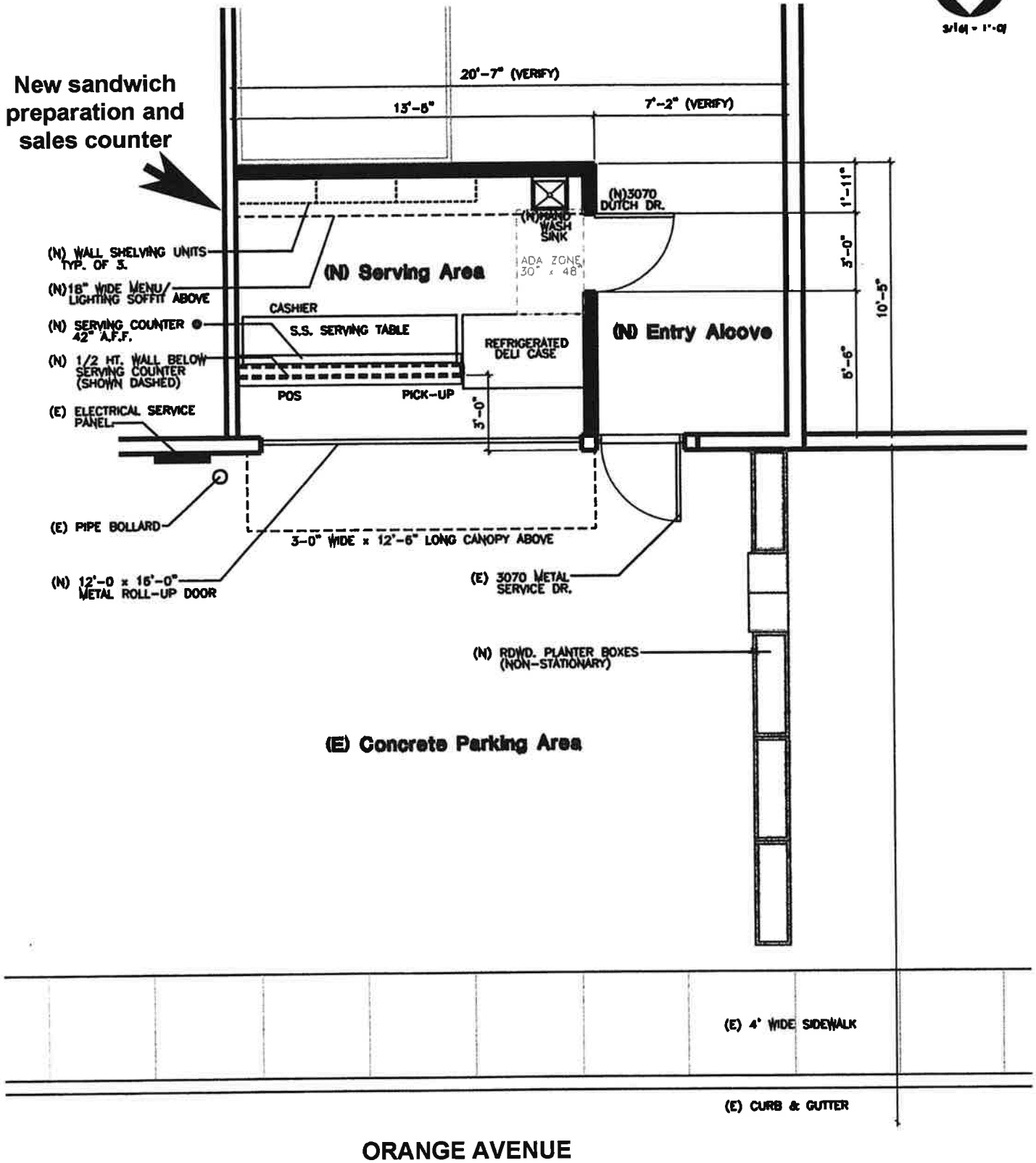
Site Plan





3/14 - 1'-0"

