



**REGULAR MEETING**

**SAND CITY COUNCIL**

**AND**

**SUCCESSOR AGENCY OF THE FORMER  
REDEVELOPMENT AGENCY**

**SAND CITY COUNCIL CHAMBERS**

**TUESDAY, AUGUST 4, 2020**

**5:30 P.M.**



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

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Regular Meeting – August 4, 2020  
5:30 P.M.

**THIS MEETING WILL BE HELD VIRTUALLY AND IS COMPLIANT WITH THE  
GOVERNOR’S EXECUTIVE ORDER N-29-20 ALLOWING FOR A DEVIATION OF  
TELECONFERENCE RULES REQUIRED BY THE BROWN ACT.**

**TO PARTICIPATE IN THE ZOOM COUNCIL MEETING LIVE:**

<https://us02web.zoom.us/j/4417277342>

**Meeting ID: 441 727 7342#**

**To participate telephonically by calling the number below:**

**(669) 900-6833**

**Meeting ID: 441 727 7342#**

**If prompted to enter a participant ID, press #**

**How to submit written Public Comments:**

If any member of the public would like to provide written comments at the meeting, please do as set forth below.

Written: All comments received before 8:00 am the day of the meeting will be posted on the City’s website as “Correspondence” under the relevant agenda item and provided to the City Council members at the meeting. Please email your comments to [connie@sandcityca.org](mailto:connie@sandcityca.org).

Read Aloud During the Meeting: Email your comments to [aaron@sandcityca.org](mailto:aaron@sandcityca.org) when the Mayor opens the public comment period for the relevant agenda item; please indicate the agenda item and title in your email subject line. If you want your comment read aloud, prominently write “Read Aloud at Meeting” at the top of the email and your comments will be read into the record (not to exceed three minutes at staff’s cadence).

DURING EACH MEETING, members of the public may participate by calling and speaking live during the designated time(s), subject to time limits that may be imposed pursuant to the Brown Act at the number provided above.

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**1. ROLL CALL**

**2. ANNOUNCEMENTS BY MAYOR, CITY ATTORNEY, AND CITY STAFF**

**3. PUBLIC COMMENT**

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.

If you need assistance, please advise the City Clerk in advance as to which item you would like to comment on and the City will assist you with arrangements.

**4. CONSENT CALENDAR**

- A. Approval of July 21, 2020 Sand City Council Regular Meeting Minutes
- B. Acceptance of HdL Companies Sand City Sales Tax Update, First Quarter Sales (January – March 2020)

**5. CONSIDERATION OF ITEMS PULLED FROM THE CONSENT CALENDAR**

**6. PUBLIC HEARING**

- A. Consideration of City RESOLUTION of the City Council of Sand City to Approve Coastal Development Permit 20-01 for Poe's Plumbing and Backflow to Operate a Plumbing Contractor Operation within an existing Commercial Building at 325 Elder Avenue

**7. PRESENTATION**

- A. Presentation by City Manager Aaron Blair on the we.murals 2020
  - 1) Discussion and Approval of a Local 'Call for Artist' for a mural located within the West End as part of the we.murals 2020

**8. NEW BUSINESS**

- A. Consideration of City RESOLUTION Approving Application for Per Capita Grant Funds
- B. Consideration of City RESOLUTION Approving Application for Statewide Park Development and Community Revitalization Program Grant Funds
- C. Consideration of City RESOLUTION Authorizing Amendment to the Salary Step Plan
- D. Consideration of Urgency ORDINANCE of the City Council of the City of Sand City Affirming Orders of the State Public Health Officer and the County of Monterey Public Health Officer Related to Covid-19 as Applicable and

Enforceable within City Jurisdiction and Authorizing Director of Emergency Services to Designate Public Officers or Employees to Issue Citations

- E. Comments by Council Members on Meetings and Items of interest to Sand City
- F. Upcoming Meetings/Event

**9. CLOSED SESSION**

- A. City Council/Successor Agency Board to adjourn to Closed Session regarding:
  - 1) Conference with legal counsel - anticipated litigation (Cal. Gov. code section 54956.9(e)(1))
- B. Re-adjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with Cal. Gov Code section 54957.1.

**10. ADJOURNMENT**

<p>Next Scheduled Council Meeting: Tuesday, August 18, 2020 5:30 P.M. Telephonic meeting: Dial-in number: (425) 436-6361 Access code: 549824</p>
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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](http://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 222, or give your written request to the City Clerk at One Pendergrass Way, Sand City, CA 93955 at least 12 hours prior to the scheduled meeting to allow the City Clerk time to arrange for the requested modification or accommodation

# **AGENDA ITEM**

**2**

# MEMO



**To:** Honorable Mayor and City Council Members  
**From:** Aaron Blair, City Manager  
**Date:** July 29, 2020 (Meeting Date: August 2, 2020)  
**Re:** City Manager Update

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In 2019-2020 the Monterey County Civil Grand Jury produced a final report pertaining to Sexual Harassment Prevention and Training Compliance in Monterey County. The report contained findings and recommendations regarding the City of Sand City which requires a response.

The Report's findings and recommendations focused on the responsibility of local governments to train workplace supervisors in sexual harassment prevention in accordance with Assembly Bill 1825 (AB 1825). In collaboration with the City Attorney, we will be drafting response to be brought back to you at a future meeting, and implementing all stated recommendations based on their finding by the stated deadline. I will reaffirm the value and importance that the City of Sand City places on harassment prevention training and reiterates that the City takes all allegations and complaints of harassment seriously. The City will continue to focus on the values of respect and fairness and provide quality training that includes bystander intervention and workplace civility.

Presentation on tonight's agenda. Art Committee Update. We. murals 2020 - BACKGROUND

- December 18, 2019 Committee Meeting- Shared the idea of having a mural festival with the Art Committee
- January 17, 2020 Committee Meeting - Art Committee walking tour to discuss possible walls and festival timeline and goals. 20 Artist and 10 Walls
- January 2020 – “Hyper Cat” mural painted
- February 28, 2020 Committee Meeting - Art Committee reviewed a deck of 28 non-local potential artist. Local Artist would be discussed at a future date, but we will be including.
- May 2020 – Public Art Policy Adopted by the City Council
- June 16, 2020 Committee Meeting - Art Committee made a date change due to COVID, and reduce to 10 local, regional, and national artist and 5 walls
- July 2020 – Second phase of the “Hyper Cat” mural painted
- July 28, 2020 Committee Meeting - Confirmed all artist (10 / 2 local) and walls (5). Mock-ups due August 15, 2020. Launch Sand City Call for Artist to be part of we. murals which will bring us to 6 walls and 12 artist which 4 are local.
- July 2020 – September 2020 – Sponsors and In-kind donations.

- We. mock-ups and paint supplies list due August 15, 2020. Art Committee approval and City Council Approval
- Sand City Call for Artist due August 21, 2020. Final selection September 2020
- Wall Prep September 19, 2020 – September 26, 2020
- Muralist arrive September 26, 2020 – September 27, 2020
- Muralist painting September 28, 2020 – October 5, 2020

### **Public Works/Engineering**

- Storm water interceptor maintenance contract: RFP (3<sup>rd</sup> quarter)
- CIP-Calabrese Park Improvements A (2<sup>nd</sup> & 3<sup>rd</sup> quarter)
- CIP-Pavement Management Program (3<sup>rd</sup> quarter)
- CIP-Edgewater Habitat Restoration (3<sup>rd</sup> & 4<sup>th</sup> quarter)
- CIP-West Bay Street Repair Project (2<sup>nd</sup> quarter)
  - Extension Granted till 7/1/2020
- CIP-West End SW Improvement Projects (TBD)
  - Contra Costa St. (Grant Funding requested)
  - Catalina St. (Grant Funding requested)
- Sand City Water Supply Project (SCWSP) Phase 1 New Wells (2020)
- CIP-City Hall Electrical Service Updates (2<sup>nd</sup> & 3<sup>rd</sup> quarter)

### **Community Development/Planning**

- CIP-Parking Strategy Plan (Implementation Phase)
- Sustainable Transportation Plan (Implementation Phase)
- Accessory Dwelling Units Code Amendment (3<sup>rd</sup> quarter)
- Short-term rental ordinance workshop (3<sup>rd</sup> quarter)
- Fee schedule Update: Fee Study (3<sup>rd</sup> quarter)
- CIP-Façade Program (On Hold)
- CIP-Public Art Program (2<sup>nd</sup> & 3<sup>rd</sup> quarter)
- CIP- iWorQ: (Implementation Phase)
- Building Services RFP (3<sup>rd</sup> quarter)

### **Finance/Clerk/HR**

- Sales tax initiative: November 2020 Ballot (2<sup>nd</sup> & 3<sup>rd</sup> quarter)
- November Municipal Election
- 2021/22 Budget & CIP Process (4<sup>th</sup> quarter)
- Personnel Manual Revision (3<sup>rd</sup> quarter)

### **Economic Development**

- Art Park Development (2020)
- Carroll Property reuse (2020)
- Ocean View Ave at Fell St. SFD (Under Construction)
- 756 California Avenue (Under Construction)
- 460 Elder Expansion (Permit Review)
- Monterey Bay Shores (Under Construction: On Hold)
- 534 Shasta Commercial Building Expansion (Permit Issued)
- Monterey Bay Collection (Permit Review Coastal Commission)

- Target Remodel (Permit Issued)
- Catalina Lofts (Under Construction)
- Telsa Charging Stations (Edgewater – Permit Review)
- Ashley Home Furniture (Permit Review)
- South of Tioga
  - Development Agreement
  - ~~Quimby Act~~
  - ~~Lincoln and Beech ROW Abandonment~~
  - Community Finance District
  - Sliver properties (Pending)
  - Lot line Adjustment (Pending)
  - Final Map

**Other**

- we. murals (Sept 28-Oct 5)
- Call for Artist – Art park



# **AGENDA ITEM**

**4A**

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

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Regular Meeting – July 21, 2020  
5:30 P.M.

As allowed per the State of California Governor's Executive Order N-29-20, this meeting was conducted by teleconference.

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Mayor Carbone opened the meeting at 5:30 P.M.

The following members of the Council and Staff attended the meeting via Zoom teleconference.

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

Staff: Aaron Blair, City Manager  
Vibeke Norgaard, City Attorney  
Connie Horca, Acting City Clerk  
Charles Pooler, City Planner

**AGENDA ITEM 2, ANNOUNCEMENTS BY MAYOR, CITY ATTORNEY, AND CITY STAFF**

Mayor Carbone announced the funeral services for Mayor Joe Gunter and requested that if any council member would like to attend to let her know.

City Manager Blair reported on the progress of an accessory dwelling unit ordinance amendment and the possibility of holding a council workshop regarding short term rentals. There was Council discussion regarding holding a workshop, garnering public interest, and whether to place the item on the agenda sooner rather than later.

Mr. Blair also provided an update to Council Member Blackwelder regarding the status of the South of Tioga project, his meeting with Matt Nohr, and scheduling a future meeting with the developer, 4Leaf, outside agencies involved with the project, and City staff.

**AGENDA ITEM 3, PUBLIC COMMENT**

5:46 p.m. Floor opened for Public Comment.

There were no comments from the Public in person, via writing or through

telecommunications regarding items not appearing on the agenda.

5:46 p.m. Floor closed for Public Comment.

#### **AGENDA ITEM 4, CONSENT CALENDAR**

- A. There was no discussion of the July 7, 2020 Sand City Council Regular Meeting Minutes.
- B. There was no discussion of the City **RESOLUTION** Honoring Mayor Joseph David Gunter of the City of Salinas.
- C. There was no discussion of the City **RESOLUTION** Consenting to the Termination of the Monterey Peninsula Regional Water Authority Joint Powers Authority.
- D. There was no discussion of the City Donation/Contribution to SNIP Mobile Spay & Neuter for \$500.
- E. There was no discussion of the City **RESOLUTION** to Maintain Current Maximum Service Rates Charged by Greenwaste Recovery for Collection of Franchised Solid Waste, Recycling, and Organics for Fiscal Year 2020-2021 and that Revenue Surpluses be used against Rate Increases in Future Years.

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

#### **AGENDA ITEM 5, CONSIDERATION OF ITEMS PULLED FROM THE CONSENT CALENDAR**

There were no items pulled from the Consent Calendar.

#### **AGENDA ITEM 6, PUBLIC HEARING**

*{Council Member Cruz recused herself from the online meeting due to a possible conflict of interest by residing within 500' of the subject property}*

- A. **Consideration of City RESOLUTION Approving Conditional Use Permit 641 for Monterey Glassworks Authorizing a Glassblowing Workshop, Design Studio, and Showroom with Accessory Office and Storage within the Commercial Unit at 801-B California Avenue**

City Planner Charles Pooler presented an application submitted by Al and Nathan Sambar to establish a glassblowing workshop and design studio with showroom and accessory office and storage within a 3,000 square foot portion of an existing commercial building at 801-B California Avenue. He provided details regarding the site and project description. The unit will be

divided into six operational areas to include hot, warm, and cold shops, along with a fab lab, design studio, and storefront gallery. The applicant intends to provide glass blowing classes during weekday afternoons and/or early Saturday mornings for 1.5 to 3 hours in duration. The applicant's proposed hours of manufacturing activities are 7:00 a.m. to 6:00 p.m. Monday through Friday, with a possible 2<sup>nd</sup> shift from 3:00 p.m. to 11:00 p.m., and 10:00 a.m. to 5:00 p.m. on Saturdays. Staff recommends that manufacturing operations occur between 7:00 a.m. to 6:00 p.m., but would support extended hours to 9:00 p.m. due to the low impact nature of the operation. The permit conditions would allow the City to further limit operational hours if the business should pose a nuisance to surrounding residential dwellings. All shipments/deliveries and loading/unloading activities via large trucks should occur during standard business hours and the permit would limit deliveries by 18-wheeler truck to once per month. The applicant proposes customer and showroom hours to be between 9:00 a.m. to 5:00 p.m., Monday through Friday which staff finds acceptable and compatible within a mixed-use neighborhood. The property provides 8 parking spaces. The applicant's unit requires four on-site parking spaces and there is sufficient on-site parking for the proposed use.

Mr. Pooler also reported on the storage and hazardous materials of the intended operation. The permit would contain the standard language regarding storage, and the use and disposal of hazardous materials. No comments were received from the Fire Department and Monterey County Health Department as part of the application review. The Building Department responded to several use conditions in which the applicant will need to address with the Building Department. There is adequate on-site water credit to facilitate the manufacturing operation and no water allocation from the City is necessary. Stormwater control does not apply to this operation. Staff recommends approval of the conditional use permit for the applicant with the conditions/restrictions proposed by Staff.

The applicants Al and Nathan Sambar commented that they have been involved in glassblowing for 13 years. They plan to manufacture glass work and custom designs for residential and commercial buildings with some tabletop designs for restaurants and private clients. The Sambar's are also connected to the glass works community around the world, and responded to Council Member Hawthorne's inquiry regarding educational history and instructional classes.

6:09 p.m. Floor opened for Public Comment.

There were no comments from the Public in person, via writing or through telecommunications regarding items not appearing on the agenda.

6:10 p.m. Floor closed for Public Comment.

Motion to approve the City **Resolution** approving Conditional Use Permit 641 for Monterey Glassworks Authorizing a Glassblowing Workshop,

Design Studio, and Showroom with Accessory Office and Storage within the Commercial Unit at 801-B California Avenue was made by Council Member Blackwelder, seconded by Council Member Sofer. Roll Call Vote AYES: Council Members Carbone, Blackwelder, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: Council Member Cruz.

The Mayor welcomed Al and Nathan Sambar to the Sand City community.

*{Council Member Cruz returned to the on-line meeting}*

**B. SECOND READING: Consideration of an ORDINANCE of the City of Sand City Replacing the Existing General Purpose Transactions and Use Tax at a Rate of One Percent with a General Purpose Transaction and Use Tax at a Rate of One and One-Half Percent, to be Administered by the California Department of Tax and Fee Administration, subject to the Adoption by the Electorate**

City Attorney Norgaard reported that at the July 7, 2020 Council meeting, the Council approved the First Reading of the ordinance replacing the existing general-purpose transactions and use tax from one percent to one and one-half percent. Staff recommends the Council approve the Second Reading of the attached ordinance.

There were no questions from the Council.

6:14 p.m. Floor opened for Public Comment.

There were no comments from the Public in person, via writing or through telecommunications regarding items not appearing on the agenda.

6:15 p.m. Floor closed for Public Comment.

Motion to waive full reading of an **Ordinance** of the City of Sand City Replacing the Existing General Purpose Transactions and Use Tax at a Rate of One Percent with a General Purpose Transaction and Use Tax at a Rate of One and One-Half Percent, to be Administered by the California Department of Tax and Fee Administration, subject to the Adoption by the Electorate was made by Council Member Sofer, seconded by Council Member Hawthorne. Roll call Vote AYES: Council Members Blackwelder, Carbone, Hawthorne, Cruz, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

Motion to adopt the Second Reading by title only of an **Ordinance** of the City of Sand City Replacing the Existing General Purpose Transactions and Use Tax at a Rate of One Percent with a General Purpose Transaction and Use Tax at a Rate of One and One-Half Percent, to be Administered by the California Department of Tax and Fee Administration, subject to the Adoption by the Electorate was made by Council Member Sofer seconded by Council Member Blackwelder. Roll call Vote AYES: Council Members Blackwelder, Carbone, Hawthorne, Cruz, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

**AGENDA ITEM 7, NEW BUSINESS**

- A. Consideration of City RESOLUTION Approving Placement on the November 3, 2020 Ballot of a Measure to Increase Sand City’s General Purpose Transactions and Use Tax To One And One-Half Percent (1.5%); Requesting that the Monterey County Election Department Consolidate the Election Regarding the Measure with The November 3, 2020 General Election and Provide Necessary Assistance and Services; Authorizing Argument; Directing the City Clerk to take all Necessary Actions to Ensure Placement of the Ordinance on the November 3, 2020 Ballot; and Directing the City Attorney to Prepare and Submit an Impartial Analysis**

City Attorney Norgaard reported that the attached resolution would approve the placement of the ballot measure on the November 3, 2020 ballot and to further consolidate election services with the Monterey County Elections department as well as direction to staff to take actions necessary to ensure placement of the ordinance on the ballot and the city attorney to prepare an impartial analysis. State law requires that the ballot language contain the amount expected to be raised and the duration of the tax to be imposed. The ballot measure language on page 85 of the agenda states *“Shall an ordinance be adopted to increase the rate of a transactions and use tax from one percent (1%) to one and one-half percent (1.5%) on the retail sale of goods in Sand City to generate an estimated \$1,000,000 per year with no termination date to be used to provide general City services?”* Staff recommends approval of the attached resolution.

The Mayor added that the covid-19 pandemic would leave the City in financial difficulty and loss of sales tax revenue. The argument in favor of the measure is contained on page 96 of the agenda packet.

6:21 p.m. Floor opened for Public Comment.

There were no comments from the Public in person, via writing or through telecommunications regarding items not appearing on the agenda.

6:22 p.m. Floor closed for Public Comment.

Motion to approve the City **Resolution** approving Placement on the November 3, 2020 Ballot of a Measure to Increase Sand City’s General Purpose Transactions and Use Tax To One And One-Half Percent (1.5%); Requesting that the Monterey County Election Department Consolidate the Election Regarding the Measure with The November 3, 2020 General Election and Provide Necessary Assistance and Services; Authorizing Argument; Directing the City Clerk to take all Necessary Actions to Ensure Placement of the Ordinance on the November 3, 2020

Ballot; and Directing the City Attorney to Prepare and Submit an

Impartial Analysis was made by Council Member Hawthorne, seconded by Council Member Sofer. Roll call Vote AYES: Council Members Blackwelder, Carbone, Hawthorne, Cruz, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

City Attorney Norgaard reminded the Council of the laws regarding campaign activities and what they may/may not do to promote the ballot measure.

**B. Discussion and Consideration of City's Position on the Potential Acquisition of Monterey Water System and District Boundary Adjustment Draft Environmental Impact Report prepared by the Monterey Peninsula Water Management District**

City Attorney Norgaard provided an update to the Council regarding the history of the Monterey Peninsula Water Management District (MPWMD)'s efforts in November 2018 to perform a feasibility study to take over California American Water system, water rights, and its possible effect in relation to Sand City's desalination plant; and the actions taken by the Mayor, the City Attorney and City Manager in response to the MPWMD DEIR. .

The Council discussed the potential acquisition of the Monterey Water System, draft environmental impact report (DEIR), the City's desalination plant lease, and what the City's position would be in response to the DEIR.

It was recommended by the City Attorney, and agreed by Council Member Hawthorne, that a discussion of the City's lease with Cal Am and the City's position in regards to any negotiations should be discussed in a Closed Session at the next Council meeting, and also stressed the importance of protecting the citizens, businesses, and residents of Sand City.

There was consensus of the Council to continue the discussion of the item to the August 4, 2020 Council meeting.

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

Council Member Hawthorne reported that he contacted the Transportation Agency of Monterey County (TAMC) regarding their upcoming meetings, and was successfully added to the agenda distribution list.

Mayor Carbone commented that she attended the Seaside County Sanitation District meeting on behalf of Council Member Blackwelder and reported that the Ordinance to increase rates was pulled from the agenda.

**D. Upcoming Meetings/Events**

There were no upcoming events reported. The Mayor instructed Staff to research the annual League of California Cities Conference expected to be held some time in October.

#### **AGENDA ITEM 8, CLOSED SESSION**

6:40 p.m.

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

**1) Public Employee Performance Evaluation (Government Code Section 54957)**

**Position: Chief of Police**

**Negotiator: Aaron Blair, City Manager**

7:06 p.m.

**B. Re-adjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with Cal. Gov Code section 54957.1.**

A confidential discussion was held regarding the public employee position of Chief of Police. Direction was given to the City manager to bring the item back to a future council meeting. No action was taken.

#### **AGENDA ITEM 9, ADJOURNMENT**

Motion to adjourn the meeting was made by Council Member Blackwelder, seconded by Council Member Hawthorne. There was consensus of the City Council to adjourn the meeting at 7:08 p.m. to the next regularly scheduled City Council meeting on Tuesday, August 4, 2020 at 5:30 p.m.

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Connie Horca, Acting City Clerk



# **AGENDA ITEM**

**4B**

# Q1 2020



# Sand City Sales Tax *Update*

Second Quarter Receipts for First Quarter Sales (January - March 2020)

## Sand City In Brief

Sand City's receipts from January through March were 23.7% below the first sales period in 2019; much of this decline was caused by missing payments. Excluding reporting aberrations, actual sales were down 1.0%.

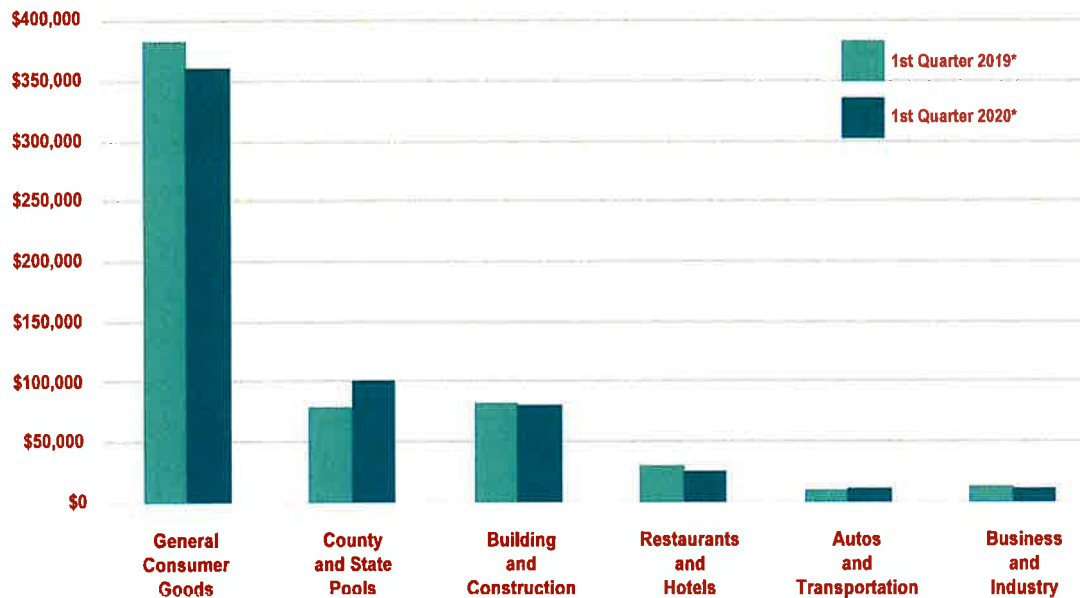
County officials declared a shelter in place mid-March; numerous businesses closed and consequences were significant. Businesses that remained open were subject to restrictions on operating procedures and capacity limitations.

General consumer goods, the City's largest industry group, suffered declines of 5.9% while building and construction declined only 0.8%.

Local district tax Measure J generated an additional \$515,613 this quarter; 3.5% less than the year ago period.

Net of aberrations, taxable sales for all of Monterey County declined 6.1% over the comparable time period; the Central Coast region was down 2.7%.

## SALES TAX BY MAJOR BUSINESS GROUP



\*Allocation aberrations have been adjusted to reflect sales activity

## TOP 25 PRODUCERS

IN ALPHABETICAL ORDER

7 Eleven	Granite Rock
Alameda Electric Supply	Habit Burger Grill
Carmel Stone Imports	Home Goods
Chipotle	Luckys
Coastal Fabrication Company	Marshalls
Consolidated Electrical Distributors	McDonald's
Costco	Office Depot
Ferguson Enterprises	Out Of The Woods
Fisk Paints & Stains & Coatings	Panera Bread
Gene's Import Auto Body	Petsmart
	Ross
	Slakey Brothers
	Target
	Ulta Beauty
	Verizon Wireless

## REVENUE COMPARISON

Three Quarters – Fiscal Year To Date (Q3 to Q1)

	2018-19	2019-20
Point-of-Sale	\$1,995,935	\$1,678,109
County Pool	276,891	303,746
State Pool	1,033	936
<b>Gross Receipts</b>	<b>\$2,273,859</b>	<b>\$1,982,792</b>
Measure J	\$1,971,918	\$1,674,263

**Statewide Results**

With stay at home/non-essential business restrictions in place during the last two weeks of the quarter, local one cent tax revenues for the state overall, were 18.8% lower than January to March of 2019. Taxpayer relief programs accounted for much of the decline with receipts down roughly 3.1% after factoring for payment deferrals and other accounting anomalies.

Severe drops in auto sales, general consumer goods, service stations and restaurants were largely offset by new revenue from implementation of the Wayfair v. South Dakota decision that now requires out-of-state retailers to collect and remit Californian's sales and use tax. Other offsets included a surge in online shopping that boosted receipts from the county use tax allocation pools and from online retailers who maintain and ship their inventory from within California.

The food/drug sector also showed strong gains as did many home supply, dollar and discount stores that remained open during the shutdown.

**New Challenges & Opportunities**

Current indicators suggest that overall tax receipts for the April thru June sales period will bottom out at 27% below the second quarter of 2019. The speed of the rebound in sales activity will be dependent on the availability of adequate testing, treatment therapies and ultimately a vaccine. Until then, physical distancing, COVID-19 protocols and supply chain disruptions will create limitations on some operating capacities and the return to work of all employees. Health fears, discounts and liquidation sales may also keep sales tax revenues below pre-pandemic levels until solutions are in place.

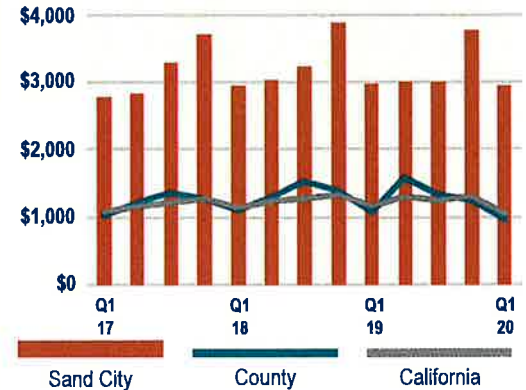
Regardless of when full recovery does occur, reports are that some elements of the economy will be permanently altered. Generation of future tax revenues may require rethinking of local economic strategies.

Over expansion, excessive debt and consumer shifts to online shopping were already resulting in bankruptcies with estimates of up to 25,000 brick-and-mortar store closings by the end of 2020. "Touch and feel" shopping is not going away but retailers see an evolution where in-store shopping is more leisure/recreational oriented with smaller stores offering more show-rooming and delivery/pick-up services. The smaller footprints and lifestyle emphasis offer opportunities to reinstate downtowns and neighborhood centers as economic/social gathering places.

The Pandemic's capture of new online customers and the growing trend of manufacturers and entrepreneurs with new concepts to bypass physical stores and sell directly to the consumer also expands options for agencies without large market populations to generate sales tax through industrial development.

Finally, the Pandemic's disruption of supply chains has also accelerated growing dissatisfaction with overseas arrangements and some reshoring will occur which offers opportunities to leverage a city's existing business base to attract compatible support industries.

**SALES PER ACCOUNT**



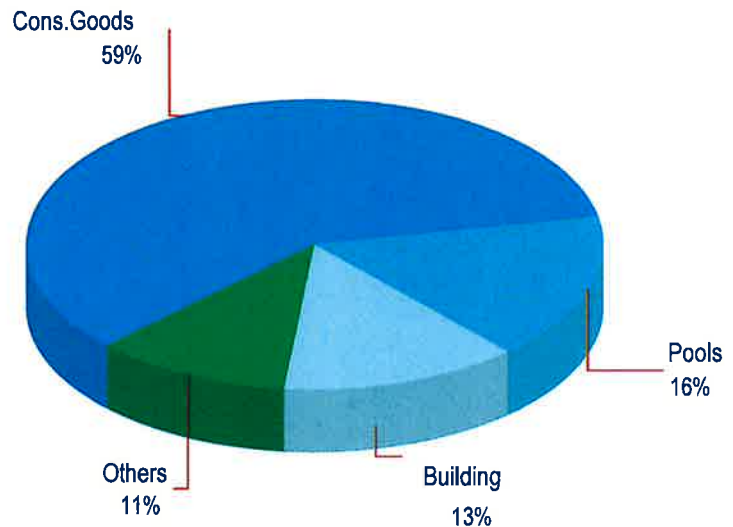
\*Allocation aberrations have been adjusted to reflect sales activity

**COUNTY OVERALL IQ YOY RECEIPTS % CHANGE**

Major Industry Groups	Cash	Adjusted*
Autos and Transportation	-35.7%	-11.7%
Building and Construction	-9.4%	-2.2%
Business and Industry	-42.0%	0.8%
Food and Drugs	-9.3%	5.5%
Fuel and Service Stations	-46.8%	-13.1%
General Consumer Goods	-32.2%	-13.3%
Restaurants and Hotels	-41.1%	-16.4%
County and State Pools	6.1%	17.2%
<b>Total</b>	<b>-29.5%</b>	<b>-6.1%</b>

\*Accounting anomalies factored out

**REVENUE BY BUSINESS GROUP**  
Sand City This Quarter\*



\*Allocation aberrations have been adjusted to reflect sales activity

# **AGENDA ITEM**

**6A**

# CITY OF SAND CITY

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## STAFF REPORT

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JULY 13, 2020  
(For City Council Review on August 4, 2020)

**TO: Mayor and City Council**

**FROM: Charles Pooler, City Planner**

**SUBJECT: Coastal Development Permit for Poe's Plumbing & Backflow**

### **BACKGROUND**

An application for a conditional use permit was submitted by Scott Poe & Judie Hogan of Poe's Plumbing & Backflow (the "Applicant") to operate a plumbing contractor's business for storage and accessory office (the "Applicant's Use") within a 6,164 square foot unit of an existing commercial building at 325 Elder Avenue Unit 3 (portion of APN 011-242-007 & 008) in Sand City (the "Subject Property"). The majority of the site is under the zoning designation of non-appealable Coastal Zone Planned Mixed Use (CZ-MU-P); which requires a coastal development permit for the Applicant's Use. The site's General Plan land use designation is 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:**

The Subject Property consists of two abutting parcels; parcel one (APN 011-242-007) fronting Catalina Street, Elder Avenue, and Ortiz Avenue is 18,750 square feet and facilitates the 18,000 square foot building, and parcel two (APN 011-242-008) is 18,750 square feet (approximate) abutting the hillside along the freeway corridor and fronts Ortiz and Elder Avenues, facilitating thirty-four (currently striped) on-site parking spaces on asphalt pavement. The 1-story commercial building is divided into four units: Area 1 of 5,786 square feet occupied by Camp Transformation, Area 2 of 3,025 square feet (vacant), Area 3 of 6,164 square feet (Applicant's Unit) and a new subdivided Area 4 of 3,000 square feet (vacant). The Applicant's Use would be located within Area 3 fronting Elder Avenue. Areas 3 and 4 were previously occupied by Monterey Bay Restaurant Equipment, a restaurant equipment wholesale business. Utilities (i.e. gas, electric, water, sewer, etc.) are available to serve the building. As part of Camp Transformation's tenant improvements, new curb and sidewalk were installed along the Elder Avenue frontage that is ADA compliant. The Catalina Street frontage has curb, gutter, and street pavement, but the sidewalk pavement is substandard, sporadic, and impeded by non-native landscaping. This frontage is planned to be rebuilt with an intended/scheduled grant funded storm water control and street improvement project for the entire length of Catalina Street. The Ortiz Avenue frontage of the Subject Property consists only of asphalt pavement from building into the street.

## DISCUSSION

### Project Description:

The Applicant intends to operate a plumbing contractor operation within a 6,164 square foot section of an existing multi-unit commercial building. The Applicant's unit will primarily be for office and dispatch with storage of miscellaneous plumbing parts and tools. The Applicant states that there will be no shipments/deliveries to/from the site, and that most inventory items are picked up by employees at part warehouses on an 'as needed' basis. Items to be stored on-site include plumbing repair parts and tools. Stated hours of operation are 8:00 a.m. to 5:00 p.m. Monday through Friday. There are ten (10) employees and ten (10) company vehicles. According to the Applicant, company vehicles are at job sites most of the day and will not be stored at the Subject Property; rather, those vehicles go home nightly with employees (which staff recommends be a condition of the permit - see discussion under 'Parking').

Land Use: The Subject Property has a General Plan land use of "Mixed-Use Development" (MU-D) and a Zoning Map designation of "Coastal Planned Mixed Use". Section 18.26.040(L) of the City's Zoning Ordinance lists 'service commercial' as an allowable use subject to the issuance of a coastal development permit pending review of potential impacts upon a mixed residential/commercial neighborhood. The type and scale of operation described by the Applicant does satisfy the City's Zoning Ordinance definition of 'service commercial' (Municipal Code section 18.04.483).

Hours of Operation: The Applicant's intended hours of operation will be from 8:00 a.m. to 5:00 p.m. Monday through Friday. No weekend hours were identified; however, operation between 10:00 a.m. to 5:00 p.m. on Saturdays would be acceptable and consistent with use permit conditions applied to other such businesses. Any shipments/deliveries to/from the Subject Property should only occur during the aforementioned hours. Office and janitorial activities beyond those hours is acceptable provided they do not create a public nuisance or disturbance to neighboring properties and/or residents.

Parking: The Subject Property provides 34 on-site parking spaces; 18 of which are tandem parking and 2 are handicapped. The current parking layout was a result of re-striping when Camp Transformation occupied Unit 1. There are also twelve (12) on-street parking spaces around the building, three (3) along Ortiz, five (5) along Catalina Street, and four (4) spaces along Elder Avenue; however, spaces along Catalina Street may be reduced or lost as part of the City's storm water and street capital improvement project planned for Catalina Street. The total floor area of the building is 18,000 square feet, which the Applicant proposes to occupy 6,164 square feet. Typically, a 1/700 parking ratio is used for service commercial operations, which would then require nine (9) off-street parking spaces. The site has 34 striped spaces that can accommodate both requirements provided that the Applicant's operational hours and parking demand does not overlap with that of Camp Transformation. The Applicant's intended hours are weekday business hours while Camp Transformation's peak parking demand is early morning and evening hours; so the parking demand for both the Applicant's Use and Camp Transformation do not overlap. This enables the existing on-site parking to accommodate both tenants.

**Company Vehicles** - The Applicant states that there are ten (10) company vehicles that are at job sites during the day and then go home nightly with employees. Those vehicles would visit the Subject Property when needed, but are not intended to be parked/stored on-site at night and weekends. Furthermore, as job-site service employees are commuting via company vehicles, there will not be a demand for personal vehicle parking by those employees. Though the Subject Property has up to 34 on-site parking spaces, most of those spaces are utilized by Camp Transformation during early morning, afternoon, evening, and weekend hours. Satisfying the parking needs for multiple high parking demand uses is problematic for the Subject Property, even though this site has more parking than most other commercial properties in the West End district. Due to this circumstance, and the Applicant's statement that company vehicles go home with employees nightly, staff recommends that the Permit require that no company vehicles be parked on the Subject Property's parking area beyond permit established operational hours (see discussion under 'hours of operation'). However, if the Applicant wishes to park company vehicles inside the building, staff finds that acceptable as it preserves the parking area for the higher demand during the Applicant's non-business hours.

Loading/Unloading: The Applicant states that there will be no shipments/deliveries to or from the site, and that most inventory items are picked up by employees at part wholesale/retail warehouses on an 'as needed' basis. There will be situations where employees will exchange materials and/or equipment on-site between the Applicant's unit and company vehicles. Any such loading/unloading activities at the Subject Property for the Applicant's Use should be restricted to standard daytime business hours (see discussion under "Hours of Operation"). Any deliveries via Federal Express, UPS, or the US Postal Service via box trucks or smaller vehicles with quick drop offs, not anticipated drastically to impose upon traffic circulation, should be allowed without restriction. Any loading/unloading by the Applicant's Use should be prohibited on Catalina Street as that is a primary street thoroughfare.

Storage: Items to be stored on-site include plumbing repair parts and tools. The Applicant does not intend any outside storage, and will maintain all activities and material/item storage within their unit. Staff recommends that be a condition of permit approval. Furthermore, the placement of self-contained portable storage units/containers on-site outside the building, particularly in the parking area, should be prohibited (see draft Permit Condition No. 7) to maintain maximum available parking and avoid blighting influences. The use of storage containers beyond the confines of the building would identify that the interior of the building has become insufficient to accommodate the Applicant's operation and storage needs.

Trash Enclosure: The Subject Property does not provide an enclosure for refuse bins or dumpsters. The site has a history of unauthorized outside storage in the parking area by the former Restaurant Equipment business, which has not been an issue since the departure of Monterey Bay Restaurant Equipment business. An enclosure could potentially be built within the parking area at the back of the building for all tenants use provided no on-site parking is lost or inaccessible. For consistency with other permits and contingency for unanticipated circumstances, staff recommends the permit include

the standard requirement prohibiting the outside/unscreened storage of debris, pallets, waste, etc beyond the confines of the building or a City approved trash enclosure.

**Impacts:** Office and storage activities within the building are not anticipated to create negative impacts such as noise, dust, fumes, or vibrations. Two issues that sometimes occur regarding contractor operations are 1) outside unscreened storage and 2) excessive and/or overflow company vehicle parking during non-business hours. To address the storage concern, staff recommends the permit contain the standard conditions requiring all storage be maintained within the Applicant's building. Furthermore, the permit should prohibit the placement and use of storage containers beyond the confines of the building (see discussion under "storage"). To address company vehicle parking, staff recommends the permit require the Applicant to either park vehicles inside the building or for employees to take their assigned company vehicles home during non-working hours. This is consistent with the Applicant's statement that company vehicles are taken home each evening and will not be parked overnight/weekends at the Subject Property. Daytime parking of company vehicles on-site during business hours as part of conducting business is acceptable; particularly as this rotates parking demand between the Applicant's daytime activities and Camp Transformation's early morning, afternoon, and evening parking needs. Provided that the Applicant can abide by these requirements, the Applicant's Use should not pose a nuisance.

**Signs:** The Applicant does not intend to install a commercial sign at the Subject Property. Establishment of any commercial sign(s) on the Subject Property requires Design Review Committee (DRC) review and approval in the issuance of a sign permit before installation. Staff recommends the permit contain language to that effect. Furthermore, the City's Municipal Code (section 18.66.070(C)(1)) prohibits freeway oriented signs except for wall signs located on street frontage. In effect, this regulation prohibits signs on the west building elevation facing the freeway as there is no public right-of-way between the freeway and the west side of the building.

**Water:**

The proposed contractor office and storage use qualify as a Group I category low water use in accordance with the Monterey Peninsula Water Management District (MPWMD). The Applicant's Use does not have any special water needs. The Subject Property and Applicant's unit have credit based upon a Group I use; therefore, no additional water allocation is required. The permit should contain standard language stating that approval of the permit does not grant the Applicant and/or Subject Property's owner any right or privilege to any allocation of water from the City or other Agency.

**Stormwater Control:**

The Applicant's Use is of an existing building on a developed site, and the Applicant does not intend construction or pavement improvements to the Subject Property that would trigger storm water control requirements. Therefore, storm water control regulations do not apply to this application.



### Advisory Agencies:

Information on the Applicant's project was circulated to the City's advisory agencies. The Building and Fire Departments commented that they have no exceptions to the Applicant's Use, but the Building Department add that if there are any tenant improvements or installation of shelving taller than 5'-9", then a building permit is required. The Sanitation District commented that the Applicant is to contact Monterey One Water to insure sanitary sewer service has been established for the Subject Property. No other comments were received at the time of preparing this report.

### STAFF CONCLUSION & RECOMMENDATION

Though staff is not generally supportive of introducing more contractor or warehouse operations within the West End district of the City, the Subject Property has unique parking issues because of the high parking demand of the current building tenant - Camp Transformation. Due to this site specific situation, staff supports those uses/businesses of the remaining units of this building be low parking demand uses, especially during early morning, afternoon, evening, and weekend hours as to rotate parking demand between tenants and maximize accessibility of on-site parking between tenants.

Therefore, staff recommends **APPROVAL** of the Coastal Development Permit for the Applicant, with the conditions/restrictions proposed by staff and as discussed in this report.

### Findings:

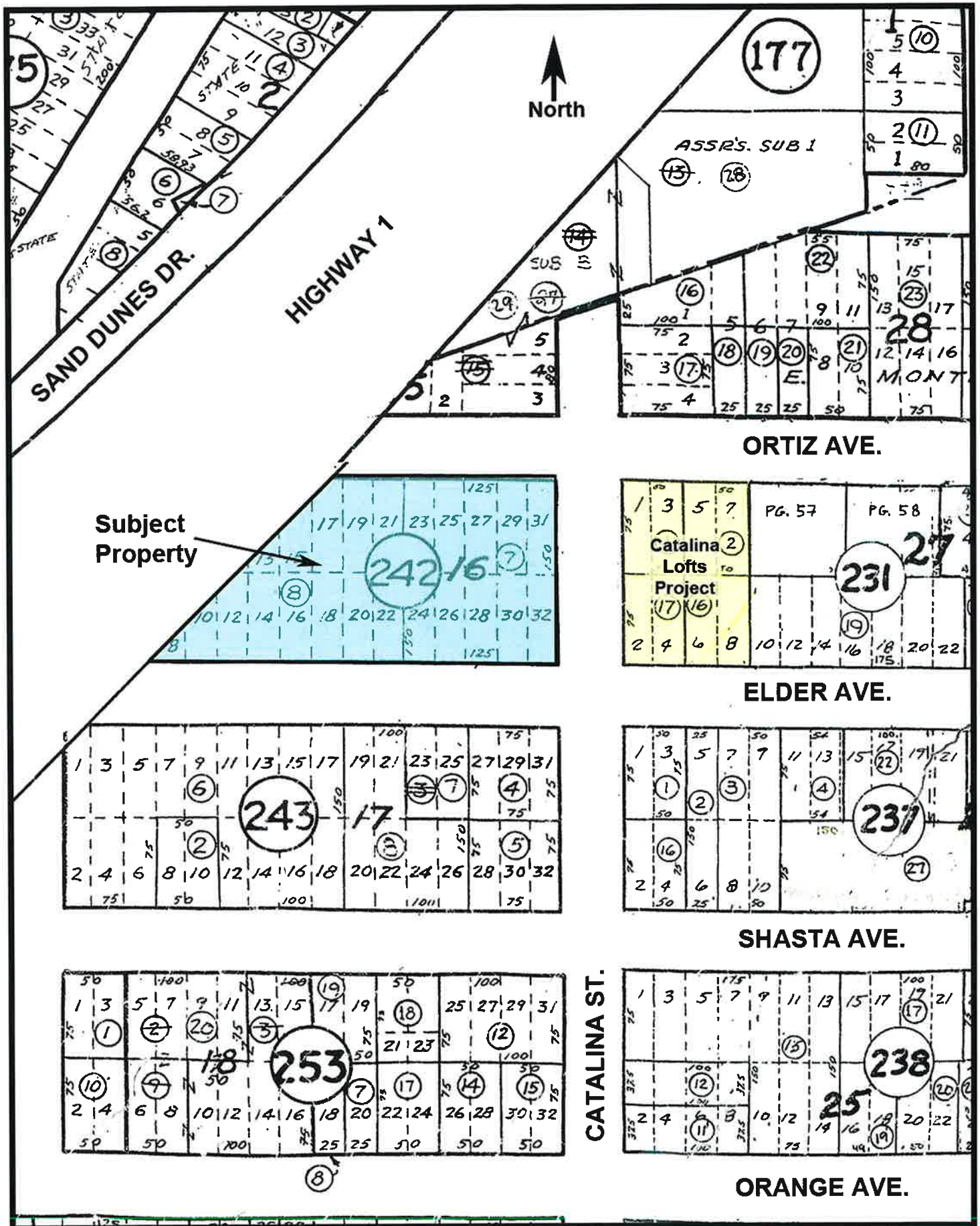
1. The Applicant's Use is of a type, scope, and scale that is compatible with the coastal zoned "Planned Mixed-Use" zoning designation of the Subject Property and surrounding neighborhood.
2. The Subject Property provides thirty-four (34) on-site parking spaces that can sufficiently accommodate the Applicant's use during daytime business hours that do not overlap with peak hour parking demand of the Camp transformation business on the Subject Property.
3. The Subject Property has water credit based on a Monterey Peninsula Water Management District (MPWMD) 'Group I' classification, which is the same group classification for the Applicant's office/storage use; and therefore, no further allocation of water is deemed necessary for the Applicant's Use at the Subject Property.
4. Utilities (electricity, gas, water, sewer, etc.) are sufficiently available to facilitate the Applicant's Use at the Subject Property.
5. In accordance with the Applicant's statement in the 'letter of intent' submitted, no deliveries/shipments are anticipated for this use at the Subject Property; and therefore, no parking/traffic conflicts due to loading/unloading activities are expected.
6. The Project qualifies for a categorical exemption, under State CEQA Guidelines, Section 15301.