New sandwich preparation and sales counter



SAND-CITY • SAND-WICHES

artisan sandwiches



MENU

all sandwiches prepared on ciabatta roll

PORCHETTA "pure awesomeness" 8-

pork loin, wrapped in the belly, roasted with garlic aioli & house made hot pepper pickles

HICKORY CHICKEN 7-

smoked chicken, avocado, hickory bacon, smoked gouda, tomato aioli & arugula

ROSEMARY HAM 7-

with mustard seed cheddar, mustard & olive salad

BLEU BEEF 9-

garlic studded roast beef, cave aged bleu cheese spread & pickled red onions

TURKEY SAGE 8-

sage roasted turkey breast, cranberry marmalade, arugula & herb mayonnaise

THE ARTIST 9-

pick a meat; porchetta, chicken, bacon, ham, roast beef or turkey breast
pick a spread; mayo, herb mayonnaise, garlic aioli, mustard or tomato aioli
pick a cheese; mustard seed cheddar, bleu cheese spread or smoked gouda
pick your stuff; hot pepper pickles, arugula, olive salad, pickled red onions or cranberry marmalade

TODAY'S COMPOSITION

aq

CITY OF SAND CITY

RESOLUTION SC _____, 2013

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY APPROVING
CONDITIONAL USE PERMIT 567 FOR TERI TAKIKAWA AND TODD FISHER
AUTHORIZING A SANDWICH TAKE-OUT SALES COUNTER WITHIN AN EXISTING
COMMERCIAL KITCHEN AT 354 ORANGE AVENUE IN SAND CITY**

WHEREAS, Teri Takikawa, representing Todd Fisher of “The Kitchen”, made an application for conditional use permit approval to establish a ‘made-to-order’ and ‘sold-to-go’ sandwich preparation and sales counter within an existing commercial kitchen at 354 Orange Avenue (Portion of APN 011-254-003 & 004) in Sand City; and

WHEREAS, the proposed ‘made-to-order’ and sold ‘to-go’ sandwich sales counter, at the described scale and intensity, within the existing kitchen facility on the subject property, is considered compatible with this mixed-use neighborhood of the West End District, as defined by the City’s General Plan and Zoning Ordinance; and

WHEREAS, the proposed use qualifies as a Categorical Exemption under CEQA (California Environmental Quality Act) Guidelines, Section 15301; and

WHEREAS, the proposed sandwich sales counter, within the subject building, will not require an allocation of water under the current regulations of the Monterey Peninsula Water Management District (M.P.W.M.D.) as it is within an existing Group II commercial kitchen that already has sufficient allocation; and

WHEREAS, the City Council of the City of Sand City, on _____, 2013, has found and determined that the proposed use, as conditioned, 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 therefore, Conditional Use Permit 567 shall be granted upon the conditions hereinafter set forth; and

WHEREAS, the City Council of the City of Sand City has accepted the findings for approving Conditional Use Permit 567 as outlined in the City Staff Report, dated July 15, 2013.

NOW THEREFORE, the City Council of the City of Sand City hereby grants and issues Conditional Use Permit (CUP) 567 upon the following terms and conditions:

1. Conditional Use Permit (CUP) 567 is not valid, and the project shall not commence unless and until two copies of the Resolution/Permit, signed by the permittee and the landowner, acknowledging receipt of the Permit and acceptance of the terms and conditions, is returned to the City’s Planning Department.