### Exhibits:

- A. Location Map
- B. Aerial Map
- C. Site Plan
- D. Floor Plan
- E. Applicant's submitted 'Letter of Intent'.
- F. Mont. Cnty. Hazardous Material Questionnaire

### Attachment:

- Draft Resolution to approve a Coastal Development Permit (CDP)



Location Map



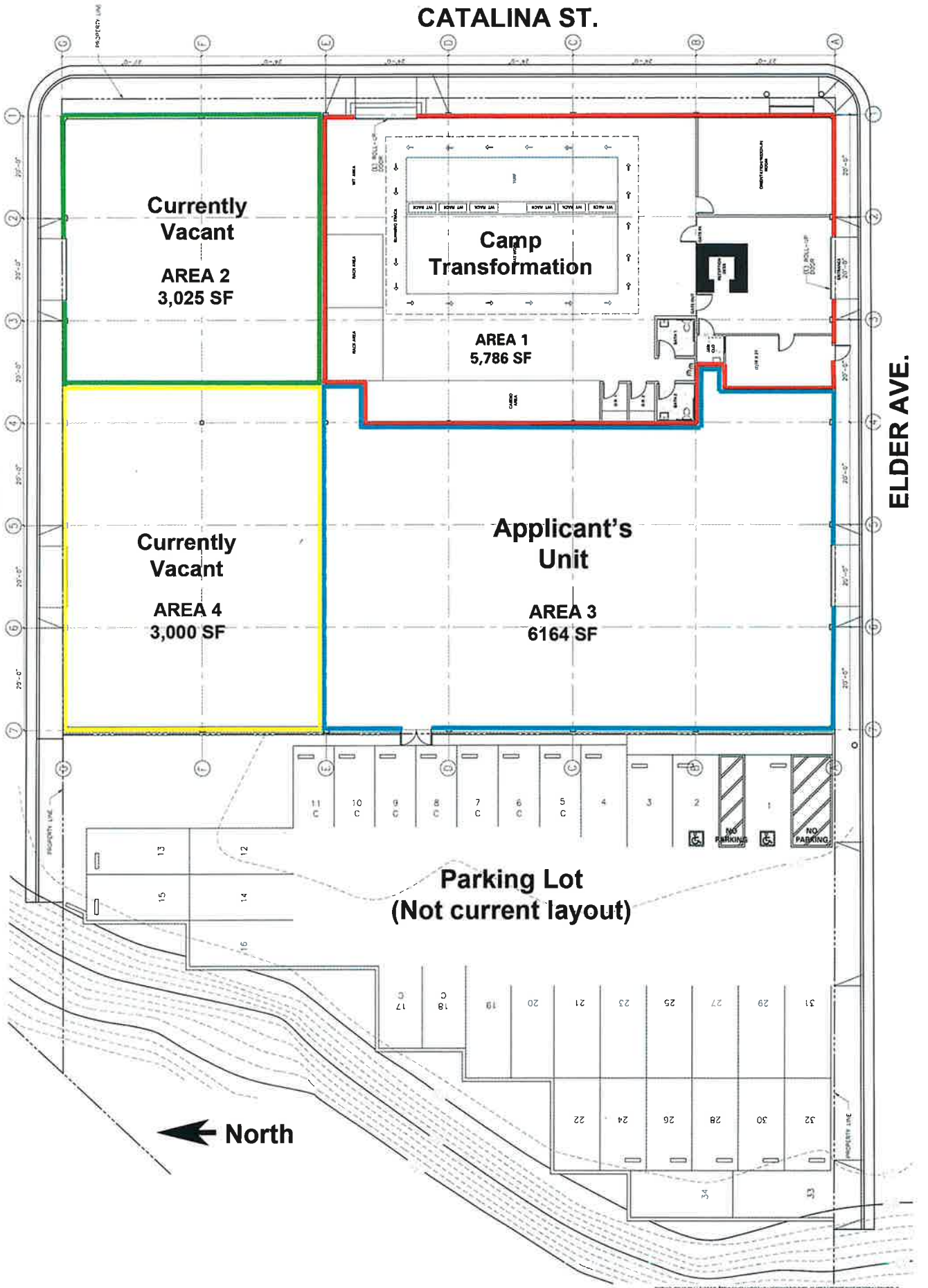
**Aerial Map**

**EXHIBIT B**

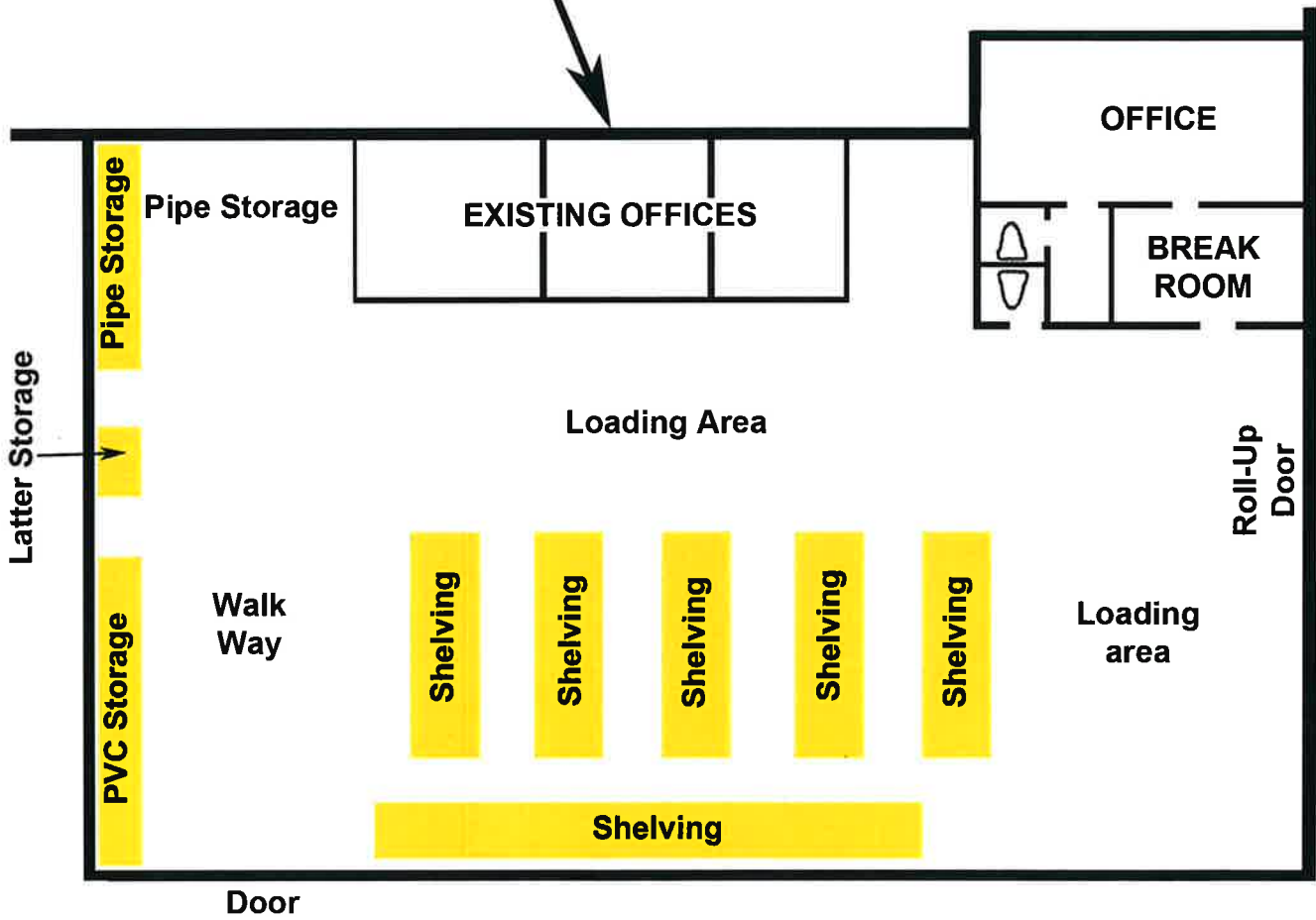
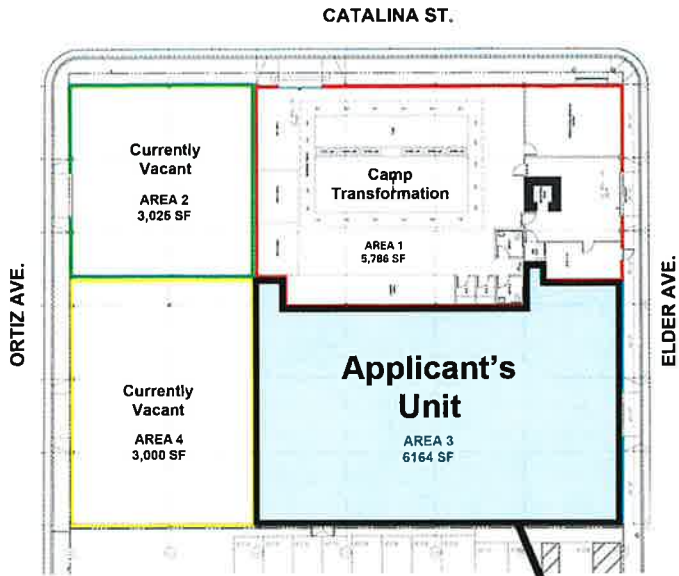
CATALINA ST.

ORTIZ AVE.

ELDER AVE.



# Site & Unit Plan



**Floor Plan - Applicant's Unit**



# POE'S PLUMBING & BACKFLOW

To whom it may concern,

This letter is a letter of intent to operate, Poe's Plumbing & Backflow at 325 Elder Ave. Suite 3- Sand City, California. Poe's Plumbing and Backflow hours of operation are Monday- Friday, 8 a.m. – 5p.m. We have ten employees and ten company vehicles. Our company vehicles are taken home nightly with the employees, and through-out the day are mostly on jobsites with the employees for service. We do not have any set delivery service; most items are picked up by our employees at parts houses. We will store miscellaneous plumbing repair parts, and tools at the property. Location will be used primarily for office, for plumbers to drop off paperwork, store miscellaneous parts and tools needed for plumbing and back flow services.

Sincerely,  
Poe's Plumbing & Backflow



EMAIL



TWITTER HANDLE



TELEPHONE

EXHIBIT E

Monterey County Health Department  
1270 Natividad Road, Room B301  
Salinas, CA 93906  
(831) 755-4511  
Fax (831) 755-8954

Jurisdiction Name Sand City  
Use Permit # CDP 20-01  
Or \_\_\_\_\_  
Building Permit # \_\_\_\_\_  
Contact Name \_\_\_\_\_  
Phone # \_\_\_\_\_

### HAZARDOUS MATERIAL QUESTIONNAIRE

Business Name Poe's Plumbing & Backflow Type of Business plumbing  
Site Location 325 Elder Ave City Sand City APN: 011-242  
Mailing Address 700 C. Maher Court Royal Oaks, CA 95076  
Business Contact Scott Poe 831-710-2204  
Property Owner Surfside Enterprises / Cannery Row Co. 831-649-6690  
Name Phone Number

- 1. Will your business/proposed project be using any hazardous materials such as oil, fuels, solvents, compressed gases, acids, corrosives, pesticides, fertilizers, paints or other chemicals?  
 Yes  No
- 2. Will your business/proposed project be using hazardous materials in quantities of 55 gallons and above for liquids, 500 lbs. and above for solids and/or 200 cubic feet and above for compressed gases?  
 Yes  No
- 3. Will your business/proposed project be using any quantities of acutely hazardous materials such as ammonia, chlorine, sulfuric acid, formaldehyde, hydrogen peroxide, methyl bromide or other restricted pesticides?  
 Yes  No
- 4. Will your business/proposed project be using underground storage tanks to store hazardous materials?  
 Yes  No
- 5. Will your business/proposed project be generating any quantities of hazardous waste such as waste oil, waste solvents, etc?  
 Yes  No
- 6. Will your business/proposed project be emitting any hazardous air emissions?  
 Yes  No

**CERTIFICATION:**

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and belief.

**ANY QUESTIONS REGARDING THIS FORM CAN BE DIRECTED TO:**

Monterey County Health Department  
Division of Environmental Health  
1270 Natividad Road, Room B301  
Salinas, CA 93906  
(831) 755-4511

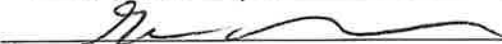
Executed AT:

City, State

Print Name of Owner/Operator:

Scott Poe

Signature of Owner/Operator:



**For Local Jurisdiction Use Only:**

- 1. Is there a known or proposed school, hospital, day care, or long term care facility within 1,000 feet of this site location?  
 Yes  No
- 2. Is there a known or proposed school, hospital, day care, or long term care facility 1/4 mile of this site location?  
 Yes  No

Health Department Clearance

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name and Title: \_\_\_\_\_

Air Pollution District Clearance

Signature: \_\_\_\_\_

Print Name and Title: \_\_\_\_\_

**EXHIBIT F**

CITY OF SAND CITY

RESOLUTION SC \_\_\_\_\_, 2020

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY TO  
APPROVE COASTAL DEVELOPMENT PERMIT 20-01 FOR  
POE'S PLUMBING AND BACKFLOW TO OPERATE A PLUMBING  
CONTRACTOR OPERATION WITHIN AN EXISTING COMMERCIAL  
BUILDING AT 325 ELDER AVENUE**

**WHEREAS**, Scott Poe & Judie Hogan of Poe's Plumbing & Backflow (the "Applicant") submitted an application to the City of Sand City (the "City") for coastal development permit approval to operate a plumbing contractor's storage and office activities (the "Applicant's Use") within a 6,164 square foot unit of an existing commercial building at 325 Elder Avenue, Unit 3 (portion of APN 011-242-007 & 008) in Sand City (the "Subject Property"); and

**WHEREAS**, the Applicant's Use at the Subject Property, at the scale and intensity described in the application and with the appropriate mitigation required, is considered marginally consistent with the non-appealable coastal "Planned Mixed-Use" (CZ-MU-P) zoning designation of the Subject Property and compatible with neighboring properties and uses; and

**WHEREAS**, the high demand for parking by Camp Transformation at the Subject Property during peak morning and evening times makes it imperative to incorporate other land uses and tenants within the remaining units of the Subject Property that have little to no need of parking and/or can alternate their parking usage at times to interchange parking demand at opposing hours of the day/evening; and

**WHEREAS**, the Subject Property provides thirty-four (34) on-site parking spaces that can sufficiently accommodate the Applicant's use during daytime business hours that do not overlap with peak hour parking demand of Camp Transformation; and

**WHEREAS**, the Subject Property and Applicant's unit have water credit based upon the Monterey Peninsula Water Management District's (MPWMD) Group I classification, which is the same as the Applicant's Use; and therefore, no further water allocation for the Applicant's Use of the Subject Property is deemed necessary; and

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

**WHEREAS**, the City Council of the City of Sand City, on \_\_\_\_\_, 2020, has found and determined that the Applicant's Use of the Subject Property, 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 thus Coastal



Development Permit 20-01, (hereinafter referred to as "CDP 20-01") shall be granted upon the conditions hereinafter set forth in this resolution and CDP 20-01; and

**WHEREAS**, the City Council of the City of Sand City has accepted the findings for approving CDP 20-01, as outlined in the City staff report, dated July 13, 2020.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Sand City to hereby grant and issue CDP 20-01 upon the following terms and conditions:

1. Execution & Acceptance: CDP 20-01 is not valid, and the Applicant's Use of the Subject Property shall not commence unless and until two copies of this Resolution/Permit, signed by the Applicant and owner of the Subject Property, acknowledging receipt of CDP 20-01 and acceptance of the terms and conditions therein, is returned to the City's Planning Department. Failure to return said signed/executed CDP 20-01 may be sufficient grounds for City termination of CDP 20-01.
2. Purpose: CDP 20-01 is for the express purpose of authorizing a plumbing contractor's equipment and material storage and office activities, at the scope and scale described in the Applicant's application, within an approximate 6,164 square foot commercial building at 325 Elder Avenue (011-242-007 & 008); subject to the terms and conditions specified in CDP 20-01. Residential occupancy of the Applicant's unit on the Subject Property is prohibited. There shall be no expansion to the scope or intensity of the Applicant's Use beyond that as authorized by CDP 20-01 without either an amendment of said Permit or the issuance of a new land use entitlement permit.
3. Hours of Operation: Hours of operation for the Applicant's Use at the Subject Property may only occur 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. All activities associated with the Applicant's Use, including loading/unloading activities, at the Subject Property shall only occur within these aforementioned permitted hours of operation, and such activities are prohibited on Sundays. Office and/or janitorial activities on-site by the Applicant may extend beyond the aforementioned hours/days provided that the Applicant's unit is not open to the public and such activities do not pose a public disturbance/nuisance.
4. On-Site Parking: A minimum of thirty-four (34) on-site parking spaces shall be maintained on the Subject Property and shared between all tenants of the commercial building on the Subject Property. The Subject Property's owner and/or property manager shall be responsible for managing parking and addressing and resolving tenant disputes regarding on-site parking, provided City zoning and permit requirements are met to the satisfaction of the City. On-site parking spaces shall not be utilized by the Applicant's Use for any purpose that impedes vehicle parking. Failure to maintain these spaces for vehicle parking by the Applicant's Use shall be sufficient reason for the City to terminate CDP 20-21. The Applicant is prohibited from parking any non-operational vehicles on the Subject Property. Any vehicle parking by and for the Applicant Use shall not double park as to encroach into public rights-of-

way, including public sidewalks. The Applicant shall not park and/or store any hitch or other type of trailer outside the building on the Subject Property or within any City public right-of-way unless actively involved with loading/unloading activities.

5. Company Vehicles: There shall be no company vehicle(s) from the Applicant's Use parked on the Subject Property's parking area or on any City street outside of CDP 20-21 established operational hours (see Permit Condition No. 3). The Applicant may park company vehicles inside the building during non-operational hours provided all applicable fire and building code(s) are satisfied.
6. Truck & Trailer Street Parking: In accordance with Sand City Municipal Code (the "SCMC") Chapter 10.08, the Applicant shall not park or store trucks, trailers, or other large vehicles, as listed in SCMC Chapter 10.08, within any City street at any time unless actively involved with loading/unloading or otherwise has a valid City issued annual parking permit. Violation of this condition may result in the issuance of citations in accordance with SCMC Chapter 10.08.
7. Loading/Unloading: All loading/unloading of items associated with the Applicant's Use at the Subject Property shall only occur during Permit specified hours of operation (see Permit Condition No. 3). The Applicant's Use is prohibited from conducting any loading and/or unloading activities on Catalina Street, nor shall such activity impede vehicular travel on Ortiz Avenue and Elder Avenue.
8. Storage: All materials, parts, tools, equipment, packaging, pallets, and/or any other item associated with the Applicant's Use, stored on the Subject Property, shall only be stored within the building, and such items are prohibited from being stored on-site beyond the confines of the building. Any materials stored/used on-site, that may pose a hazard, shall comply with all requirements of the Monterey County Health Department and the City's Fire Department. The placement of a self-contained portable storage unit/pod on-site, beyond the confines of the building, is hereby prohibited; and the need of the Applicant to do so shall be considered by the City as justification that the Applicant's Use has expanded beyond the Subject Property's ability to sufficiently accommodate the Applicant's Use; and thus be sufficient reason for the City to amend or terminate CDP 20-01.
9. Property Maintenance: The Subject Property shall be maintained in a clean, orderly, weed-free, and litter-free condition. There shall be no storage of waste material or debris on-site, except as otherwise allowed by CDP 20-01. The Applicant and/or the Subject Property's owner shall be responsible for maintenance and upkeep of the Applicant's leased/occupied area of the Subject Property.
10. General Waste: Trash, litter, boxes, crates, pallets, debris, and/or other used and/or discarded materials generated/used by the Applicant's Use shall be stored in an appropriate waste collection bin or dumpster. Except on a designated trash collection day, said bin(s) or dumpster(s) shall be stored/maintained within the building or within a City approved enclosure; however, bin(s) or dumpster(s) shall not occupy or impede on-site parking or any public right-of-way. An enclosure may be established on the

Subject Property only after approval by the City's Planning Department. The Applicant shall work and coordinate with the City's franchised waste hauler to implement material recycling and recovery as part of the Applicant's use to the maximum degree feasible.

11. Hazardous Waste: Any and all hazardous materials and/or waste used/generated by the Applicant's Use shall be legally stored and disposed of in accordance with the regulations of the City, the County of Monterey, and the State of California. The Applicant shall concede to any direction of the City's Fire Department, City Code Enforcement Officer, and/or the Monterey County Health Department regarding the storage and/or handling of hazardous materials on the Subject Property. Any illegal material storage, dumping, and/or disposal shall be sufficient grounds for City termination of CDP 20-01.
12. Signs: Any commercial sign on the exterior of the building or anywhere on the Subject Property, identifying and/or serving the Applicant's Use, shall be reviewed and approved by the Sand City Design Review Committee (DRC) in the issuance of a sign permit prior to the establishment of any sign such as at the Subject Property. Signs attached to the building shall also obtain a City building permit prior to installation of said sign. In accordance with Sand City Municipal Code section 18.66.070(C)(1), there shall be no sign established on the building's west elevation. The Applicant shall not place any free-standing sign anywhere within City limits without City Planning Department approval.
13. Water Runoff: The Applicant's Use shall not create water run-off within the City in accordance with SCMC Chapter 13.05 regarding Storm Water Management. There shall be no washing of vehicles on the Subject Property or within any public right-of-way by the Applicant or Applicant's Use.
14. Water: Issuance of CDP 20-01 does not grant the Applicant and/or Subject Property's owner any right or privilege to any allocation of water from the City of Sand City or other entity. The Applicant's Use shall be limited to that water credit currently available to the Subject Property, in accordance with the regulations of the Monterey Peninsula Water Management District (MPWMD).
15. Local/Regional Compliance: All requirements of the City's contracted Building and Fire Departments, the City Engineer, the Sand City Police Department, the Sand City Code Enforcement officer(s), the Seaside County Sanitation District, Monterey One Water (formerly 'Monterey Regional Water Pollution Control Agency'), and Monterey County Health Department, shall be implemented to the satisfaction of each department and inspector thereof.
16. Air District: The Applicant shall be responsible for complying with applicable rules and regulations of the Monterey Bay Air Resources District. Failure to comply shall be sufficient grounds for City termination of CDP 20-01.