2. Conditional Use Permit (CUP) 567 is for the express purpose of authorizing a 'made-to-order' and sold 'to-go' sandwich sales counter within an approximate 142 square foot area of the existing kitchen facility at 354 Orange Avenue (portion of APN 011-254-03 & 004) in Sand City. The existing kitchen operation is not under the purview of CUP 567, and shall continue to operate as previously allowed by the City as a grandfathered use. There shall be no expansion to the scope or intensity of this sandwich sales operation, beyond that use authorized by CUP 567, without either an amendment of said Permit or the issuance of a new permit.
3. Hours of Activity: The sales counter and sandwich sales shall only occur between the hours of 10:00 a.m. to 3:00 p.m. daily. Hours of operation for the existing commercial kitchen shall continue to operate under the purview of its grandfathered status.
4. Prohibition of On-Site Eating Amenities: Amenities, such as tables, chairs, stools, and/or services that provide or encourage on-site eating/consumption, are prohibited, and shall not be on the property. A trash receptacle may be provided to mitigate potential litter. The applicant shall inform patrons that they may not eat within their vehicles while parked on the property. The applicant will be held responsible for patrons who do not comply. The sandwich counter sales use, as authorized by CUP 567, shall strictly be a "Take-Out & Sold-To-Go" operation.
5. Parking: A minimum of four (4) on site parking spaces shall be reserved and signed by the applicant and/or property owner for exclusive use by the applicant's patrons during sandwich counter hours. Employees and company vehicles associated with the commercial kitchen and the sandwich counter shall not use these spaces during those hours the sandwich sales counter is open to the public. Appropriate signs and/or markers, plainly visible, shall be provided for general public's information pertaining to the parking assignments. Failure to satisfy this requirement shall be adequate grounds to terminate CUP 567.
6. Shipments/Deliveries: Shipments to the commercial kitchen shall be scheduled to occur outside of those hours of operation for the sandwich sales counter (see Permit Condition No. 3). Deliveries via short-term (approximately 5-minute or less) drop off/pick-up package services such as Federal Express, UPS or the like are exempt. Delivery of 'call-in' orders of sandwiches may occur during those hours the sandwich counter is in operation.
7. Company Vehicles & Food Truck(s): Company vehicles associated with the use of the commercial kitchen, including mobile food vender trucks, shall not park on the property during those hours the sandwich sales counter is serving the public.
8. Storage: There shall be no storage of any material, equipment, packaging, crate, pallet, inventory, or any other item associated with this use outside the building. All storage for this use shall be maintained within the building unless otherwise authorized by the City or allowed by CUP 567.

9. General Waste: Trash, litter, boxes, crates, debris, or other used and/or discarded materials generated by this operation shall be stored in an appropriate waste collection bin or dumpster. Said dumpsters and/or bins shall be maintained within a trash enclosure on the property, except on a designated trash collection day. The applicant shall implement recycling, where feasible, as part of this operation's regular routine.
10. Trash Enclosure: The applicant and/or property owner shall construct a small enclosure to contain and conceal trash bins towards the side of the parking area without impeding that area necessary to maintain five (5) on-site parking spaces. The materials and design of said enclosure shall be subject to Planning Department staff review and approval prior to construction. This enclosure shall be installed within 3-months of CUP 567's approval. Failure to provide said enclosure shall be grounds for termination of CUP 567.
11. Food Waste: The sandwich sales counter shall utilize food waste recovery programs available through the City's franchise waste hauler and/or other legitimate sources.
12. Property Maintenance: The site shall be maintained in a clean, orderly, weed-free, and litter-free condition. The applicant and/or property owner shall be responsible for maintenance and upkeep of the applicant's leased area for the duration of the allowed use.
13. Awning: The applicant shall submit construction plans for the proposed awning to the Planning Department for staff review and approval; and shall further obtain a building permit prior to installation.
14. Signs: Any sign on the subject property, identifying the approved use at this location, shall be reviewed and approved by the Sand City Design Review Committee (DRC) prior to the establishment of any sign at this site. The applicant shall not place any free-standing sign anywhere within City limits without Community Development Director approval.
15. Water: Approval of Conditional Use Permit 567 does not grant the applicant and/or property owner any right and/or privilege to any allocation of water credit by the City of Sand City.
16. Water Runoff: This operation shall not create water run-off within the City in accordance with the Sand City Municipal Code regarding Storm Water Management. There shall be no washing of vehicles on the premises or in the street by the applicant.
17. Local/Regional Compliance: All requirements of the City's contracted Building and Fire Departments, the City Engineer, the Seaside County Sanitation District, the Monterey Regional Water Pollution Control Agency, and Monterey County Health Department, shall be implemented to the satisfaction of each department. Police

Department requirements pertaining to security and law enforcement shall be implemented to the satisfaction of the City's Police Chief.