17. Fire Department: The Applicant's use of the Subject Property, as authorized by CDP 20-01, must conform to storage and operational requirements specified in the California Fire Code and to the satisfaction of the City's Fire Department inspector. The Subject Property shall be available and open for Fire Department and/or City code enforcement inspections. Failure to comply with Fire Inspector and/or code enforcement requirements may be sufficient grounds for City issuance of a 'Cease and Desist' order for closure of the Applicant's Use and City amendment or termination of CDP 20-01.
18. Nuisance: The Applicant's use of the Subject Property shall be conducted as to not constitute a nuisance to abutting units, surrounding properties, and/or the occupants thereof. The Applicant shall be considered responsible for the impacts created by the Applicant's Use and activities. The Applicant shall implement all mitigation necessary to inhibit any noise, vibration, dust, fumes, odors, overflow parking, and/or other negative impacts that the Applicant's Use may or will generate. If the City Council finds at any time that the Applicant's Use and any activity associated thereof on the Subject Property constitutes a nuisance, or is otherwise detrimental to the neighborhood or to the community, such use shall be discontinued or modified as may be required by the City. Failure to effectively implement mitigation required by this Permit, or other direction/notification by the City deemed necessary to abate negative impacts generated by the Applicant's Use, may be adequate grounds for the City to amend or terminate CDP 20-01. Failure to comply with such City direction may result in the amendment or revocation of CDP 20-01.
19. Violation/Termination: If the City determines that any term or condition of CDP 20-01 has been violated, and/or the Applicant's Use at the Subject Property constitutes a nuisance or is otherwise detrimental to neighboring units, properties, and/or community, written notice shall be issued by the City to the Applicant, that if such violation is not corrected or removed within a specified time, a public hearing may then be scheduled where the City Council may consider amending or revoking CDP 20-01, and may then order said Permit amended or revoked. The Applicant and the Subject Property's owner/manager shall be notified of any such public hearing, and provided an opportunity to address the City Council prior to any action by the City Council to amend or terminate CDP 20-01.
20. Interpretation: Any questions of intent or interpretation regarding any condition of CDP 20-01 shall be subject to, and resolved by, the Sand City Planning Department.
21. The issuance of CDP 20-01 shall not supersede or override any applicable requirements of any other City, County, State, or Federal agency.
22. Indemnity: To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees, contractors, and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the Applicant to attack, set aside, or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City for its actual attorney's fees and costs incurred in

defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.

23. Business License: The Applicant shall acquire, maintain, and annually renew a Sand City business license for the duration of the Applicant's Use at the Subject Property. Failure to maintain a current Sand City business license may be sufficient grounds for termination of CDP 20-01.

**PASSED AND ADOPTED**, CDP 20-01, inclusive of all specified conditions/requirements for the Applicant's Use at the Subject Property, is hereby approved by the City Council of Sand City, this \_\_\_\_ day of August, 2020, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_  
Connie Horca, Acting City Clerk

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

This is to certify that Coastal Development Permit 20-01 contains the conditions specified by the City Council in approving said Permit.

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

**APPLICANT ACCEPTANCE (CDP 20-01)**

Coastal Development Permit 20-01 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 (CDP 20-01)**

Consent is hereby granted to the permittee to proceed with the City approved use, in accordance with the terms and conditions of Coastal Development Permit 20-01.

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

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

**AGENDA ITEM**

**7A**



# City of Sand City

Agenda  
Item

7A

## Staff Report

**TO:** Honorable Mayor and City Council Members  
**FROM:** Aaron Blair, City Manager  
**DATE:** July 29, 2020 (Meeting date: August 4, 2020)  
**SUBJECT:** Discussion and Approval of a local Call for Artist for a mural located within the West End as part of the we. murals 2020

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### Discussion:

As shared in the past, I highly encourage the use of arts-based initiatives such as murals to encourage a sense of magnetism, promote reinvestment, and create a shared cultural experience for the community. Murals play an intricate role in conveying the history of our community, beautifying the City, and advancing the arts.

As part of the goal of encouraging and supporting local artist and muralist, the Sand City Art Committee is desiring to seek proposals from local Monterey Peninsula artists, preferably artist within Sand City, to submit mural proposals that will celebrate the history and culture of Sand City, its residents, and the larger community. The selected mural will be displayed in the City's Art Park (currently under consideration), and stand as the first of a tradition of art created by the community, for the community, and proudly displayed in a space dedicated entirely to the community. The proposed "Call for Artist" is attached as Exhibit A.

For the Fiscal Year 2020-2021 Sand City has already dedicated revenue in its budget to be used for a mural festival known as "we." The process for selection of artists and sites for that festival has been underway since March 2020. The City Manager has and will continue to ensure all agreements required under the Public Art Policy are in place for all public murals including the "we." festival. He will further ensure that all final renderings including this "Call for Artist" will receive Art Committee and City Council approval prior to installation.

**CEQA:** This action does not constitute a "project" as defined by the California Environmental Quality Act (CEQA) guidelines section 15378.

### Fiscal Impact:

The we. mural festival expenses were previously approved thus there is no additional fiscal impact associated with this item.

**Recommendation:**

Staff recommends that the City Council discuss and approved the local "Call for Artist".





## CALL FOR ARTISTS (RFP)

**DEADLINE:** Applications must be received at City Hall, Sand City by August 19, 2020 at 11:59pm to be considered.

**SUMMARY:** The Sand City Public Art Program uses arts-based initiatives to encourage a sense of magnetism, promote reinvestment, and create a shared cultural experience for the community. Murals play an intricate role in conveying the history of our community, beautifying the City, and advancing the arts.

**PROJECT DESCRIPTION:** The Sand City Art Committee is seeking proposals from local Monterey Peninsula artists, preferably artist within Sand City, to submit mural proposals that will celebrate the history and culture of Sand City, its residents, and the larger community. Artists who have experience designing projects with a similar budget and scope are encouraged to apply. The selected mural will be displayed in the City's Art Park (currently under development), and stand as the first of a tradition of art created by the community, for the community, and proudly displayed in a space dedicated entirely to the community. The location is a smooth wall, approximately 9' by 10'.

**EVALUATION CRITERIA:** The selection of an artist, or artist team, will be based upon

- Artistic merit of the design (Artistic excellence, creativity and originality of the project's concept).
- Appropriateness of the design for the location, including the scale, content, color and design in relation to the site.
- Artist's qualifications. (The aesthetic quality of the artist's past work, including content, craftsmanship, uniqueness and relevance to its environment as well as the artist's demonstrated ability to translate art concepts into durable and safe materials that can withstand long-term exposure in an outdoor environment)
- Originality of the design. Designs that show a connection/relationship to Sand City is preferred, but not a requirement. Please avoid literal interpretive themes of historic or political nature.

All applicants must read and acknowledge acceptance of the terms of the City's public art contract as found at <https://www.sandcity.org/business/west-end-artist-communiy> prior to responding to this RFP:

**Note:** The terms of the contract are non-negotiable and failure to accept the terms of the contract will result in disqualification from the project at the proposal phase. Selected artists will be required to waive their rights of integrity to commissioned artwork as pertains to its removal or repair as set forth in the California Art Preservation Act and the Visual Artists Rights Act.

**SELECTION PROCESS:** All submitted proposals will be reviewed by City Staff to ensure completion of application. The top two (2) complete applications based on online public voting and a review by the Sand City Art Committee will be forwarded as a recommendation to the City Council for final selection. The successful submission will be awarded \$2,000, inclusive of the design and painting supplies.

**TIMELINE:**

- August 19, 2020, 11:59pm Deadline for submission of proposals.
- August 20, 2020 – August 23, 2020 Online public voting
- Week of August 24, 2020 Art Committee Review, review of online voting, and recommendation
- September 1, 2020 City Council selection
- Week of September 7, 2020 contracting of the artist/artist team.
- The piece will be installed over a week from September 28, 2020 through October 4, 2020. No time extensions will be given.

The mural will be a part of the City's first annual we. street and public art festival\*. The festival will bring together two artists on one wall to celebrate and merge their individual styles, creating unique public masterpieces for all to enjoy. The festival will build the foundation for the most accessible public art gallery on the peninsula and produce quality art that creates conversation and allows artists to fully express themselves. It will be a thoughtful and intentional mix of national and international artists who have a solid following and something to say. The curation of each artist and artist pairing will be intentional and designed to put artists together who may not have had or will have the chance to work together.

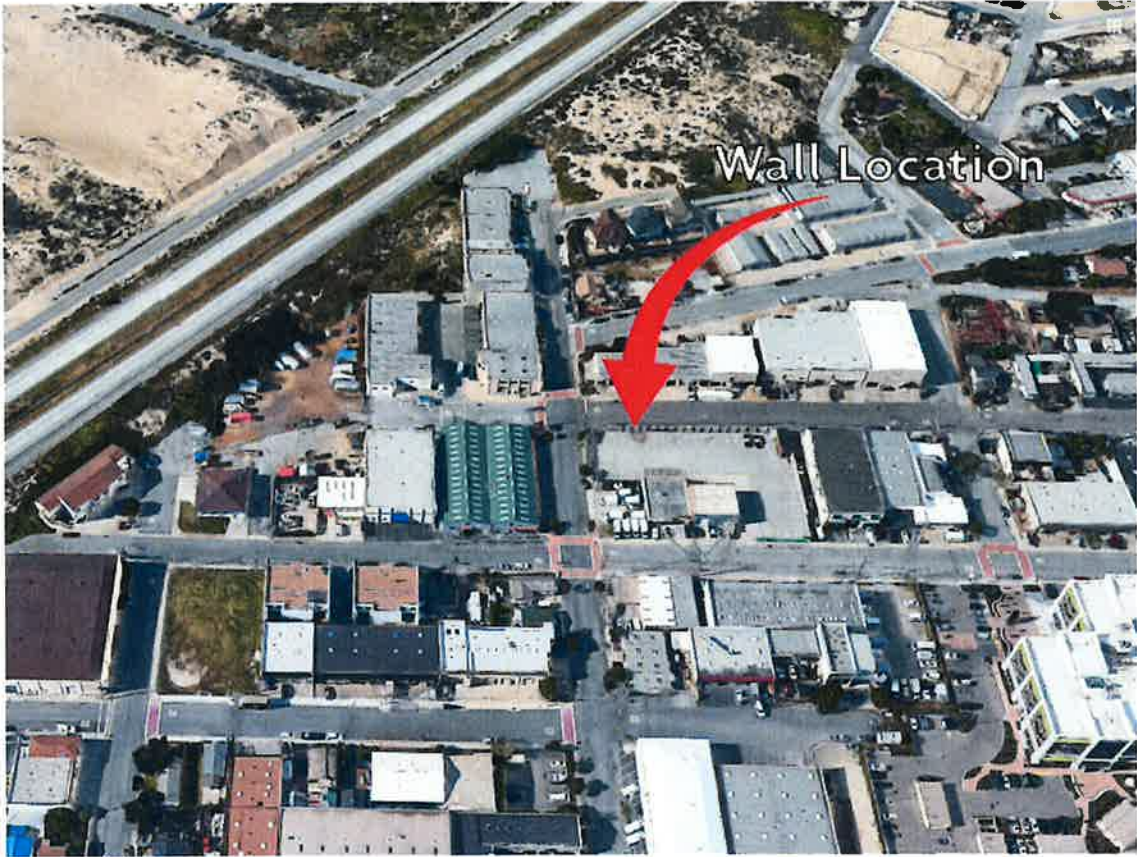
**SUBMISSION GUIDELINES:** Multiple designs may be submitted and must include:

- A preliminary concept drawing and narrative. The narrative should convey the artistic intent, colors, style of work, etc.
- Contact Information
- Examples of other relevant works and/or reviews of similar work.

Please submit proposals by August 19, 2020 by 11:59pm to:

Sand City Mural Project  
c/o Shelby Gorman  
1 Pendergrass Way Sand City, CA 93955  
Or email: [shelby@sandcityca.org](mailto:shelby@sandcityca.org)

\*NOTE: Due to COVID-19 restrictions all ancillary activities associated with the we. street and public art festival have been cancelled for 2020.





**SUBMISSION FORM**

**CONTACT INFORMATION**

Artist 1 Name \_\_\_\_\_

Current City \_\_\_\_\_ Hometown \_\_\_\_\_

Artist 1 Phone \_\_\_\_\_ Email \_\_\_\_\_

Artist 2 Name \_\_\_\_\_

Current City \_\_\_\_\_ Hometown \_\_\_\_\_

Artist 2 Phone \_\_\_\_\_ Email \_\_\_\_\_

**ARTWORK INFORMATION**

Title \_\_\_\_\_

Description \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please attach:

- Examples of previous work
- A scale mockup, in color
- List of supplies

SAND CITY, CALIFORNIA

we!



# BACKGROUND

December 18, 2019- Art Committee discussed the desire for a mural festival, sponsorship of said event, and the need for an organization with the unique experience to oversee such an event.

January 17, 2020- Art Committee walking tour to discuss possible walls and festival timeline and goals. 20 Artist and 10 Walls. So-Gnar Creative Introduction, Artist Procurement and Curation Background, and large-scale public mural experience.

*January 2020 – “Hyper Cat” mural painted*

February 28, 2020- Reviewed a deck of 28 non-local potential artist. Local Artist would be discussed at a future date, but we will be including. Art Committee recommends approval of West End Mural Festival Artist Procurement and Curation Service Agreement with So-Gnar Creative based on their unique qualifications.

*March 2020 - West End Mural Festival Artist Procurement and Curation Service Agreement – City Council  
May 2020 – Public Art Policy Adopted - City Council*

June 16, 2020- Art Committee made a date change due to COVID, and reduce to 10 local, regional, and national artist and 5 walls.

*July 2020 – Second phase of the “Hyper Cat” mural painted*

July 28, 2020- Art Committee confirmed all artist (10 / 2 local) and walls (5). Mock-ups due August 15, 2020. Art Committee recommends a LOCAL Call for Artist to be part of we. which will bring us to 6 walls and 12 artist which 4 are local. \* Before you tonight



# TIMELINE GOING FORWARD

July 2020 – September 2020 – Sponsors and In-kind donations.

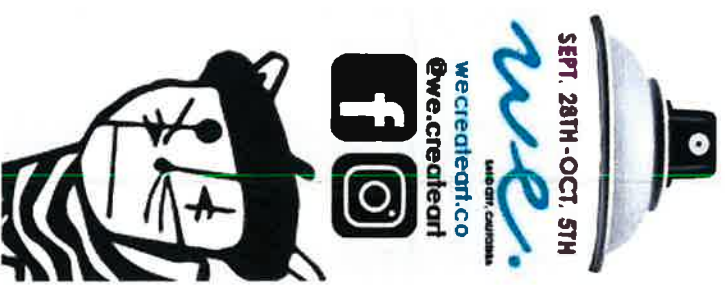
We. mock-ups and paint supplies list due August 15, 2020. Art Committee and Property Owner approval and then City Council Approval

Sand City Call for Artist due August 21, 2020. Final selection September 2020

Wall Prep September 19, 2020 – September 26, 2020

Muralist arrive September 26, 2020 – September 27, 2020

Muralist painting September 28, 2020 – October 5, 2020



SAND CITY, CALIFORNIA



SEPT. 28TH - OCT. 5TH

# 5 WALLS 10 ARTIST

Amanda Valdes . Hannah Eddy  
Casey Kawaguchi . Hiero Veiga  
Kenton Hoppas . Bryan Gage  
Pat Milbery . Nathan Brown  
Thomas "Oetour" Evans & more



Come join us (specially distanced of course)  
and watch the artists paint live in the West End!



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@we.createart



SEPT. 28TH - OCT. 5TH

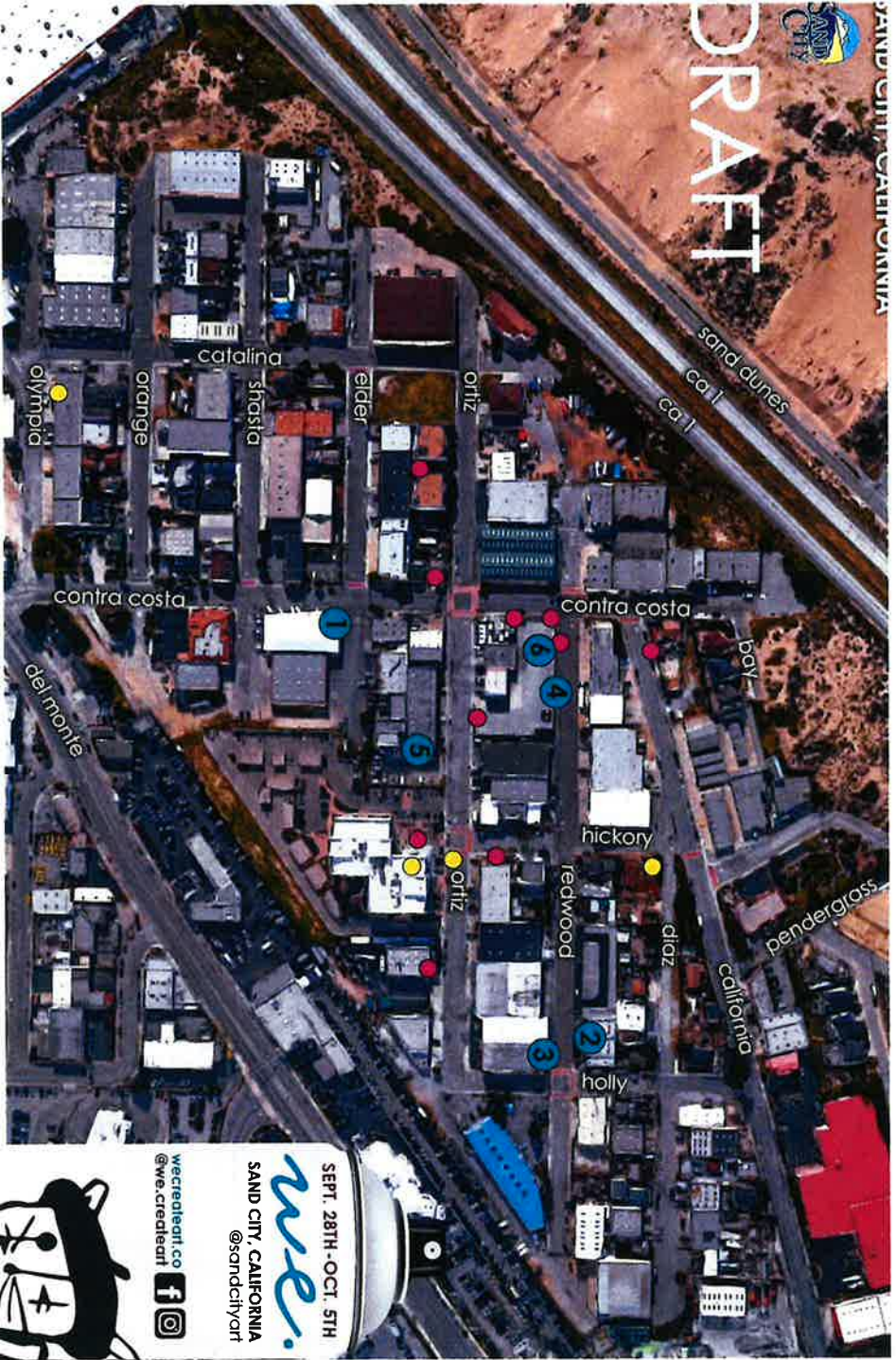


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DRAFT



we. murals 2020

- 1 Amanda Valdes . Hannah Eddy
- 2 Casey Kawaguchi . Nathan Brown
- 3 Hiero Velga . Thomas Evans
- 4 Kenton Hoppas . Bryan Gage
- 5 Pat Milbery . Andrea Von Bujdoss
- 6 Sand City Artist 1 . Artist 2

- Existing art & murals
- Community Garden
- Sweet Elend's Bakery
- Food Truck
- Post No Bills Craft Beer

SEPT. 28TH - OCT. 5TH  
 SAND CITY, CALIFORNIA  
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SEPT. 28TH - OCT. 5TH

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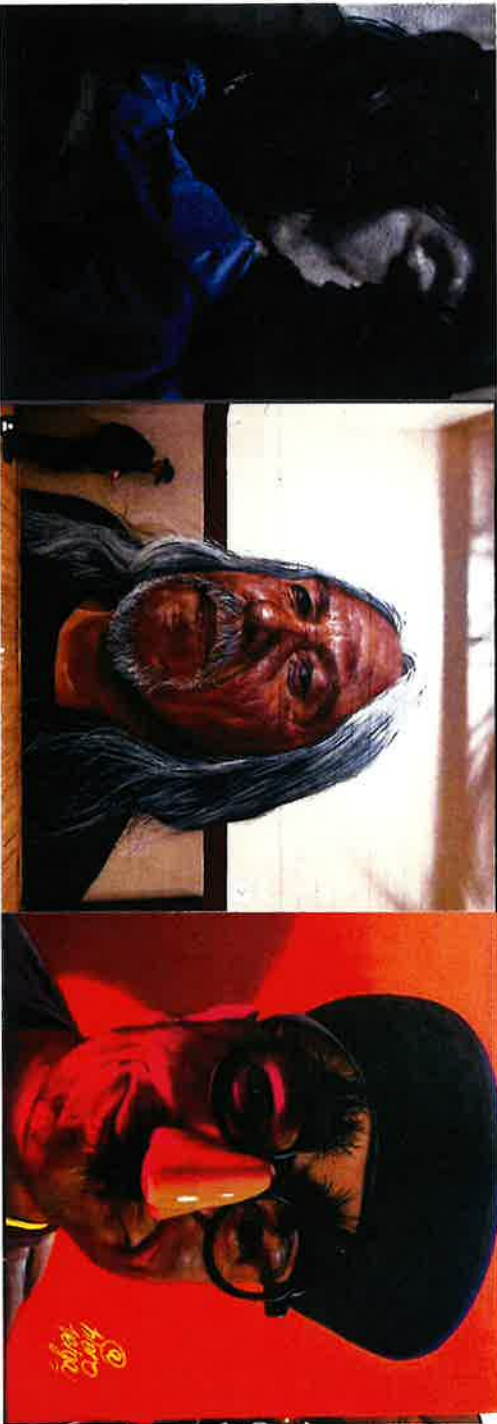


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LAB ORG, CALIFORNIA  
**w.e.**  
SEPT. 28TH - OCT. 5TH



Thomas Evans



Hiero Veiga



SEPT. 28TH - OCT. 5TH

*w.e.*

LAB OFF, CANTONMA

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f i



Amanda Valdes



Hannah Eddy

SEPT. 28TH - OCT. 5TH  
 we.  
 LAB ORT, CALIFORNIA  
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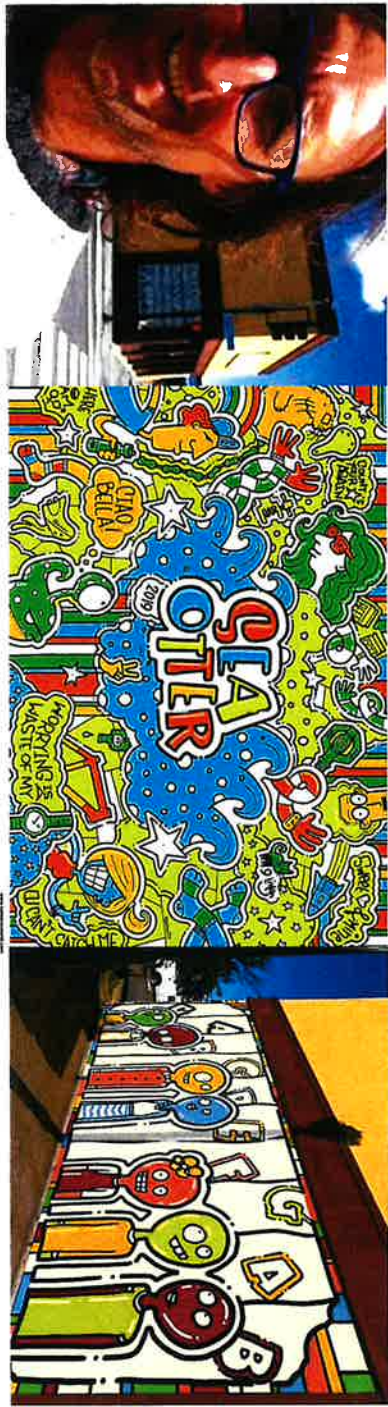
Pat Milbery



Andrea Von Bujdoss



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Kenton Hoppas



Bryan Gage

SEPT. 28TH - OCT. 5TH

**w.e.**  
LAND ART, CALIFORNIA

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Casey Kawaguchi



Nathan Brown

SEPT. 28TH - OCT. 5TH

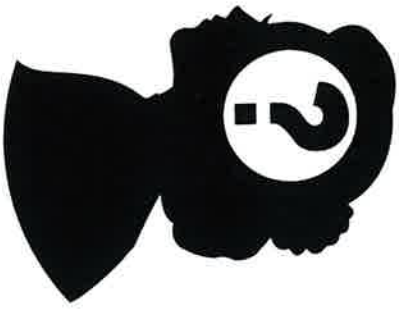
**we.**

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LAKE CITY, CALIFORNIA



Local Artist 1



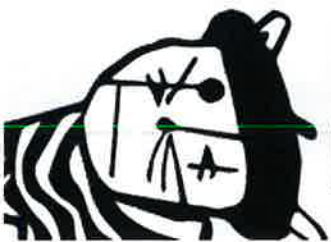
Local Artist 2



SEPT. 28TH - OCT. 5TH

*w.e.*  
WALL ART, COUNCIL

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**AGENDA ITEM**

**8A**



## STAFF REPORT

Agenda  
Item

8A

**DATE:** June 23, 2020  
**TO:** Honorable Mayor and City Council Members  
**FROM:** Shelby Gorman, Administrative Assistant  
**SUBJECT:** Approving the Application for Per Capita Grant Funds

---

### RECOMMENDATION

Adopt a resolution approving the application for Per Capita Grant Funds (Attachment A).