18. Health Department: The applicant shall contact the Monterey County Health Department and obtain any permit and/or documentation required by the Health Department related to the use authorized by CUP 567, prior to commencement of operation at the subject property. Evidence of Health Department approval shall be provided to the Sand City Planning Department prior to commencing operation.
19. Nuisance: Use of the property shall be conducted in such a way that it does not constitute a nuisance to neighboring units or surrounding properties. This operation shall implement all mitigation necessary to inhibit any noise, vibration, dust, odors, parking overflow/congestion, and/or other negative impacts that this operation may or will generate. The applicant shall be responsible for the impacts created by that use authorized by CUP 567. If the City Council finds at any time that use of the property constitutes a nuisance, or is otherwise detrimental to the neighborhood or to the community, such use shall be discontinued or modified as may be required by the City. Failure to effectively implement mitigation required by CUP 567, or other direction/notification by the City, necessary to abate negative impacts generated by this use may be adequate grounds for the City to amend or terminate CUP 567.
20. Termination / Amendment: If the City determines that any term or condition of CUP 567 has been violated, written notice shall be issued, 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 either amending or revoking CUP 567, and may then order said Permit amended or revoked.
21. Interpretation: Any questions of intent or interpretation regarding any condition within CUP 567 shall be resolved by the Community Development Director.
22. The issuance of CUP 567 shall not supersede or override any requirements of any other City, County, State, or Federal agency.
23. Business License: The applicant shall acquire, maintain, and annually renew a Sand City business licence for the sandwich sales counter activity for the duration of the approved use within Sand City. Failure to maintain a current business licence may be sufficient grounds for termination of CUP 567.

PASSED AND ADOPTED by the City Council of Sand City this ___ day of August, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Linda K. Scholink, City Clerk

David K. Pendergrass, Mayor

This is to certify that the Conditional Use Permit (CUP) 564 contain the conditions specified by the City Council in approving said Permit.

Charles Pooler, Associate Planner

APPLICANT ACCEPTANCE (CUP 567)

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

DATED: _____

BY: _____
Applicant

CONSENT OF OWNER (CUP 567)

Consent is hereby granted to the permittee to carry out the terms and conditions of the Conditional Use Permit.

DATED: _____

BY: _____
Property Owner

**AGENDA ITEM
9B**

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MONTEREY PENINSULA CHAMBER OF COMMERCE

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Advertising with the Chamber Works!
Prospective customers are 68% more likely to buy from you if you are a member of the Chamber of Commerce



Event Information

Monterey Stove And Hot Tub Ribbon Cutting

Event Date: X Aug 8, 2013 Event Time: 5:00 pm to 7:00 pm

Location: Monterey Stove and Hot Tub, 820 Playa Avenue Sand City [View Map](#)

Description:

Join us at this Ribbon Cutting at Monterey Stove and Hot Tub where the new owner will provide product tours and offer small bites. Monterey Stove and Hot Tub helps you live better by warming up your indoor or outdoor space with the right combination of furniture and cooking accessories and turning your patio into a fun, attractive extension of your home. Your next gathering is sure to be a hit.



For more information, contact us at info@montereychamber.com

Your Name

Company Name

Phone Number

Email Address

No. of Registrants

Event Price \$0.00

REGISTER

Creating a Strong Local Economy Promoting the Community Networking Opportunities Representing the Interests of Business with Government Political Action

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CHAMBER CONNECTION

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

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CHAMBER QUICK LINKS

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Participate or Sponsor the 19th Annual Monterey Bay Business Expo & Increase your Business!

SAVE THE DATE

Thursday, August 8
Monterey Stove and Hot Tub

Ribbon Cutting
5:00 to 7:00pm

Wednesday, August 14
Brown Bag Seminar
12:30 to 1:30pm

Wednesday, August 14
Pacific Valley Bank
Ribbon Cutting
5:30 to 7:30pm

Thursday, August 15
Monterey Beach Party
Mixer
5:00 to 7:00pm

Congratulations...

to Philip J. Daunt, Attorney/Broker, [Strategic Loan Solutions](#) for winning the MPCC Education Survey drawing for \$100 to Gilbert's Red Snapper! Thank you to everyone who participated in the survey the results will be released soon.