### BACKGROUND

Funds are available from the State of California for local park rehabilitation, creation, and improvement grants to local governments on a per capita basis.

City staff will implement the funds to renovate the existing Calabrese Park to include the replacement of current dilapidated park equipment (installed in 1999), the addition of park equipment for children under the age of six, the replacement of the boardwalks, the replacement of the woodchips with a rubberized surface, the replacement of the surrounding fences, and the replacement of benches.

Applications are due December 2020.

Funds are awarded at the beginning of the calendar year 2021.

Projects are to be completed by March 2024.

### ENVIRONMENTAL (CEQA) CLEARANCE

Renovation of the existing Calabrese Park, as discussed in this report, qualifies for a Categorical Exemption per the following CEQA (California Environmental Quality Act) Guidelines. CEQA Guideline section 15301 (Class 1) for repair and maintenance and minor alteration of existing public structures and facilities and topographical features (minor regrading) with no negligible expansion of use beyond that existing use; CEQA Guideline section 15302 (Class 2) for replacement and reconstruction of existing facilities; and CEQA Guideline section 15304(b)

(Class 4) for new landscaping including replacement of existing conventional landscaping with water efficient landscaping.

#### **FISCAL IMPACT**

The grant is awarded on a non-competitive basis, meaning the City will receive the grant as long as the project falls within the project guidelines. The grant will award \$177,952 to the City. There is no match requirement.

Condition 2 of the resolution of the City Council of the City of Sand City approving the application Per Capita grant funds specifies that the City must secure all funding prior to the start of work on the project. To explain by example, if the City were to have two funding sources for the project, estimated at \$200,000, in the form of a donor promising to gift \$22,048 and this grant for \$177,952, both of these funding sources would need to be received by the City prior to starting the project in the form of contract or award. This is to protect the City in the case that the donor pulls their funding and the grant is not sufficient to cover the scope of work promised. If the project is not completed as described in the scope of work, the State will take back all funding, leaving the City responsible for any expenses incurred. Because the City is requesting the entire cost of the project be funded by the Per Capita grant, this condition is satisfied upon contract with the State.

**CITY OF SAND CITY  
RESOLUTION SC \_\_\_, 2020**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY APPROVING  
APPLICATION FOR PER CAPITA GRANT FUNDS**

**WHEREAS**, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Per Capita Grant Program, setting up necessary procedures governing application(s); and

**WHEREAS**, said procedures established by the State Department of Parks and Recreation require the grantee's Governing Body to certify by resolution the approval of project application(s) before submission of said applications to the State; and

**WHEREAS**, the grantee will enter into a contract(s) with the State of California to complete project(s).

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the City of Sand City hereby:

1. Approves the filing of project application for Per Capita program grant project; and
2. Certifies that said grantee has or will have available, prior to commencement of project work utilizing Per Capita funding, sufficient funds to complete the project; and
3. Certifies that the grantee has or will have sufficient funds to operate and maintain the project, and
4. Certifies that all projects proposed will be consistent with the park and recreation element of the City of Sand City's general or recreation plan (PRC §80063(a)), and
5. Certifies that these funds will be used to supplement, not supplant, local revenues in existence as of June 5, 2018 (PRC §80062(d)), and
6. Certifies that it will comply with the provisions of §1771.5 of the State Labor Code, and
7. (PRC §80001(b)(8)(A-G)) To the extent practicable, as identified in the "Presidential Memorandum--Promoting Diversity and Inclusion in Our National Parks, National Forests, and Other Public Lands and Waters," dated January 12, 2017, the City of Sand City will consider a range of actions that include, but are not limited to, the following:
  - A) Conducting active outreach to diverse populations, particularly minority, low income, and disabled populations and tribal communities, to increase awareness within those communities and the public generally about specific programs and opportunities.
  - B) Mentoring new environmental, outdoor recreation, and conservation leaders to increase diverse representation across these areas.
  - C) Creating new partnerships with state, local, tribal, private, and nonprofit organizations to expand access for diverse populations.

- D) Identifying and implementing improvements to existing programs to increase visitation and access by diverse populations, particularly minority, low-income, and disabled populations and tribal communities.
  - E) Expanding the use of multilingual and culturally appropriate materials in public communications and educational strategies, including through social media strategies, as appropriate, that target diverse populations.
  - F) Developing or expanding coordinated efforts to promote youth engagement and empowerment, including fostering new partnerships with diversity-serving and youth-serving organizations, urban areas, and programs.
  - G) Identifying possible staff liaisons to diverse populations.
8. Agrees that to the extent practicable, the project will provide workforce education and training, contractor and job opportunities for disadvantaged communities (PRC §80001(b)(5)).
  9. Certifies that the grantee shall not reduce the amount of funding otherwise available to be spent on parks or other projects eligible for funds under this division in its jurisdiction. A one-time allocation of other funding that has been expended for parks or other projects, but which is not available on an ongoing basis, shall not be considered when calculating a recipient's annual expenditures. (PRC §80062(d)).
  10. Certifies that the grantee has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Procedural Guide; and
  11. Delegates the authority to the City Manager, or designee, to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the grant scope(s); and
  12. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines

**PASSED AND ADOPTED** by the City Council of Sand City this \_\_\_ day of August, 2020 by the following vote:

AYES:  
 NOES:  
 ABSENT:  
 ABSTAIN:

APPROVED:

ATTEST:

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

\_\_\_\_\_  
 Connie Horca, Acting City Clerk

# Per Capita Contract



State of California – The Natural Resources Agency  
DEPARTMENT OF PARKS AND RECREATION

## Sample Grant Contract Per Capita Grant Program

GRANTEE: Grantee Name

GRANT PERFORMANCE PERIOD is from July 1, 2018 through June 30, 2024

CONTRACT PERFORMANCE PERIOD is from July 1, 2018 through June 30, 2048

The GRANTEE agrees to the terms and conditions of this contract (CONTRACT), and the State of California, acting through its Director of the Department of Parks and Recreation, pursuant to the State of California, agrees to fund the total State grant amount indicated below.

The GRANTEE agrees to complete the PROJECT SCOPE(s) as defined in the Development PROJECT SCOPE/Cost Estimate Form or acquisition documentation for the application(s) filed with the State of California.

The General and Special Provisions attached are made a part of and incorporated into the Contract.

Total State grant amount not to exceed \$ [GRANT amount]

GRANTEE

---

AUTHORIZED REPRESENTATIVE Signature Date

---

Print Name and Title

STATE OF CALIFORNIA  
DEPARTMENT OF PARKS AND RECREATION

---

AUTHORIZED REPRESENTATIVE Signature Date

---

Print Name and Title

**CERTIFICATION OF FUNDING (FOR STATE USE ONLY)**

AMOUNT OF ESTIMATE \$	CONTRACT NUMBER	FUND		
ADJ. INCREASING ENCUMBRANCE \$	APPROPRIATION			
ADJ. DECREASING ENCUMBRANCE \$	ITEM VENDOR NUMBER			
UNENCUMBERED BALANCE \$	LINE ITEM ALLOTMENT	CHAPTER	STATUTE	FISCAL YEAR
T.B.A. NO.	B.R. NO.	INDEX	Funding Source	OBJ. EXPEND

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance.

SIGNATURE OF ACCOUNTING OFFICER DATE

## **I. RECITALS**

This CONTRACT is entered into between the California Department of Parks and Recreation (hereinafter referred to as "GRANTOR," "DEPARTMENT" or "STATE") and [grantee name] (hereinafter referred to as "GRANTEE").

The DEPARTMENT hereby grants to GRANTEE a sum (also referred to as "GRANT MONIES") not to exceed \$grant amount, subject to the terms and conditions of this CONTRACT and the 20xx/xx California State Budget, Chapter xx, statutes of 20xx, Item number – 3790-xxx-xxxx (appropriation chapter and budget item number hereinafter referred to as "PER CAPITA GRANT"). These funds shall be used for completion of the GRANT SCOPE(S).

The Grant Performance Period is from July 1, 20xx to June 30, 20xx.

## **II. GENERAL PROVISIONS**

### **A. Definitions**

As used in this CONTRACT, the following words shall have the following meanings:

1. The term "ACT" means the California Drought, Water, Parks Climate, Coastal Protection, and Outdoor Access for All Act of 2018, as referred to in section I of this CONTRACT.
2. The term "APPLICATION" means the individual project APPLICATION packet for a project pursuant to the enabling legislation and/or grant program process guide requirements.
3. The term "DEPARTMENT" or "STATE" means the California Department of Parks and Recreation.
4. The term "DEVELOPMENT" means capital improvements to real property by means of, but not limited to, construction, expansion, and/or renovation, of permanent or fixed features of the property.
5. The term "GRANTEE" means the party described as the GRANTEE in Section I of this CONTRACT.
6. The term "GRANT SCOPE" means the items listed in the GRANT SCOPE/Cost Estimate Form or acquisition documentation found in each of the APPLICATIONS submitted pursuant to this grant.
7. The term "PROCEDURAL GUIDE" means the document identified as the "Procedural Guide for California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 Per Capita Program." The PROCEDURAL GUIDE provides the procedures and policies controlling the administration of the grant.

### **B. Project Execution**

1. Subject to the availability of GRANT MONIES in the act, the STATE hereby grants to the GRANTEE a sum of money not to exceed the amount stated in Section I of this CONTRACT, in consideration of, and on condition that, the sum be expended in carrying out the purposes as set forth in the enabling legislation and referenced in the APPLICATION, Section I of this CONTRACT, and under the terms and conditions set forth in this CONTRACT.

The GRANTEE shall assume any obligation to furnish any additional funds that may be necessary to complete the GRANT SCOPE(S).

The GRANTEE agrees to submit any change or alteration from the original GRANT SCOPE(S) in writing to the STATE for prior approval. This applies to any and all changes that occur after

STATE has approved the APPLICATION. Changes in the GRANT SCOPE(S) must be approved in writing by the STATE.

2. The GRANTEE shall complete the GRANT SCOPE(S) in accordance with the time of the Grant Performance Period set forth in Section I of this CONTRACT, and under the terms and conditions of this CONTRACT.
3. The GRANTEE shall comply with the California Environmental Quality Act (Public Resources Code, §21000, et seq., Title 14, California Code of Regulations, §15000 et seq.).
4. The GRANTEE shall comply with all applicable current laws and regulations affecting DEVELOPMENT projects, including, but not limited to, legal requirements for construction contracts, building codes, health and safety codes, and laws and codes pertaining to individuals with disabilities, including but not limited to the Americans With Disabilities Act of 1990 (42 U.S.C. §12101 et seq.) and the California Unruh Act (California Civil Code §51 et seq.).

**C. Procedural Guide**

1. GRANTEE agrees to abide by the PROCEDURAL GUIDE.
2. GRANTEE acknowledges that STATE may make reasonable changes to its procedures as set forth in the PROCEDURAL GUIDE. If STATE makes any changes to its procedures and guidelines, STATE agrees to notify GRANTEE within a reasonable time.

**D. Project Administration**

1. If GRANT MONIES are advanced for DEVELOPMENT projects, the advanced funds shall be placed in an interest bearing account until expended. Interest earned on the advanced funds shall be used on the project as approved by the STATE. If grant monies are advanced and not expended, the unused portion of the grant and any interest earned shall be returned to the STATE within 60 days after project completion or end of the Grant Performance Period, whichever is earlier.
2. The GRANTEE shall submit written project status reports within 30 calendar days after the STATE has made such a request. In any event, the GRANTEE shall provide the STATE a report showing total final project expenditures within 60 days of project completion or the end of the grant performance period, whichever is earlier. The Grant Performance Period is identified in Section I of this CONTRACT.
3. The GRANTEE shall make property or facilities acquired and/or developed pursuant to this contract available for inspection upon request by the STATE.



## **E. Project Termination**

1. Project Termination refers to the non-completion of a GRANT SCOPE. Any grant funds that have not been expended by the GRANTEE shall revert to the STATE.
2. The GRANTEE may unilaterally rescind this CONTRACT at any time prior to the commencement of the project. The commencement of the project means the date of the letter notifying GRANTEE of the award or when the funds are appropriated, whichever is later. After project commencement, this CONTRACT may be rescinded, modified or amended only by mutual agreement in writing between the GRANTEE and the STATE, unless the provisions of this CONTRACT provide that mutual agreement is not required.
3. Failure by the GRANTEE to comply with the terms of the (a) PROCEDURAL GUIDE, (b) any legislation applicable to the ACT, (c) this CONTRACT as well as any other grant contracts, specified or general, that GRANTEE has entered into with STATE, may be cause for suspension of all obligations of the STATE unless the STATE determines that such failure was due to no fault of the GRANTEE. In such case, STATE may reimburse GRANTEE for eligible costs properly incurred in performance of this CONTRACT despite non-performance of the GRANTEE. To qualify for such reimbursement, GRANTEE agrees to mitigate its losses to the best of its ability.
4. Any breach of any term, provision, obligation or requirement of this CONTRACT by the GRANTEE shall be a default of this CONTRACT. In the case of any default by GRANTEE, STATE shall be entitled to all remedies available under law and equity, including but not limited to: a) Specific Performance; b) Return of all GRANT MONIES; c) Payment to the STATE of the fair market value of the project property or the actual sales price, whichever is higher; and d) Payment to the STATE of the costs of enforcement of this CONTRACT, including but not limited to court and arbitration costs, fees, expenses of litigation, and reasonable attorney fees.
5. The GRANTEE and the STATE agree that if the GRANT SCOPE includes DEVELOPMENT, final payment may not be made until the work described in the GRANT SCOPE is complete and the GRANT PROJECT is open to the public.

## **F. Budget Contingency Clause**

If funding for any fiscal year is reduced or deleted by the budget act for purposes of this program, the STATE shall have the option to either cancel this contract with no liability occurring to the STATE, or offer a CONTRACT amendment to GRANTEE to reflect the reduced grant amount. This Paragraph shall not require the mutual agreement as addressed in Paragraph E, provision 2, of this CONTRACT.

## **G. Hold Harmless**

1. The GRANTEE shall waive all claims and recourse against the STATE including the right to contribution for loss or damage to persons or property arising from, growing out of or in any way connected with or incident to this CONTRACT except claims arising from the concurrent or sole negligence of the STATE, its officers, agents, and employees.
2. The GRANTEE shall indemnify, hold harmless and defend the STATE, its officers, agents and employees against any and all claims, demands, damages, costs, expenses or liability costs arising out of the ACQUISITION, DEVELOPMENT, construction, operation or maintenance of the property described as the project which claims, demands or causes of action arise under California Government Code Section 895.2 or otherwise except for liability arising out of the concurrent or sole negligence of the STATE, its officers, agents, or employees.

3. The GRANTEE agrees that in the event the STATE is named as codefendant under the provisions of California Government Code Section 895 et seq., the GRANTEE shall notify the STATE of such fact and shall represent the STATE in the legal action unless the STATE undertakes to represent itself as codefendant in such legal action in which event the GRANTEE agrees to pay the STATE's litigation costs, expenses, and reasonable attorney fees.
4. The GRANTEE and the STATE agree that in the event of judgment entered against the STATE and the GRANTEE because of the concurrent negligence of the STATE and the GRANTEE, their officers, agents, or employees, an apportionment of liability to pay such judgment shall be made by a court of competent jurisdiction. Neither party shall request a jury apportionment.
5. The GRANTEE shall indemnify, hold harmless and defend the STATE, its officers, agents and employees against any and all claims, demands, costs, expenses or liability costs arising out of legal actions pursuant to items to which the GRANTEE has certified. The GRANTEE acknowledges that it is solely responsible for compliance with items to which it has certified.

#### **H. Financial Records**

1. The GRANTEE shall maintain satisfactory financial accounts, documents, including loan documents, and all other records for the project and to make them available to the STATE for auditing at reasonable times. The GRANTEE also agrees to retain such financial accounts, documents and records for five years following project termination or issuance of final payment, whichever is later.  
The GRANTEE shall keep such records as the STATE shall prescribe, including records which fully disclose (a) the disposition of the proceeds of STATE funding assistance, (b) the total cost of the project in connection with such assistance that is given or used, (c) the amount and nature of that portion of the project cost supplied by other sources, and (d) any other such records that will facilitate an effective audit.
3. The GRANTEE agrees that the STATE shall have the right to inspect and make copies of any books, records or reports pertaining to this contract or matters related thereto during regular office hours. The GRANTEE shall maintain and make available for inspection by the STATE accurate records of all of its costs, disbursements and receipts with respect to its activities under this contract. Such accounts, documents, and records shall be retained by the GRANTEE for at least five years following project termination or issuance of final payment, whichever is later.
4. The GRANTEE shall use a generally accepted accounting system.

#### **I. Use of Facilities**

1. The GRANTEE agrees that the GRANTEE shall operate and maintain the property acquired or developed with the GRANT MONIES, for the duration of the Contract Performance Period.
2. The GRANTEE agrees that, during the Contract Performance Period, the GRANTEE shall use the property acquired or developed with GRANT MONIES under this contract only for the purposes of this grant and no other use, sale, or other disposition or change of the use of the property to one not consistent with its purpose shall be permitted except as authorized by the STATE and the property shall be replaced with property of equivalent value and usefulness as determined by the STATE.
3. The property acquired or developed may be transferred to another entity if the successor entity assumes the obligations imposed under this CONTRACT and with the approval of STATE.

4. Any real Property (including any portion of it or any interest in it) may not be used as security for any debt or mitigation, without the written approval of the STATE provided that such approval shall not be unreasonably withheld as long as the purposes for which the Grant was awarded are maintained. Any such permission that is granted does not make the STATE a guarantor or a surety for any debt or mitigation, nor does it waive the STATE'S rights to enforce performance under the Grant CONTRACT.
5. All real property, or rights thereto, acquired with GRANT MONIES shall be subject to an appropriate form of restrictive title, rights, or covenants approved by the STATE. If the project property is taken by use of eminent domain, GRANTEE shall reimburse STATE an amount at least equal to the amount of GRANT MONIES received from STATE or the pro-rated full market value of the real property, including improvements, at the time of sale, whichever is higher.
6. If eminent domain proceedings are initiated against GRANTEE, GRANTEE shall notify STATE within 10 days of receiving the complaint.

**J. Nondiscrimination**

1. The GRANTEE shall not discriminate against any person on the basis of sex, race, color, national origin, age, religion, ancestry, sexual orientation, or disability in the use of any property or facility developed pursuant to this contract.
2. The GRANTEE shall not discriminate against any person on the basis of residence except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence and pursuant to law.
3. All facilities shall be open to members of the public generally, except as noted under the special provisions of this project contract or under provisions of the enabling legislation and/or grant program.

**K. Severability**

If any provision of this CONTRACT or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of the CONTRACT which can be given effect without the invalid provision or application, and to this end the provisions of this CONTRACT are severable.

**L. Liability**

1. STATE assumes no responsibility for assuring the safety or standards of construction, site improvements or programs related to the GRANT SCOPE. The STATE'S rights under this CONTRACT to review, inspect and approve the GRANT SCOPE and any final plans of implementation shall not give rise to any warranty or representation that the GRANT SCOPE and any plans or improvements are free from hazards or defects.
2. GRANTEE will secure adequate liability insurance, performance bond, and/or other security necessary to protect the GRANTEE'S and STATE'S interest against poor workmanship, fraud, or other potential loss associated with completion of the grant project.

**M. Assignability**

Without the written consent of the STATE, the GRANTEE'S interest in and responsibilities under this CONTRACT shall not be assignable by the GRANTEE either in whole or in part.

**N. Use of Grant Monies**

GRANTEE shall not use any grant funds (including any portion thereof) for the purpose of making any leverage loan, pledge, promissory note or similar financial device or transaction, without: 1) the prior written approval of the STATE; and 2) any financial or legal interests created by any such leverage loan, pledge, promissory note or similar financial device or transaction in the project property shall be completely subordinated to this CONTRACT through a Subordination Agreement provided and approved by the STATE, signed by all parties involved in the transaction, and recorded in the County Records against the fee title of the project property.

**N. Section Headings**

The headings and captions of the various sections of this CONTRACT have been inserted only for the purpose of convenience and are not a part of this CONTRACT and shall not be deemed in any manner to modify, explain, or restrict any of the provisions of this CONTRACT.

**O. Waiver**

Any failure by a party to enforce its rights under this CONTRACT, in the event of a breach, shall *not* be construed as a waiver of said rights; and the waiver of any breach under this CONTRACT shall *not* be construed as a waiver of any subsequent breach.

GRANTEE

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AUTHORIZED REPRESENTATIVE Signature

Date

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Print Name and Title

STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

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AUTHORIZED REPRESENTATIVE Signature

Date

---

Print Name and Title

# **AGENDA ITEM**

**8B**



## STAFF REPORT

Agenda  
Item

8B

**DATE:** June 23, 2020  
**TO:** Honorable Mayor and City Council Members  
**FROM:** Shelby Gorman, Administrative Assistant  
**SUBJECT:** Approving the Application for Statewide Park Development and Community Revitalization Program Grant Funds

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### RECOMMENDATION

Adopt a resolution approving the application for Statewide Park Development Community Revitalization Program grant funds (Attachment A).

### BACKGROUND

The State of California Department of Parks and Recreation Statewide Park Development and Community Revitalization Program (SPP) administered by the Office of Grants and Local Services has created and improved over 7,400 parks. Art parks are unique places where children can participate, families and friends bond, people converse, seniors socialize, youth are mentored, cultures are celebrated, and everyone connects with their community. For these reasons and more, vibrant parks funded by this program will create healthier and happier communities.

Building successful parks in underserved communities is “a work of art.” SPP embraces meaningful engagement with local residents where park designs represent each community’s unique recreation needs and creativity. SPP is the largest park related grant program in California’s history and possibly U.S. history, with over \$1 billion in funding between the 2018 Prop. 68 and 2006 Prop. 84 Bond Acts.

The project will address the following health and quality of life conditions:

Recreational; The park provides a community space for children and their families to come together in a healthy way. The park will be open every day at no charge for visitors to view public art and walk around the open space.

Social; Free events will take place throughout the year at the art park to inspire a sense of belonging within the City's population. Community members will also be able to host their own events within the park with the written permission of the City.

Cultural; Public art will be present in the art park in the form of murals representing the culture of the surrounding community. Opportunities for additional future art projects at the park will be a constant.

Environmental; The new park would not only replace the unattractive parking lot and renovate the existing warehouse but add to overall safety. New fencing, painted walls, and resurfacing will beautify the space that will become the art park and add to the surrounding neighborhood.

Educational; The public art, in addition to its cultural significance, will provide an education element for those who visit the park to learn about the history and significance of the community it serves. There will be opportunities within the art park for lessons and lectures on different art forms, children's art projects, yoga classes, film screenings, etc. to embrace curiosity.

Economic; Those currently in the area are not at risk of displacement as there are plans heading to the development phase for a significant increase in affordable housing in the City. The City will also reach out to other organizations on the topic of displacement to receive input and collaboration. The project will also help those who are economically disadvantaged in the community by providing free space for children and adults to learn new skills and hone those they have. Artist studios will be present in the art park as well to assist those at minimal rates to provide a space for upcoming makers.

City staff will implement the funds to renovate the existing Carroll Property to include the improvement of the warehouse on the property such as a reroof and updated electrical, the resurfacing of the parking lot to accommodate the expected foot traffic, painting, murals, the replacement of the fences, a new gate, and other site improvements necessary.

Applications are due December 14, 2020.

Funds are awarded Spring 2021.

Projects are to be completed by March 2025.

#### **ENVIRONMENTAL (CEQA) CLEARANCE**

Renovation of existing developed property as an art park qualifies for a categorical exemption per the following CEQA (California Environmental Quality Act) Guidelines. CEQA Guideline section 15303 (Class 3) for the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

## **FISCAL IMPACT**

The minimum grant award is \$200,000 and the maximum is \$8,500,000 per park. There is no match requirement for the City.

Condition 1 of the resolution of the City Council of the City of Sand City approving the application for Statewide Park Development and Community Revitalization Program grant funds specifies that the City must secure all funding prior to the start of work on the project. To explain by example, if the City were to have two funding sources for the project, estimated at \$250,000, in the form of a donor promising to gift \$50,000 and this grant for \$200,000, both of these funding sources would need to be guaranteed prior to starting the project in the form of contract or award. This is to protect the City in the case that the donor pulls their funding and the grant is not sufficient to cover the scope of work promised. If the project is not completed as described in the scope of work, the State will take back all funding, leaving the City responsible for any expenses incurred. Because the City is requesting the entire cost of the project be funded by the Statewide Park Development and Community Revitalization grant, this condition is satisfied upon contract with the State.



CITY OF SAND CITY  
RESOLUTION SC \_\_\_\_, 2020

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY APPROVING  
APPLICATION FOR STATEWIDE PARK DEVELOPMENT AND COMMUNITY  
REVITALIZATION PROGRAM GRANT FUNDS**

**WHEREAS**, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Development and Community Revitalization Grant Program, setting up necessary procedures governing the application; and

**WHEREAS**, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

**WHEREAS**, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the City of Sand City hereby approves the filing of an application for the Calabrese Park Renovation Project; and

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

**PASSED AND ADOPTED** by the City Council of Sand City this \_\_\_\_ day of August, 2020 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED:

ATTEST:

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

\_\_\_\_\_  
Connie Horca, Acting City Clerk

# Competitive Grant Program Contract



State of California – The Natural Resources Agency  
DEPARTMENT OF PARKS AND RECREATION

## Sample Grant Contract Competitive Grant Program

GRANTEE: Grantee Name

GRANT PERFORMANCE PERIOD is from July 1, 2019 through June 30, 2024

CONTRACT PERFORMANCE PERIOD is from July 1, 2019 through June 30, 2049

The GRANTEE agrees to the terms and conditions of this contract (CONTRACT), and the State of California, acting through its Director of the Department of Parks and Recreation, pursuant to the State of California, agrees to fund the total State grant amount indicated below.

The GRANTEE agrees to complete the PROJECT SCOPE(s) as defined in the Development PROJECT SCOPE/Cost Estimate Form or acquisition documentation for the application(s) filed with the State of California.

The General and Special Provisions attached are made a part of and incorporated into the Contract.

Total State grant amount not to exceed \$ [GRANT amount]

GRANTEE

\_\_\_\_\_  
AUTHORIZED REPRESENTATIVE Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Title

STATE OF CALIFORNIA  
DEPARTMENT OF PARKS AND RECREATION

\_\_\_\_\_  
AUTHORIZED REPRESENTATIVE Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Title

CERTIFICATION OF FUNDING (FOR STATE USE ONLY)				
AMOUNT OF ESTIMATE \$		CONTRACT NUMBER	FUND	
ADJ. INCREASING ENCUMBRANCE \$		APPROPRIATION		
ADJ. DECREASING ENCUMBRANCE \$		ITEM VENDOR NUMBER		
UNENCUMBERED BALANCE \$		LINE ITEM ALLOTMENT	CHAPTER	STATUTE
T.B.A. NO.	B.R. NO.	INDEX	FISCAL YEAR	
			OBJ. EXPEND	
Funding Source				
I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance.				
SIGNATURE OF ACCOUNTING OFFICER			DATE	

## **I. RECITALS**

This CONTRACT is entered into between the California Department of Parks and Recreation (hereinafter referred to as "GRANTOR," "DEPARTMENT" or "STATE") and [grantee name] (hereinafter referred to as "GRANTEE").

The DEPARTMENT hereby grants to GRANTEE a sum (also referred to as "GRANT MONIES") not to exceed \$grant amount, subject to the terms and conditions of this CONTRACT and the 20xx/xx California State Budget, Chapter xx, statutes of 20xx, Item number – 3790-xxx-xxxx (appropriation chapter and budget item number hereinafter referred to as "COMPETITIVE GRANT PROGRAM GRANT"). These funds shall be used for completion of the GRANT SCOPE(S).

The Grant Performance Period is from July 1, 20xx to June 30, 20xx.

## **II. GENERAL PROVISIONS**

### **A. Definitions**

As used in this CONTRACT, the following words shall have the following meanings:

1. The term "ACT" means the California Drought, Water, Parks Climate, Coastal Protection, and Outdoor Access for All Act of 2018, as referred to in section I of this CONTRACT.
2. The term "APPLICATION" means the individual project APPLICATION packet for a project pursuant to the enabling legislation and/or grant program process guide requirements.
3. The term "DEPARTMENT" or "STATE" means the California Department of Parks and Recreation.
4. The term "DEVELOPMENT" means capital improvements to real property by means of, but not limited to, construction, expansion, and/or renovation, of permanent or fixed features of the property.
5. The term "GRANTEE" means the party described as the GRANTEE in Section I of this CONTRACT.
6. The term "GRANT SCOPE" means the items listed in the GRANT SCOPE/Cost Estimate Form found in each of the APPLICATIONS submitted pursuant to this grant.
7. The term "GUIDES" means (1) the document identified as the "Grant Administration Guide for California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 Competitive Grant Programs Capital Improvement Projects" and (2) The Application Guide that established the competitive procedures and policies for the selection of projects.

### **B. Project Execution**

1. Subject to the availability of GRANT MONIES in the act, the STATE hereby grants to the GRANTEE a sum of money not to exceed the amount stated in Section I of this CONTRACT, in consideration of, and on condition that, the sum be expended in carrying out the purposes as set forth in the scope described in the enabling legislation and referenced in the APPLICATION, Section I of this CONTRACT, and under the terms and conditions set forth in this CONTRACT.

The GRANTEE shall assume any obligation to furnish any additional funds that may be necessary to complete the GRANT SCOPE(S).

The GRANTEE agrees to submit any change or alteration from the original GRANT SCOPE(S) in writing to the STATE for prior approval. This applies to any and all changes that occur after STATE has approved the APPLICATION. Changes in the GRANT SCOPE(S) must be approved in writing by the STATE.

2. The GRANTEE shall complete the GRANT SCOPE(S) in accordance with the time of the Performance Period set forth in Section I of this CONTRACT, and under the terms and conditions of this contract.

To maintain the integrity of the competitive grant program, the GRANTEE agrees that any other project changes or alterations which deviate from the intent of the project selection criteria provided by the GRANTEE in the original competitive APPLICATION must be submitted in writing to the STATE for prior approval.

3. The GRANTEE shall comply with the California Environmental Quality Act (Public Resources Code, §21000, et seq., Title 14, California Code of Regulations, §15000 et seq.).
4. The GRANTEE shall comply with all applicable current laws and regulations affecting DEVELOPMENT projects, including, but not limited to, legal requirements for construction contracts, building codes, health and safety codes, and laws and codes pertaining to individuals with disabilities, including but not limited to the Americans With Disabilities Act of 1990 (42 U.S.C. §12101 et seq.) and the California Unruh Act (California Civil Code §51 et seq.)

### **C. Procedural Guide**

1. GRANTEE agrees to abide by the GUIDES.
2. GRANTEE acknowledges that STATE may make reasonable changes to its procedures as set forth in the GUIDES. If STATE makes any changes to its procedures and guidelines, STATE agrees to notify GRANTEE within a reasonable time.

### **D. Project Administration**

1. If GRANT MONIES are advanced for DEVELOPMENT projects, the advanced funds shall be placed in an interest bearing account until expended. Interest earned on the advanced funds shall be used on the project as approved by the STATE. If grant monies are advanced and not expended, the unused portion of the grant and any interest earned shall be returned to the STATE within 60 days after project completion or end of the grant performance period, whichever is earlier.
2. The GRANTEE shall submit written project status reports within 30 calendar days after the STATE has made such a request. In any event, the GRANTEE shall provide the STATE a report showing total final project expenditures within 60 days of project completion or the end of the grant performance period, whichever is earlier. The grant performance period is identified in Section I of this CONTRACT.
3. The GRANTEE shall make property or facilities acquired and/or developed pursuant to this contract available for inspection upon request by the STATE.

### **E. Project Termination**

1. Project Termination refers to the non-completion of a GRANT SCOPE. Any grant funds that have not been expended by the GRANTEE shall revert to the STATE.
2. The GRANTEE may unilaterally rescind this CONTRACT at any time prior to the commencement of the project. The commencement of the project means the date of the letter notifying GRANTEE of the award or when the funds are appropriated, whichever is later. After project commencement, this CONTRACT may be rescinded, modified or amended only by mutual agreement in writing between the GRANTEE and the STATE, unless the provisions of this contract provide that mutual agreement is not required.

3. Failure by the GRANTEE to comply with the terms of the (a) GUIDES, (b) any legislation applicable to the ACT, (c) this CONTRACT as well as any other grant contracts, specified or general, that GRANTEE has entered into with STATE, may be cause for suspension of all obligations of the STATE unless the STATE determines that such failure was due to no fault of the GRANTEE. In such case, STATE may reimburse GRANTEE for eligible costs properly incurred in performance of this CONTRACT despite non-performance of the GRANTEE. To qualify for such reimbursement, GRANTEE agrees to mitigate its losses to the best of its ability.
4. Any breach of any term, provision, obligation or requirement of this CONTRACT by the GRANTEE shall be a default of this CONTRACT. In the case of any default by GRANTEE, STATE shall be entitled to all remedies available under law and equity, including but not limited to: a) Specific Performance; b) Return of all GRANT MONIES; c) Payment to the STATE of the fair market value of the project property or the actual sales price, whichever is higher; and d) Payment to the STATE of the costs of enforcement of this CONTRACT, including but not limited to court and arbitration costs, fees, expenses of litigation, and reasonable attorney fees.
5. The GRANTEE and the STATE agree that if the GRANT SCOPE includes DEVELOPMENT, final payment may not be made until the work described in the GRANT SCOPE is complete and the GRANT PROJECT is open to the public.

**F. Budget Contingency Clause**

If funding for any fiscal year is reduced or deleted by the budget act for purposes of this program, the STATE shall have the option to either cancel this contract with no liability occurring to the STATE, or offer a CONTRACT amendment to GRANTEE to reflect the reduced grant amount. This Paragraph shall not require the mutual agreement as addressed in Paragraph E, provision 2, of this CONTRACT.

**G. Hold Harmless**

1. The GRANTEE shall waive all claims and recourse against the STATE including the right to contribution for loss or damage to persons or property arising from, growing out of or in any way connected with or incident to this CONTRACT except claims arising from the concurrent or sole negligence of the STATE, its officers, agents, and employees.
2. The GRANTEE shall indemnify, hold harmless and defend the STATE, its officers, agents and employees against any and all claims, demands, damages, costs, expenses or liability costs arising out of the ACQUISITION, DEVELOPMENT, construction, operation or maintenance of the property described as the project which claims, demands or causes of action arise under California Government Code Section 895.2 or otherwise except for liability arising out of the concurrent or sole negligence of the STATE, its officers, agents, or employees.
3. The GRANTEE agrees that in the event the STATE is named as codefendant under the provisions of California Government Code Section 895 et seq., the GRANTEE shall notify the STATE of such fact and shall represent the STATE in the legal action unless the STATE undertakes to represent itself as codefendant in such legal action in which event the GRANTEE agrees to pay the STATE's litigation costs, expenses, and reasonable attorney fees.
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The GRANTEE shall keep such records as the STATE shall prescribe, including records which fully disclose (a) the disposition of the proceeds of STATE funding assistance, (b) the total cost of the project in connection with such assistance that is given or used, (c) the amount and nature of that portion of the project cost supplied by other sources, and (d) any other such records that will facilitate an effective audit.

3. The GRANTEE agrees that the STATE shall have the right to inspect and make copies of any books, records or reports pertaining to this CONTRACT or matters related thereto during regular office hours. The GRANTEE shall maintain and make available for inspection by the STATE accurate records of all of its costs, disbursements and receipts with respect to its activities under this CONTRACT. Such accounts, documents, and records shall be retained by the GRANTEE for at least five years following project termination or issuance of final payment, whichever is later.
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2. The property acquired or developed may be transferred to another entity if the successor entity assumes the obligations imposed under this CONTRACT and with the approval of STATE.
3. Any real Property (including any portion of it or any interest in it) may not be used as security for any debt or mitigation, without the written approval of the STATE provided that such approval shall not be unreasonably withheld as long as the purposes for which the Grant was awarded are maintained. Any such permission that is granted does not make the STATE a guarantor or a surety for any debt or mitigation, nor does it waive the STATE'S rights to enforce performance under the Grant CONTRACT.
4. All real property, or rights thereto, acquired with GRANT MONIES shall be subject to an appropriate form of restrictive title, rights, or covenants approved by the STATE. If the project property is taken by use of eminent domain, GRANTEE shall reimburse STATE an amount at least equal to the amount of GRANT MONIES received from STATE or the pro-rated full market value of the real property, including improvements, at the time of sale, whichever is higher.

5. If eminent domain proceedings are initiated against GRANTEE, GRANTEE shall notify STATE within 10 days of receiving the complaint.

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1. The GRANTEE shall not discriminate against any person on the basis of sex, race, color, national origin, age, religion, ancestry, sexual orientation, or disability in the use of any property or facility developed pursuant to this contract.
2. The GRANTEE shall not discriminate against any person on the basis of residence except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence and pursuant to law.
3. All facilities shall be open to members of the public generally, except as noted under the special provisions of this project CONTRACT or under provisions of the enabling legislation and/or grant program.

**K. Severability**

If any provision of this CONTRACT or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of the CONTRACT which can be given effect without the invalid provision or application, and to this end the provisions of this CONTRACT are severable.

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1. STATE assumes no responsibility for assuring the safety or standards of construction, site improvements or programs related to the GRANT SCOPE. The STATE'S rights under this CONTRACT to review, inspect and approve the GRANT SCOPE and any final plans of implementation shall not give rise to any warranty or representation that the GRANT SCOPE and any plans or improvements are free from hazards or defects.
2. GRANTEE will secure adequate liability insurance, performance bond, and/or other security necessary to protect the GRANTEE'S and STATE'S interest against poor workmanship, fraud, or other potential loss associated with completion of the grant project.

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**O. Section Headings**

The headings and captions of the various sections of this CONTRACT have been inserted only for the purpose of convenience and are not a part of this CONTRACT and shall not be deemed in any manner to modify, explain, or restrict any of the provisions of this CONTRACT.

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Any failure by a party to enforce its rights under this CONTRACT, in the event of a breach, shall *not* be construed as a waiver of said rights; and the waiver of any breach under this CONTRACT shall *not* be construed as a waiver of any subsequent breach.

GRANTEE

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AUTHORIZED REPRESENTATIVE Signature Date

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Print Name and Title

STATE OF CALIFORNIA  
DEPARTMENT OF PARKS AND RECREATION

---

AUTHORIZED REPRESENTATIVE Signature Date

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Print Name and Title

# **AGENDA ITEM**

**8C**



# City of Sand City

Agenda  
Item

8C

## Staff Report

**TO:** Honorable Mayor and City Council Members  
**FROM:** Aaron Blair, City Manager  
Vibeke Norgaard, City Attorney  
**DATE:** July 27, 2020 (for the August 4, 2020 City Council meeting)  
**SUBJECT:** Sand City Employees Salary Schedule Amendment

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### Discussion:

After an internal review of our existing salary schedule a drafting error in the schedule was discovered in regards to how “longevity pay” is represented. To ensure that we are always current with the California Public Retirement System (CalPERS) regulations, it is important that we correct the salary schedule.

Under CalPERS regulations, “Longevity Pay” is defined as an “additional compensation to employees who have been with an employer, or in a specified job classification, for a certain minimum period of time exceeding five years.” (2 CCR § 571(a)(1)). Under CalPERS rules longevity pay may not be combined with any other criteria other than length of service with the City.

This resolution does not change the amount of longevity pay which employees receive. Longevity pay is currently paid to Sand City employees as follows: After seven years of service, all employees receive a 5% longevity increase; and after ten years of service all employees receive an additional 5% longevity increase. The resolution merely amends the schedule so that longevity will no longer appear to be a “step” in the salary step plan, in order to comply with CalPERS rules.

### Fiscal Impact:

There is no fiscal impact related to the amendment.

### Recommendation:

Staff recommends approval of the resolution.

**CITY OF SAND CITY**

**RESOLUTION SC \_\_\_\_\_, 2020**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY AUTHORIZING  
AN AMENDMENT TO THE SALARY STEP PLAN**

**WHEREAS**, the City of Sand City (City) established a salary step plan for general City employees by Resolution SC-29 (1991); and

**WHEREAS**, the City reviewed and revised the above salary step plan in Resolutions SC 94-08 (1994) and SC 97-66 (1997); and

**WHEREAS**, the California Public Retirement System (CalPERS) regulation, Cal. Code Regs. Tit. 2, § 571(a)(1) defines "Longevity Pay" as "Additional compensation to employees who have been with an employer, or in a specified job classification, for a certain minimum period of time exceeding five years"; and

**WHEREAS**, a five percent longevity pay increase is currently paid to Sand City employees after seven years of service in Sand City, and an additional five percent longevity pay increase is currently paid to Sand City employees after ten years of service in Sand City; and

**WHEREAS**, an amendment to the salary step plan is necessary to reflect the current practice in regard to payment of longevity pay to Sand City miscellaneous employees and to comply with CalPERS rules.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Sand City that the revised Salary Plan attached to this resolution as Exhibit A, is hereby adopted.

**PASSED AND ADOPTED** by the City Council of Sand City on this \_\_\_\_, day of August, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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

\_\_\_\_\_  
Connie Horca, Acting City Clerk

## 2020-2021 Department Heads

### Range Placement Table

2.5% Between Ranges; 5% Between Steps

\*Employees who have worked for the City for at least 7 years shall receive a 5% longevity increase. Employees who have worked for the City for at least 10 years shall receive an additional 5% longevity increase.