CHAMBER TAKES A STAND:

The Monterey Peninsula Chamber of Commerce stands united in support of adopting comprehensive national immigration reform this year. America's immigration system is broken and does not meet the needs of business...

[CLICK HERE TO READ MORE](#)

UPCOMING EVENTS...

MONTEREY STOVE & HOT TUB

Ribbon Cutting

Date: Thursday, August 8

Location: 820 Playa Avenue, Sand City

Time: 5:00 to 7:00pm

Cost: Complimentary

Join us at this Ribbon Cutting at Monterey Stove and Hot Tub where the new owner will provide product tours and offer small bites. Monterey Stove and Hot Tub helps you live better by warming up your indoor or outdoor space...

Monday, August 19
Alvarado Fish & Steak
House Ribbon Cutting
5:00 to 7:00pm

Thursday, August 22
Speed Networking
at Embassy Suites
5:00 to 6:30pm

Friday, August 23
Tope's Sustainable
Garden Center
12:00 to 2:00pm

Tuesday, August 27
Elah Communications

Ribbon Cutting
5:00 to 7:00pm

Thursday, August 29
Hilton Garden Inn
Mixer
5:00 to 7:00pm

Thursday, September 12
Monterey Program for
Executive Health
Ribbon Cutting
5:00 to 7:00pm

Tuesday, September 17
Community of Caring
Ribbon Cutting
5:00 to 7:00pm

Thursday, September 19
Annual Airshow Joint Mixer
5:30 to 7:30pm

Tuesday, September 23
Monterey Peninsula
Foundation Mixer with
Pebble Beach Company
5:00 to 7:00pm

Thursday, September 26
Leadership Luncheon
Hyatt Regency Monterey
Hotel and Spa
Registration & Networking:
11:30am to 12:00pm
Lunch & Program:
12:00 to 1:30pm

Thursday, October 17
Annual Business Expo
Embassy Suites
4:00 to 7:00pm

Save the Date

Annual Leadership Luncheon • Thursday, September 26
Hyatt Regency Monterey • 1 Old Golf Course Road • Monterey

Presented
by



Rabobank

Panlists include: Congressman Sam Farr, U.S. House of Representatives, 17th Congressional District • Senator Bill Monning, State of California, 17th Senate District • Assemblymember Mark Stone, State of California, 29th Assembly District • Supervisor Louis Calcagno, Monterey County District 1 • Supervisor Jane Parker, Monterey County District 4 • Supervisor Dave Potter, Monterey County District 5 • Sheriff Scott Miller, Monterey County Office of the Sheriff • Mayor Jerry Edelen, City of Del Rey Oaks • Mayor Bruce Delgado, City of Marina • Mayor Chuck Della Sala, City of Monterey • Mayor Bill Kampe, City of Pacific Grove • Mayor Joe Gunter, City of Salinas • Mayor David K. Pendergrass, City of Sand City • Mayor Ralph Rubio, City of Seaside

[CLICK HERE TO RSVP](#)

FROM OUR MEMBERS...



11th Annual

AUTOMOBILIA MONTEREY THE INTERNATIONAL EXPO

The largest vintage automotive collectibles show in America and the only place to see these 44 international vendors. Enjoy the relaxed indoor setting while buying only original vintage posters, photos, rallye items, badges, mascots, signs, original art, models, literature & books, signed items, etc.

Tuesday, August 13 from 10 am to 6 pm and Wednesday, August 14 from 10 am to 7 pm. Benefits The Monterey County Rape Crisis Center.

Embassy Suites main ballroom. Route 218 & US 1
More info at: www.AutomobiliaMonterey.com

IN OTHER NEWS...