Range #	Recommended Title	Pay Period	Step 1	Step 2	Step 3	Step 4	Step 5	Maximum Step 6	Longevity*	
									7 Year	10 Year
66	Hourly		55.29	58.05	60.96	64.01	67.21	70.57	74.09	77.80
	BiMonthly		4767.23	5005.59	5255.87	5518.66	5794.60	6084.33	6388.54	6707.97
	Monthly		9568.61	10047.04	10549.39	11076.86	11630.71	12212.24	12822.85	13464.00
	Annual		114822.66	120563.79	126591.98	132921.58	139567.66	146546.04	153873.35	161567.01
67	Hourly		56.67	59.51	62.48	65.61	68.89	72.33	75.95	79.74
	BiMonthly		4886.41	5130.73	5387.27	5656.63	5939.46	6236.44	6548.26	6875.67
	Monthly		9807.83	10298.22	10813.13	11353.78	11921.47	12517.55	13143.42	13800.60
	Annual		117693.23	123577.89	129756.78	136244.62	143056.85	150209.70	157720.18	165606.19
68	Hourly		58.09	60.99	64.04	67.25	70.61	74.14	77.84	81.74
	BiMonthly		5008.57	5259.00	5521.95	5798.05	6087.95	6392.35	6711.96	7047.56
	Monthly		10053.02	10555.67	11083.46	11637.63	12219.51	12830.49	13472.01	14145.61
	Annual		120635.56	126667.34	133000.70	139650.74	146633.27	153964.94	161663.18	169746.34
69	Hourly		59.54	62.52	65.64	68.93	72.37	75.99	79.79	83.78
	BiMonthly		5133.79	5390.47	5660.00	5943.00	6240.15	6552.16	6879.76	7223.75
	Monthly		10304.35	10819.56	11360.54	11928.57	12525.00	13151.25	13808.81	14499.25
	Annual		123651.45	129834.02	136325.72	143142.01	150299.11	157814.06	165704.76	173990.00
70	Hourly		61.03	64.08	67.29	70.65	74.18	77.89	81.79	85.88
	BiMonthly		5262.13	5525.24	5801.50	6091.57	6396.15	6715.96	7051.76	7404.35
	Monthly		10561.96	11090.05	11644.56	12226.78	12838.12	13480.03	14154.03	14861.73
	Annual		126742.73	133079.87	139733.86	146720.56	154056.58	161759.41	169847.38	178339.75
71	Dir. Of Admin. Services	Hourly	62.56	65.68	68.97	72.42	76.04	79.84	83.83	88.02
	Police Chief	BiMonthly	5393.68	5663.37	5946.54	6243.86	6556.06	6883.86	7228.05	7589.45
	Dir of Community Dev	Monthly	10826.00	11367.30	11935.67	12532.45	13159.08	13817.03	14507.88	15233.27
		Annual	129911.30	136406.87	143227.21	150388.57	157908.00	165803.40	174093.57	182798.25
72	Dir. Of Community Dev./	Hourly	64.12	67.33	70.69	74.23	77.94	81.83	85.93	90.22
	Assistant City Manager	BiMonthly	5528.53	5804.95	6095.20	6399.96	6719.96	7055.95	7408.75	7779.19
		Monthly	11096.65	11651.49	12234.06	12845.76	13488.05	14162.45	14870.58	15614.11
		Annual	133159.08	139817.04	146807.89	154148.28	161855.70	169948.48	178445.91	187368.20
73	Hourly		65.72	69.01	72.46	76.08	79.89	83.88	88.07	92.48
	BiMonthly		5666.74	5950.08	6247.58	6559.96	6887.96	7232.35	7593.97	7973.67
	Monthly		11374.07	11942.77	12539.91	13166.91	13825.25	14516.52	15242.34	16004.46
	Annual		136488.06	143312.46	150478.09	158001.99	165902.09	174197.19	182907.05	192052.41
74	Hourly		67.37	70.73	74.27	77.98	81.88	85.98	90.28	94.79
	BiMonthly		5808.41	6098.83	6403.77	6723.96	7060.15	7413.16	7783.82	8173.01
	Monthly		11658.42	12241.34	12853.41	13496.08	14170.88	14879.43	15623.40	16404.57
	Annual		139900.26	146895.27	154240.04	161952.04	170049.64	178552.12	187479.73	196853.72
75	Hourly		69.05	72.50	76.13	79.93	83.93	88.13	92.53	97.16
	BiMonthly		5953.62	6251.30	6563.86	6892.06	7236.66	7598.49	7978.42	8377.34
	Monthly		11949.88	12547.38	13174.75	13833.48	14525.16	15251.41	16013.99	16814.69
	Annual		143397.77	150567.66	158096.04	166000.84	174300.88	183015.93	192166.72	201775.06
76	Hourly		70.78	74.31	78.03	81.93	86.03	90.33	94.85	99.59
	BiMonthly		6102.46	6407.58	6727.96	7064.36	7417.58	7788.45	8177.88	8586.77
	Monthly		12248.63	12861.06	13504.11	14179.32	14888.29	15632.70	16414.34	17235.05
	Annual		146982.71	154331.85	162048.44	170150.86	178658.41	187591.33	196970.89	206819.44
77	Hourly		72.55	76.17	79.98	83.98	88.18	92.59	97.22	102.08
	BiMonthly		6255.02	6567.77	6896.16	7240.97	7603.01	7983.17	8382.32	8801.44
	Monthly		12554.85	13182.59	13841.72	14533.80	15260.49	16023.52	16824.69	17665.93
	Annual		150657.28	158190.14	166099.65	174404.63	183124.87	192281.11	201895.16	211989.92

## 2020-2021 Department Heads

### Range Placement Table

2.5% Between Ranges; 5% Between Steps

\*Employees who have worked for the City for at least 7 years shall receive a 5% longevity increase. Employees who have worked for the City for at least 10 years shall receive an additional 5% longevity increase.

Range #	Recommended Title	Pay Period	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Longevity*	
									7 Year	10 Year
78	Hourly		74.36	78.08	81.98	86.08	90.39	94.90	99.65	104.63
	BiMonthly		6411.40	6731.97	7068.57	7422.00	7793.10	8182.75	8591.89	9021.48
	Monthly		12868.72	13512.16	14187.76	14897.15	15642.01	16424.11	17245.32	18107.58
	Annual		154423.72	162144.91	170252.15	178764.76	187703.00	197088.15	206942.55	217289.68
79	Hourly		76.22	80.03	84.03	88.23	92.64	97.28	102.14	107.25
	BiMonthly		6571.69	6900.27	7245.28	7607.55	7987.92	8387.32	8806.69	9247.02
	Monthly		13190.44	13849.96	14542.46	15269.58	16033.06	16834.71	17676.45	18560.27
	Annual		158284.31	166198.53	174508.46	183233.88	192395.57	202015.35	212116.12	222721.92
80	Hourly		78.12	82.03	86.13	90.44	94.96	99.71	104.69	109.93
	BiMonthly		6735.98	7072.78	7426.41	7797.74	8187.62	8597.00	9026.85	9478.20
	Monthly		13520.20	14196.21	14906.02	15651.32	16433.89	17255.58	18118.36	19024.28
	Annual		162241.42	170353.49	178871.17	187814.72	197205.46	207065.73	217419.02	228289.97
81	Hourly		80.08	84.08	88.29	92.70	97.33	102.20	107.31	112.68
	BiMonthly		6904.38	7249.60	7612.08	7992.68	8392.31	8811.93	9252.52	9715.15
	Monthly		13858.20	14551.11	15278.67	16042.60	16844.73	17686.97	18571.32	19499.88
	Annual		166297.46	174612.33	183342.95	192510.09	202135.60	212242.38	222854.50	233997.22
82	Hourly		82.08	86.18	90.49	95.02	99.77	104.76	109.99	115.49
	BiMonthly		7076.99	7430.84	7802.38	8192.50	8602.12	9032.23	9483.84	9958.03
	Monthly		14204.66	14914.89	15660.64	16443.67	17265.85	18129.14	19035.60	19987.38
	Annual		170454.89	178977.64	187926.52	197322.85	207188.99	217548.44	228425.86	239847.15
83	Hourly		84.13	88.34	92.75	97.39	102.26	107.38	112.74	118.38
	BiMonthly		7253.91	7616.61	7997.44	8397.31	8817.17	9258.03	9720.93	10206.98
	Monthly		14559.78	15287.76	16052.15	16854.76	17697.50	18582.37	19511.49	20487.07
	Annual		174716.27	183452.08	192624.68	202255.92	212368.71	222987.15	234136.51	245843.33
84	Hourly		86.23	90.55	95.07	99.83	104.82	110.06	115.56	121.34
	BiMonthly		7435.26	7807.02	8197.37	8607.24	9037.60	9489.48	9963.96	10462.16
	Monthly		14923.77	15669.96	16453.46	17276.13	18139.94	19046.93	19999.28	20999.24
	Annual		179084.17	188038.38	197440.30	207312.31	217677.93	228561.83	239989.92	251989.41

## 2020-2021 Police Officers - ATTACHMENT

### Range Placement Table

2.5% Between Ranges; 5% Between Steps

\*Employees who have worked for the City for at least 7 years shall receive a 5% longevity increase. Employees who have worked for the City for at least 10 years shall receive an additional 5% longevity increase.

**7/1/2020 2% COLA, 4.8% EPMC Offset - total 6.8%/No reserves**

Range #	Recommended Title	Pay Period	Step 1	Step 2	Step 3	Step 4	Step 5	Maxium Step 6	Longevity*	
									7 Year	10 Year
36	Reserves	Hourly	28.02	29.42	30.89	32.44	34.06	35.76	37.55	39.43
		Monthly Annual	4,843.85 58,125.76	5,086.04 61,032.05	5,340.34 64,083.65	5,607.36 67,287.83	5,887.73 70,652.22	6,182.12 74,184.84	6,491.22 77,894.08	6,815.78 81,788.78
50	Police Officer 1 - 6.8%	Hourly	43.4369	45.6087	47.8892	50.2836	52.7978	55.4377	58.2096	61.1201
		Monthly Annual	7,528.94 90,346.49	7,905.39 94,863.81	8,300.66 99,607.01	8,715.69 104,587.36	9,151.47 109,816.72	9,609.05 115,307.56	10,089.50 121,072.94	10,593.97 127,126.58
56	Police Sergeant - 6.8%	Hourly	50.8626	53.4057	56.0760	58.8798	61.8238	64.9150	68.1607	71.5688
		Monthly Annual	8,816.02 105,791.46	9,256.82 111,081.03	9,719.66 116,635.08	10,205.65 122,466.84	10,715.93 128,590.18	11,251.72 135,019.69	11,814.31 141,770.67	12,405.03 148,859.21
62	Police Commander - 6.8%	Hourly	58.9850	61.9343	65.0310	68.2825	71.6966	75.2815	79.0455	82.9978
		Monthly Annual	10,223.88 122,685.65	10,735.07 128,819.93	11,271.83 135,260.93	11,835.42 142,023.98	12,427.19 149,125.17	13,048.55 156,581.43	13,700.98 164,410.50	14,386.03 172,631.03
		Hourly								
		Monthly Annual								
		Hourly								
		Monthly Annual								
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		Hourly								
		Monthly Annual								
		Hourly								
		Monthly Annual								

## 2020-2021 Miscellaneous Employees - ATTACHMENT

### Range Placement Table

2.5% Between Ranges; 5% Between Steps

\*Employees who have worked for the City for at least 7 years shall receive a 5% longevity increase. Employees who have worked for the City for at least 10 years shall receive an additional 5% longevity increase.

Range #	Recommended Title	Pay Period	Step 1	Step 2	Step 3	Step 4	Step 5	Maxium Step 6	Longevity*	
									7 Year	10 Year
36	Maintenance Worker II	Hourly	23.8825	25.0766	26.3305	27.6470	29.0293	30.4808	32.0048	33.6051
		Monthly Annual	4143.75 49724.78	4350.94 52211.02	4568.48 53484.46	4796.91 56158.69	5036.75 58966.62	5288.59 61914.95	5553.02 65010.70	5830.67 68,261.24
40	Maintenance Worker III	Hourly	24.5500	25.7775	27.0664	28.4197	29.8407	31.3327	32.8993	34.4400
		Monthly Annual	4,255.03 51,060.38	4,467.78 53,613.40	4,691.17 56,294.07	4,925.73 59,108.77	5,172.02 62,064.21	5,430.62 65,167.42	5,702.15 68,425.79	5,969.50 71,633.67
48	Deputy City Clerk	Hourly	32.11	33.72	35.40	37.17	39.03	40.98	43.03	45.2408
		Monthly Annual	5,572.87 66,874.31	5,851.51 70,218.03	6,144.09 73,728.93	6,451.29 77,415.37	6,773.86 81,286.14	7,112.55 85,350.45	7,468.18 89,617.97	7,841.59 94,098.87
52	Finance/HR Specialist	Hourly	35.45	37.22	39.08	41.04	43.09	45.24	47.51	49.9374
		Monthly Annual	6,151.41 73,816.72	6,458.98 77,507.56	6,781.93 81,382.93	7,121.03 85,452.08	7,477.08 89,724.68	7,850.93 94,210.92	8,243.48 98,921.46	8,655.65 103,867.53
54	City Planner	Hourly	37.25	39.11	41.07	43.12	45.28	47.54	49.92	52.4656
		Monthly Annual	6,462.83 77,553.69	6,785.97 81,431.37	7,125.27 85,502.94	7,481.53 89,778.09	7,855.61 94,266.99	8,248.39 98,980.34	8,660.81 103,929.36	9,093.85 109,126.20
	Acting City Clerk	Hourly								47.5029
		Monthly Annual								8,233.68 98,804.16
43	Records Coordinator	Hourly	29.11	30.57	32.09	33.70	35.38	37.15	39.01	41.0103
		Monthly Annual	5,051.75 60,620.89	5,304.34 63,651.93	5,569.55 66,834.53	5,848.03 70,176.26	6,140.43 73,685.07	6,447.46 77,369.32	6,769.83 81,237.79	7,108.32 85,299.68
50	Public Works Supervisor	Hourly	32.13	33.74	35.42	37.19	39.05	41.0591	43.1121	45.2677
		Monthly Annual	5,576.19 66,914.11	5,855.00 70,259.82	6,147.75 73,772.81	6,455.14 77,461.45	6,777.89 81,334.52	7,116.79 85,401.24	7,472.63 89,671.31	7,846.26 94,154.87
39	Admin Assistant	Hourly	24.5000	25.7250	27.0321	28.3837	29.8029	31.2930	32.8577	34.5006
		Monthly Annual	4,249.87 50,998.24	4,462.36 53,548.15	4,685.48 56,225.56	4,919.76 59,036.84	5,165.74 61,988.68	5,424.03 65,088.11	5,695.23 68,342.52	5,979.99 71,759.65
		Hourly								
		Monthly Annual								
		Hourly								
		Monthly Annual								
		Hourly								
		Monthly Annual								
		Hourly								
Monthly Annual										



# AGENDA ITEM

8D



# City of Sand City

Agenda  
Item  
8D

## Staff Report

TO: Honorable Mayor and City Council Members  
FROM: Aaron Blair, City Manager;  
Vibeke Norgaard, City Attorney  
DATE: July 28, 2020 (For August 4, 2020 City Council Meeting)  
SUBJECT: Urgency ordinance affirming orders of the State Public Health Officer and the County of Monterey Public Health Officer related to COVID-19 as applicable and enforceable within City jurisdiction and authorizing Director of Emergency Services to designate public officers or employees to issue citations

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### Discussion/Background:

Since the coronavirus (“COVID-19”) began to spread in December of 2019, there have been a variety of Federal, State and local responses to it: On March 4, 2020, Governor Gavin Newsom declared a State of Emergency; on March 6, 2020, the County Administrative Officer of Monterey County declared a Local Emergency; on March 11, 2020, the World Health Organization (“WHO”) classified the spread of COVID-19 internationally as a global pandemic; and on March 17, 2020, the City Council ratified the City Manager’s declaration of the existence of a local emergency within the City. (Resolution SC-20-20) (Exhibit 1).

California’s Governor, Gavin Newsom, has issued orders requiring that all California residents heed the State public health directives. (Executive Order N-33-20 and N-60-20, Exhibits 2 & 3). On June 29, 2020, the California State Department of Public Health issued a Guidance for the Use of Face Coverings (Exhibit 4) and on July 13, 2020, the State Health Officer ordered that the guidance mandating the wearing of face coverings shall continue to apply statewide. (Exhibit 5). Locally, on April 28, 2020, the Monterey County Public Health Officer (“County Public Health Officer”) issued an Order requiring members of the public and workers to wear face coverings, subject to certain exceptions. (Exhibit 6).

The COVID-19 pandemic continues to spread rapidly in California and on the Monterey Peninsula, presenting an immediate and significant risk to public health and safety, and resulting in serious illness or death to vulnerable populations, including the elderly and those with underlying health conditions. While the numbers continue to change, as of July 27, 2020, the CDC confirmed 4,339,997 cases of individuals in the United States who have severe respiratory illness caused by COVID-19, as well as 148,866 deaths caused by the illness. According to the Monterey County Office of Emergency Services, there have been 4,288 confirmed cases of COVID-19 among Monterey County residents as of July 27, 2020,

representing an increase of 206 confirmed cases over just two days. (Source: [www.co.monterey.ca.us](http://www.co.monterey.ca.us)).

On July 14, 2020, the federal Centers for Disease Control and Prevention (“CDC”) called on Americans to wear masks to prevent COVID-19 spread. (News release, Exhibit 7).

The main purpose of this urgency ordinance is to accomplish the following:

1. Affirm that a local emergency continues to exist.
2. Affirm that Director of Emergency Services is authorized to take continue to actions in furtherance of emergency powers to address the local emergency.
3. Acknowledges that the orders issued by the Governor, the State Public Health Officer and the County Public Health Officer due to COVID-19 which are currently in effect, or as they are subsequently amended, are enforceable within the City.
4. It makes a violation of such orders a violation of the City’s Municipal Code and thus enforceable under the Sand City Municipal Code Chapter 1.16.
5. Authorizes the City Manager as Director of Emergency Services to direct Sand City public officers or employees to issue citations for violations of such orders, following the procedures set forth in local and state law.

As drafted, the Ordinance will not be codified in the Sand City Municipal Code, and will remain in effect until the California Governor’s Proclamation of a State of Emergency is lifted or until rescinded by the City Council, whichever occurs first. As an urgency ordinance, the ordinance will take effect immediately upon adoption by a four fifths (4/5) vote of the City Council. (California Government Code Section 36937).

**CEQA:**

This Urgency Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); and 15061(b)(3), because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and

**Fiscal impact:**

There is no direct fiscal impact.

**Recommendation:**

Based upon the foregoing, the recommendation is:

- 1) For the City Council to find pursuant to Government Code Section 36937(b) by a four-fifths vote that this Urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety.
- 2) For the City Council to adopt this Urgency Ordinance which requires a 4/5 of the City Council.

**Attachment A – Urgency Ordinance**

**Exhibits:**

Exhibit #1: Resolution SC 20-20

Exhibit #2: Executive order N-33-20

Exhibit #3: Executive order N-60-20

Exhibit #4: State Health Officer Order, June 29, 2020

Exhibit #5: July 13, 2020, State Health Officer order

Exhibit #6: Monterey County Public Health Officer, April 28, 2020

Exhibit #7: July 14, 2020, CDC Press Release

# Attachment A

## CITY COUNCIL OF THE CITY OF SAND CITY URGENCY ORDINANCE NO. 20-\_\_\_\_\_, 2020

### URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAND CITY AFFIRMING ORDERS OF THE STATE PUBLIC HEALTH OFFICER AND THE COUNTY OF MONTEREY PUBLIC HEALTH OFFICER RELATED TO COVID-19 AS APPLICABLE AND ENFORCEABLE WITHIN CITY JURISDICTION AND AUTHORIZING DIRECTOR OF EMERGENCY SERVICES TO DESIGNATE PUBLIC OFFICERS OR EMPLOYEES TO ISSUE CITATIONS

**WHEREAS**, the City of City of Sand City (“City”) is authorized by Article XI, Section 7 of the California Constitution and the Charter of the City of Sand City, Section 2, to make and enforce all regulations and ordinances using its police powers; and

**WHEREAS**, the California Emergency Services Act (California Government Code Section 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat; and

**WHEREAS**, Section 2.12.020 of the Sand City Municipal Code defines “emergency” as the “actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as ... epidemic... which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat”; and

**WHEREAS**, in December 2019, reports began spreading worldwide about a flu- like virus first found in China that was significantly more deadly than the flu generally, with the virus becoming known as the Coronavirus (“COVID-19”); and

**WHEREAS**, on or about March 4, 2020, as part of the State of California’s response to address the global COVID-19 outbreak, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of COVID-19; and

**WHEREAS**, on March 6, 2020, the County Administrative Officer of Monterey County proclaimed a Local Emergency due to the threat of COVID-19 in the County; and

**WHEREAS**, on March 11, 2020, the World Health Organization (“WHO”) classified the spread of COVID-19 internationally as a global pandemic; and

**WHEREAS**, on March 16, 2020, the City Manager of the City of Sand City, acting in his capacity as the Director of Emergency Services for the City, declared the existence of a local emergency within the City due to COVID-19; and

**WHEREAS**, on March 17, 2020, the City Council adopted Resolution SC-20-20 ratifying the City Manager's Proclamation Emergency Due to Spread of a Severe Illness Caused by a Coronavirus ("COVID-19"); and

**WHEREAS**, on March 19, 2020, Governor Gavin Newsom issued Executive Order N-33-20 in which all residents were directed to immediately heed the State public health directives which the Governor ordered the Department of Public Health to develop for COVID-19; and

**WHEREAS**, on April 28, 2020, the Monterey County Public Health Officer ("County Public Health Officer") issued an Order requiring members of the public and workers to wear face coverings subject to certain exceptions; and

**WHEREAS**, on May 4, 2020, Governor Gavin Newsom issued Executive Order N- 60-20 which directed all residents to continue to obey State public health directives; and

**WHEREAS**, on June 29, 2020, the California State Department of Public Health issued a Guidance for the Use of Face Coverings; and

**WHEREAS**, on July 13, 2020, the State Public Health Officer ordered that the guidance mandating the wearing of face coverings shall continue to apply statewide, except as specifically permitted in other orders or guidance documents; and

**WHEREAS**, on July 14, 2020, the federal Centers for Disease Control and Prevention ("CDC") called on Americans to wear masks to prevent COVID-19 spread; and

**WHEREAS**, the CDC has confirmed 4,339,997 cases of individuals in the United States who have severe respiratory illness caused by COVID-19, as well as 148,866 deaths caused by the illness as of July 27, 2020 ; and

**WHEREAS**, Governor Gavin Newsom has issued multiple Executive Orders due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments; and

**WHEREAS**, both the State Public Health Officer and County Public Health Officer have issued multiple Orders and directives due to COVID-19 which have significantly impacted individuals and the operations of businesses and local governments; and

**WHEREAS**, Cal. Health & Safety Code Section 120155 authorizes the City's police officers to enforce orders of the State Public Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease; and

**WHEREAS**, Health & Safety Code Section 101029 authorizes the City's police officers to enforce orders of the County Public Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease and Government Code Section 41601 further authorizes the City's Chief of Police to enforce local health orders to prevent the spread of disease; and

**WHEREAS**, the COVID-19 pandemic continues to spread rapidly worldwide and in the U.S., presenting an immediate and significant risk to public health and safety, and resulting in serious illness or death to vulnerable populations, including the elderly and those with underlying health conditions, and

**WHEREAS**, according to the Monterey County Office of Emergency Services, there have been 4,288 confirmed cases of COVID-19 among Monterey County residents as of July 27, 2020, representing an increase of 206 confirmed cases over just two days; and

**WHEREAS**, heightened levels of public health and safety planning and preparedness have been necessary to respond to confirmed cases of COVID-19 in the County of Monterey, requiring a rapid response not lending itself to otherwise applicable notice and approval timelines to mitigate against the spread of COVID- 19 and its resulting public health and safety impacts; and

**WHEREAS**, in the absence of such actions, County wide health services may become overwhelmed and unable to keep up with medical demand for care and availability of hospital or care facility capacity; and

**WHEREAS**, this Urgency Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); and 15061(b)(3), because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and

**WHEREAS**, based upon the foregoing, the City Council finds pursuant to Government Code Section 36937(b) that this Urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAND CITY DOES ORDAIN AS FOLLOWS:**

**Section 1.** Incorporation of Findings. The City Council of the City of Sand City incorporates the findings in the whereas clauses above by reference as though fully set forth here.

**Section 2.** Codification. This Ordinance shall not be codified in the Sand City Municipal Code.

**Section 3. Authority Pursuant to Applicable Law.** Pursuant to California Government Code Section 8610, and Sand City Municipal Code Chapter 2.12, the City, while in a state of emergency proclaimed by the Director of Emergency Services and ratified by the City Council, may establish rules and regulations for dealing with the local emergency. The City Council finds and determines that it has the authority to enact this Urgency Ordinance pursuant to all applicable laws including, but not limited to, the California Emergency Services Act, the Sand City Municipal Code, the declaration of local emergency issued by the City Council on March 17, 2020, Government Code Section 36937 (b) and the Findings set forth herein.