1st Capital Bank is pleased to announce their newest member Chris Illig who has joined 1st Capital Bank as Vice President - Senior Relationship Manager in their Monterey location. He specializes in Real Estate Lending, Business Banking and Cash Management... You may reach Chris directly at 831.264.4067 or email him at chris.illig@1stcapitalbank.com



**MONTHLY
CHAMBER COMMITTEE
MEETINGS**

Education

2nd Monday: 3:30pm

Membership

2nd Tuesday: 9:00am

Government Affairs

2nd Wednesday: 3:30pm

Finance

2nd Friday: 9:00am

Ambassador

3rd Friday: 8:00am

Economic Vitality

1st Friday: 9:00am

Special Events

Varies per Event

The Pebble Beach Company is seeking friendly and outgoing employees to join their world-class team during *Concours d'Elegance* for the following positions: Banquet Set-Up, Banquet Servers, Barbacks, Bartenders, Barista's, Bussers, Cashiers, Housekeepers, Stewards.

Please come to the Human Resources Office at 2790 17 Mile Drive, Pebble Beach to fill out a special event application. Call the Main number 831-649-7657 for more information.

Portola Hotel and Spa is currently looking for a Restaurant Manager for our Fine Dining Restaurant - Jacks Restaurant and Lounge. Please apply in person any Thursday from 1pm until 6pm, or e-mail spetersson@portolahotel.com



CONTACT US

The Monterey Peninsula Chamber of Commerce

30 Ragsdale Drive, Suite 200 | Monterey, CA

93940 | 831.648.5350 | www.montereychamber.com | info@montereychamber.com





ANNUAL CONFERENCE & EXPO SACRAMENTO, CALIFORNIA

SEPTEMBER 18-20



111

REGISTRATION AND HOUSING DEADLINE: SEPTEMBER 3

WWW.CACITIES.ORG/AC

TENTATIVE SCHEDULE OF EVENTS

As of April 15, 2013 (subject to change)

WEDNESDAY, SEPTEMBER 18

- 9:00 - 10:30 a.m. Policy Committees (at hotel)
- 10:30 a.m. - Noon Policy Committees (at hotel)
- 9:00 a.m. - 6:30 p.m. Registration Open, Sacramento Convention Center
- Noon - 1:30 p.m. Regional Division Lunches (optional)
- 1:00 - 1:30 p.m. First Time Attendee Orientation
- 1:30 - 2:30 p.m. **Department Business Meetings, Programs & Welcome**
- 3:00 - 5:00 p.m. **Opening General Session** – Annual Report and Keynote Address
- 5:00 - 7:00 p.m. **Grand Opening Expo Hall & Host City Reception**
(No competing events/receptions are permitted at this time)
- 7:00 - Evening Networking Events and Exhibitor Dinners

THURSDAY, SEPTEMBER 19

- 7:00 a.m. - 4:00 p.m. Registration Open
- 8:00 - 9:30 a.m. **General Session** – Keynote Address
- 9:45 - 11:00 a.m. Education – Breakouts, CityTalks, etc.
- 10:00 a.m. - 3:00 p.m. **Expo with Lunch Exhibitor Exclusive**
(No competing events 11:30 a.m. – 1:00 p.m.)
- 1:00 - 2:15 p.m. General Resolutions committee
- 1:00 - 2:15 p.m. Education
- 2:45 - 4:00 p.m. Education
- 4:15 - 5:30 p.m. Education
- 4:15 - 5:30 p.m. Board of Directors Meeting
- 5:30 - Evening Networking Receptions – Caucus, League Partners, Divisions

FRIDAY, SEPTEMBER 20

- 7:30 - 10:00 a.m. Registration Open
- 7:30 - 8:45 a.m. Regional Division Breakfasts (optional)
- 9:00 - 10:15 a.m. Education
- 10:30 - 11:45 a.m. Education
- Noon - 2:00 p.m. **Closing Luncheon with Voting Delegates & General Assembly**
Install New Board of Directors
- 2:00 p.m. Adjourn

NOTE: Conference registration is required to attend Policy Committees, Department, Division, Annual Conference business meeting and/or to be a Voting Delegate.