**Section 4. Local Emergency.** A local emergency continues to exist throughout the City, and the City has been undertaking, and will continue through the cessation of this emergency to undertake, necessary measures and incur necessary costs, which are directly related to the prevention of the spread of the COVID-19 virus and are taken in furtherance of: the Governor's Proclamation of a State of Emergency on March 4, 2020; the President of the United States' Declaration of a National Emergency on March 13, 2020; the City Council Resolution SC 20-20 declaring the existence of a local emergency within the City due to COVID 19, the Orders issued by the Governor, State Public Health Officer and the County Public Health Officer due to COVID 19 and all applicable laws.

**Section 5. Powers of City Director of Emergency Services.** During the existence of the local emergency due to COVID-19, the powers, functions, and duties of the City Director of Emergency Services shall be those prescribed by state law, and ordinances and resolutions of this City, notwithstanding otherwise applicable procedures, timelines or methods of action and the City Director of Emergency Services is expressly authorized to take any and all actions in furtherance of emergency powers to address the local emergency.

**Section 6. Orders Enforceable.** The Orders issued by the Governor, State Public Health Officer and the County Public Health Officer due to COVID-19 as currently in effect, or as subsequently amended, are hereby expressly acknowledged and declared to be enforceable within the City and violations of such Orders are hereby deemed to be a violation of City Municipal Code and enforceable under SCMC Chapter 1.16 as if directly enacted by the City Council or as otherwise allowed by law.

**Section 7. Authorization of Citations Issuance.** Pursuant to California Penal Code § 836.5, the City Director of Emergency Services is hereby authorized to direct Sand City public officers or employees to issue citations following the procedures set forth in SCMC Chapter 1.16, California Penal Code §§ 853.5 through 853.6a, or such other procedures as the State of California may subsequently enact for violations of this Urgency Ordinance and violations of any section of the Sand City Municipal Code or violation of any City ordinance.

**Section 8. Authorization of City Director of Emergency Services.** The City Director of Emergency Services and his/her designee(s) are hereby authorized to take all necessary action to implement and enforce this Urgency Ordinance.



**Section 9: Severability.** If any section, subsection, sentence, clause, or phrase of this Urgency Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Urgency Ordinance. The City Council declares that it would have passed this Urgency Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Urgency Ordinance would be subsequently declared invalid or unconstitutional.

**Section 10: Effective Date and Duration.** This Urgency Ordinance enacted under California Government Code Section 36937 will take effect immediately upon adoption by a four fifths (4/5) vote of the City Council. This Urgency Ordinance will remain in effect until the Governor's Proclamation of a State of Emergency is lifted or until rescinded by the City Council, whichever occurs first.

**Section 11: Publication.** The City Clerk is directed to certify this Urgency Ordinance and cause it to be published in the manner required by law.

**PASSED AND ADOPTED** by the City Council of the City of Sand City this 4th day of August, 2020, by the following vote:

AYES:

NOES:

ABSENT :

ABSTAIN:

APPROVED:

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

ATTEST:

\_\_\_\_\_  
Connie Horca  
Acting City Clerk

**CITY OF SAND CITY  
RESOLUTION SC 20-20, 2020**

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY RATIFYING THE  
PROCLAMATION OF EMERGENCY BY THE CITY MANAGER DUE TO THE  
SPREAD OF A SEVERE RESPIRATORY ILLNESS CAUSED BY A CORONAVIRUS  
(COVID-19)**

**WHEREAS**, in December of 2019, a novel coronavirus known as SARS-CoV-2 (“COVID-19”) was first detected in Wuhan, Hubei Province, People’s Republic of China, causing outbreaks of the coronavirus disease that has now spread globally; and

**WHEREAS**, the President of the United States on March 13, 2020 proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency; and

**WHEREAS**, the United States Centers for Disease Control and Prevention have stated that COVID-19 is a serious public health threat, based on current information; and

**WHEREAS**, the United States Secretary of Health and Human Services declared a public health emergency on January 31, 2020; and

**WHEREAS**, the Governor of California, Gavin Newsom, has declared a state of emergency exists due to the COVID-19 outbreak; and

**WHEREAS**, the County of Monterey Health Officer has issued a statement that a threat exists of widespread community transmission of COVID-19 in Monterey County; and

**WHEREAS**, the Sand City Municipal Code (SCMC §2.12.020) authorizes the City Manager of Sand City to assume general control of the City government when there is an actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City of Sand City (“City”) caused by an epidemic, or other conditions, which are likely to be beyond the control of the services, personnel, equipment and facilities of this City, requiring the combined forces of other political subdivisions to combat; and

**WHEREAS**, SCMC Section 2.12.080 details the emergency powers conveyed to the City Manager when such an emergency has been proclaimed; and

**WHEREAS**, SCMC §2.12.050 designates the City Manager as the disaster council chairperson and the Chief of Police as the vice-chairperson; and

**WHEREAS**, the City Manager has on March 16, 2020 issued a proclamation of local emergency; and

**WHEREAS**, the COVID-19 public health threat may have immediate or future impacts on the City's ability to provide services to the community; and

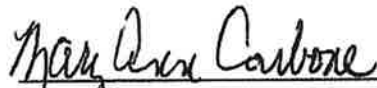
**WHEREAS**, under provisions of the Sand City municipal Code, the City Manager's proclamation of local emergency must be ratified within seven days of issuance in order to remain in effect.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of Sand City that it is hereby proclaimed and ordered that the Proclamation of Local Emergency, issued by the City Manager of Sand City on March 16, 2020 is hereby ratified and confirmed.


**PASSED AND ADOPTED** by the City Council of Sand City on this 17<sup>th</sup>, day of March 2020, by the following vote:

**AYES:** Council Members Carbone, Cruz, Sofer  
**NOES:** None  
**ABSENT:** Council Members Blackwelder, Hawthorne  
**ABSTAIN:** None

**APPROVED:**

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

**ATTEST:**

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

EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

EXHIBIT 2

EXECUTIVE ORDER N-33-20

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** in a short period of time, COVID-19 has rapidly spread throughout California, necessitating updated and more stringent guidance from federal, state, and local public health officials; and

**WHEREAS** for the preservation of public health and safety throughout the entire State of California, I find it necessary for all Californians to heed the State public health directives from the Department of Public Health.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8627, and 8665 do hereby issue the following Order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

- 1) To preserve the public health and safety, and to ensure the healthcare delivery system is capable of serving all, and prioritizing those at the highest risk and vulnerability, all residents are directed to immediately heed the current State public health directives, which I ordered the Department of Public Health to develop for the current statewide status of COVID-19. Those directives are consistent with the March 19, 2020, Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, found at: <https://covid19.ca.gov/>. Those directives follow:

ORDER OF THE STATE PUBLIC HEALTH OFFICER  
March 19, 2020

To protect public health, I as State Public Health Officer and Director of the California Department of Public Health order all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>. In addition, and in consultation with the Director of the Governor's Office of Emergency Services, I may designate additional sectors as critical in order to protect the health and well-being of all Californians.

Pursuant to the authority under the Health and Safety Code 120125, 120140, 131080, 120130(c), 120135, 120145, 120175 and 120150, this order is to go into effect immediately and shall stay in effect until further notice.

The federal government has identified 16 critical infrastructure sectors whose assets, systems, and networks, whether physical or virtual, are considered so vital to the United States that their incapacitation or

ATTACHMENT 2



destruction would have a debilitating effect on security, economic security, public health or safety, or any combination thereof. I order that Californians working in these 16 critical infrastructure sectors may continue their work because of the importance of these sectors to Californians' health and well-being.

This Order is being issued to protect the public health of Californians. The California Department of Public Health looks to establish consistency across the state in order to ensure that we mitigate the impact of COVID-19. Our goal is simple, we want to bend the curve, and disrupt the spread of the virus.

The supply chain must continue, and Californians must have access to such necessities as food, prescriptions, and health care. When people need to leave their homes or places of residence, whether to obtain or perform the functions above, or to otherwise facilitate authorized necessary activities, they should at all times practice social distancing.

- 2) The healthcare delivery system shall prioritize services to serving those who are the sickest and shall prioritize resources, including personal protective equipment, for the providers providing direct care to them.
- 3) The Office of Emergency Services is directed to take necessary steps to ensure compliance with this Order.
- 4) This Order shall be enforceable pursuant to California law, including, but not limited to, Government Code section 8665.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 19th day of March 2020.



\_\_\_\_\_  
GAVIN NEWSOM  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State

**EXECUTIVE ORDER N-60-20**

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** on March 19, 2020, I issued Executive Order N-33-20, which directed all California residents to immediately heed current State public health directives; and

**WHEREAS** State public health directives, available at <https://covid19.ca.gov/stay-home-except-for-essential-needs/>, have ordered all California residents stay home except for essential needs, as defined in State public health directives; and

**WHEREAS** COVID-19 continues to menace public health throughout California; and

**WHEREAS** the extent to which COVID-19 menaces public health throughout California is expected to continue to evolve, and may vary from place to place within the State; and

**WHEREAS** California law promotes the preservation of public health by providing for local health officers—appointed by county boards of supervisors and other local authorities—in addition to providing for statewide authority by a State Public Health Officer; and

**WHEREAS** these local health officers, working in consultation with county boards of supervisors and other local authorities, are well positioned to understand the local needs of their communities; and

**WHEREAS** local governments are encouraged to coordinate with federally recognized California tribes located within or immediately adjacent to the external geographical boundaries of such local government jurisdiction; and

**WHEREAS** the global COVID-19 pandemic threatens the entire State, and coordination between state and local public health officials is therefore, and will continue to be, necessary to curb the spread of COVID-19 throughout the State; and

**WHEREAS** State public health officials have worked, and will continue to work, in consultation with their federal, state, and tribal government partners; and

**WHEREAS** the State Public Health Officer has articulated a four-stage framework—which includes provisions for the reopening of lower-risk businesses and spaces ("Stage Two"), to be followed by the reopening of higher-risk businesses and spaces ("Stage Three")—to allow Californians to gradually resume various activities while continuing to preserve public health in the face of COVID-19; and

**WHEREAS** the threat posed by COVID-19 is dynamic and ever-changing, and the State's response to COVID-19 (including implementation of the four-stage framework) should likewise retain the ability to be dynamic and flexible; and

**WHEREAS** to preserve this flexibility, and under the provisions of Government Code section 8571, I find that strict compliance with the Administrative Procedure Act, Government Code section 11340 et seq., would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, 8627, and 8665; and also in accordance with the authority vested in the State Public Health Officer by the laws of the State of California, including but not limited to Health and Safety Code sections 120125, 120130, 120135, 120140, 120145, 120150, 120175, and 131080; do hereby issue the following Order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

- 1) All residents are directed to continue to obey State public health directives, as made available at <https://covid19.ca.gov/stay-home-except-for-essential-needs/> and elsewhere as the State Public Health Officer may provide.
- 2) As the State moves to allow reopening of lower-risk businesses and spaces ("Stage Two"), and then to allow reopening of higher-risk businesses and spaces ("Stage Three"), the State Public Health Officer is directed to establish criteria and procedures—as set forth in this Paragraph 2—to determine whether and how particular local jurisdictions may implement public health measures that depart from the statewide directives of the State Public Health Officer.

In particular, the State Public Health Officer is directed to establish criteria to determine whether and how, in light of the extent to which the public health is menaced by COVID-19 from place to place within the State, local health officers may (during the relevant stages of reopening) issue directives to establish and implement public health measures less restrictive than any public health measures implemented on a statewide basis pursuant to the statewide directives of the State Public Health Officer.

The State Public Health Officer is further directed to establish procedures through which local health officers may (during the relevant stages of reopening) certify that, if their respective jurisdictions are subject to proposed public health measures (which they shall specify to the extent such specification may be required by the State Public Health Officer) that are less restrictive than public health measures implemented on a statewide basis pursuant to the statewide directives of the State Public Health Officer, the public health will not be menaced. The State Public Health Officer shall additionally establish procedures to permit, in a manner consistent with public health and

safety, local health officers who submit such certifications to establish and implement such less restrictive public health measures within their respective jurisdictions.

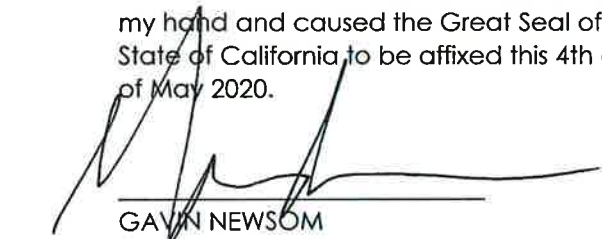
The State Public Health Officer may, from time to time and as she deems necessary to respond to the dynamic threat posed by COVID-19, revise the criteria and procedures set forth in this Paragraph 2. Nothing related to the establishment or implementation of such criteria or procedures, or any other aspect of this Order, shall be subject to the Administrative Procedure Act, Government Code section 11340 et seq. Nothing in this Paragraph 2 shall limit the authority of the State Public Health Officer to take any action she deems necessary to protect public health in the face of the threat posed by COVID-19, including (but not limited to) any necessary revision to the four-stage framework previously articulated by the State Public Health Officer.

- 3) Nothing in this Order shall be construed to limit the existing authority of local health officers to establish and implement public health measures within their respective jurisdictions that are more restrictive than, or that otherwise exist in addition to, the public health measures imposed on a statewide basis pursuant to the statewide directives of the State Public Health Officer.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 4th day of May 2020.



\_\_\_\_\_  
GAVIN NEWSOM  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State





SONIA Y. ANGELL, MD, MPH  
State Public Health Officer & Director

State of California—Health and Human Services Agency  
**California Department of Public Health**

**EXHIBIT 4**



GAVIN NEWSOM  
Governor

Released June 18, 2020

- Revised on June 29, 2020 to clarify that children under two years old are exempt from wearing face coverings due to risk of suffocation

**GUIDANCE FOR THE USE OF FACE COVERINGS**

Because of our collective actions, California has limited the spread of COVID-19 and associated hospitalizations and deaths in our state. Still, the risk for COVID-19 remains and the increasing number of Californians who are leaving their homes for work and other needs, increases the risk for COVID-19 exposure and infection.

Over the last four months, we have learned a lot about COVID-19 transmission, most notably that people who are infected but are asymptomatic or pre-symptomatic play an important part in community spread. The use of face coverings by everyone can limit the release of infected droplets when talking, coughing, and/or sneezing, as well as reinforce physical distancing.

This document updates existing [CDPH guidance](#) for the use of cloth face coverings by the general public when outside the home. It mandates that face coverings be worn state-wide in the circumstances and with the exceptions outlined below. It does not substitute for existing guidance about social distancing and handwashing.

**Guidance**

People in California must wear face coverings when they are in the high-risk situations listed below:

- Inside of, or in line to enter, any indoor public space;<sup>1</sup>
- Obtaining services from the healthcare sector in settings including, but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank;<sup>2</sup>
- Waiting for or riding on public transportation or paratransit or while in a taxi, private car service, or ride-sharing vehicle;
- Engaged in work, whether at the workplace or performing work off-site, when:
  - Interacting in-person with any member of the public;
  - Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;

<sup>1</sup> Unless exempted by state guidelines for specific public settings

<sup>2</sup> Unless directed otherwise by an employee or healthcare provider

California Department of Public Health  
P.O. Box 997377, MS0500 • Sacramento, CA 95899-7377  
[Department Website](http://www.cdph.ca.gov) (www.cdph.ca.gov)



- Working in any space where food is prepared or packaged for sale or distribution to others;
- Working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;
- In any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically distance.
- Driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present. When no passengers are present, face coverings are strongly recommended.
- While outdoors in public spaces when maintaining a physical distance of 6 feet from persons who are not members of the same household or residence is not feasible.

*The following individuals are exempt from wearing a face covering:*

- Persons younger than two years old. These very young children must not wear a face covering because of the risk of suffocation.
- Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance.
- Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
- Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service.
- Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least six feet away from persons who are not members of the same household or residence.
- Persons who are engaged in outdoor work or recreation such as swimming, walking, hiking, bicycling, or running, when alone or with household members, and when they are able to maintain a distance of at least six feet from others.

- Persons who are incarcerated. Prisons and jails, as part of their mitigation plans, will have specific guidance on the wearing of face coverings or masks for both inmates and staff.

**Note:** Persons exempted from wearing a face covering due to a medical condition who are employed in a job involving regular contact with others should wear a non-restrictive alternative, such as a face shield with a drape on the bottom edge, as long as their condition permits it.

## **Background**

*What is a cloth face covering?*

A cloth face covering is a material that covers the nose and mouth. It can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. A cloth face covering may be factory-made or sewn by hand or can be improvised from household items such as scarfs, T-shirts, sweatshirts, or towels.

*How well do cloth face coverings work to prevent spread of COVID-19?*

There is scientific evidence to suggest that use of cloth face coverings by the public during a pandemic could help reduce disease transmission. Their primary role is to reduce the release of infectious particles into the air when someone speaks, coughs, or sneezes, including someone who has COVID-19 but feels well. Cloth face coverings are not a substitute for physical distancing, washing hands, and staying home when ill, but they may be helpful when combined with these primary interventions.

*When should I wear a cloth face covering?*

You should wear face coverings when in public places, particularly when those locations are indoors or in other areas where physical distancing is not possible

*How should I care for a cloth face covering?*

It's a good idea to wash your cloth face covering frequently, ideally after each use, or at least daily. Have a bag or bin to keep cloth face coverings in until they can be laundered with detergent and hot water and dried on a hot cycle. If you must re-wear your cloth face covering before washing, wash your hands immediately after putting it back on and avoid touching your face. Discard cloth face coverings that:

- No longer cover the nose and mouth
- Have stretched out or damaged ties or straps
- Cannot stay on the face
- Have holes or tears in the fabric

###



SONIA Y. ANGELL, MD, MPH  
State Public Health Officer & Director

State of California—Health and Human Services Agency  
California Department of Public Health

EXHIBIT 5



GAVIN NEWSOM  
Governor

**Statewide Public Health Officer Order,  
July 13, 2020**

On March 19, 2020, I issued an [order](#) directing all individuals living in the State of California to stay at home except as needed to facilitate authorized, necessary activities or to maintain the continuity of operations of critical infrastructure sectors. I then set out California's path forward from this "Stay-at-Home" Order in California's [Pandemic Resilience Roadmap](#). On May 7<sup>th</sup>, I [announced](#) that statewide data supported the gradual movement of the entire state into Stage 2 of the Pandemic Resilience Roadmap. On May 8<sup>th</sup>, the Governor outlined a process where counties that met specific criteria could move more quickly than other parts of the state through Stage 2 of modifying the Stay-at-Home order, including certain businesses deemed higher risk.

The statewide data has since demonstrated a significant increase in the spread of COVID-19, resulting in public health conditions that demand measures responsive to those conditions be put into place with haste. On June 28, 2020, the California Department of Public Health (CDPH) issued [guidance](#) setting forth the need to close bars and similar establishments in counties that – due to concerning levels of disease transmission, hospitalizations, or insufficient testing – had been on the County Monitoring List, which includes counties that show concerning levels of disease transmission, hospitalizations, insufficient testing, or other critical epidemiological markers, for 14 days. On July 1, 2020, CDPH issued [guidance](#) specific to counties on the County Monitoring List for three consecutive days, requiring closure of the indoor operations of various sectors, including restaurants, wineries, and certain entertainment venues, as well as all bars indoor and outdoor. Based on my judgment as the State Public Health Officer, it is now necessary to take these steps statewide, to take additional steps for counties on the County Monitoring List, and to continue to monitor and modify the process of reopening.

The current data reflect that community spread of infection is of increasing concern across the state. On July 1, 2020, there were 19 counties on the County Monitoring List. As of July 13, 2020, there are 32 counties on the list, and additional counties may soon be added as data warrants. In addition to the impact on the general population, community spread increases the likelihood of expanded transmission of COVID-19 in congregate settings such as nursing homes, homeless shelters, jails and prisons. Infection of these vulnerable populations in these settings can be catastrophic. Higher

levels of community spread also increase the likelihood of infection among individuals at high risk of serious outcomes from COVID-19, including the elderly and those with underlying health conditions who might live or otherwise interact with an infected individual.

The Pandemic Resilience Roadmap classifies bars, pubs, breweries, brewpubs, dine-in restaurants, wineries and tasting rooms, family entertainment centers, zoos, museums, and cardrooms as Stage 2 or Stage 3 sectors with high risk of transmission due to a number of features of the businesses and the behaviors that occur within them. Public health studies have shown that the risk of transmission is exacerbated in indoor spaces, particularly when lacking appropriate ventilation. These sectors are settings where groups convene and may mix with others for a prolonged period of time, increasing the risk of escalating the transmission rate of COVID-19. While physical distancing is critical to mitigating exposure, it is more effective at protecting an individual with brief exposures or outdoor exposures. In contrast to indoor spaces, wind and the viral dilution in outdoor spaces can help reduce viral load.

Bars, both indoor and outdoor, have additional risk factors. A bar, foundationally, is a social setting where typically not only small groups convene, but also where groups mix with other groups. Bars also have an added risk imposed by the consumption of alcohol as a primary activity offered in such venues. Alcohol consumption slows brain activity, reduces inhibition, and impairs judgment, factors which contribute to reduced compliance with recommended core personal protective measures, such as the mandatory use of face coverings and maintaining six feet of distance from people in different households, both indoors and outdoors. Louder environments and the cacophony of conversation that are typical in bar settings also require raised voices and greater projection of orally emitted viral droplets.

For counties on the County Monitoring List, the risks and impacts of disease transmission are even greater. The science suggests that for indoor operations the odds of an infected person transmitting the virus are dramatically higher compared to an open-air environment. Thus, for those counties on the list, it is necessary to close indoor operations for additional sectors which promote the closed-space mixing of populations beyond households and/or make adherence to physical distancing with face coverings difficult, including: gyms and fitness centers, places of worship, protests, offices for non-Critical Infrastructure sectors as designated on [covid19.ca.gov](https://www.covid19.ca.gov), personal care services (including nail salons, massage parlors, and tattoo parlors), hair salons and barbershops, and malls.

**NOW, THEREFORE, I, as State Public Health Officer and Director of the California Department of Public Health, order all of the following:**

**Statewide Order Relative to Bars, Pubs, Brewpubs, and Breweries**

1. Bars, pubs, brewpubs, and breweries, whether operating indoors or outdoors, shall be closed across the state, unless an exception below applies.

- a. Bars, pubs, brewpubs, and breweries, may operate outdoors if they are offering sit-down, outdoor, dine-in meals. Alcohol can be sold only in the same transaction as a meal. When operating outdoors, they must follow the [dine-in restaurant guidance](#) and should continue to encourage takeout and delivery service whenever possible.
- b. Bars, pubs, brewpubs, and breweries that do not provide sit-down meals themselves, but can contract with another vendor to do so, can serve dine-in meals when operating outdoors provided both businesses follow the [dine-in restaurant guidance](#) and alcohol is sold only in the same transaction as a meal.
- c. Venues that are currently authorized to provide off sale beer, wine, and spirits to be consumed off premises and do not offer sit-down, dine-in meals must follow the [guidance for retail operations](#) and offer curbside sales only.
- d. Concert, performance, or entertainment venues must remain closed until they are allowed to resume modified or full operation through a specific reopening order or guidance. Establishments that serve full meals must discontinue this type of entertainment until these types of activities are allowed to resume modified or full operation.

2. Indoor operations shall be restricted across the state as specified below:

- a. Dine-in restaurants must close indoor seating to customers. During this closure all dine-in restaurants may continue to utilize outdoor seating and must comply with the [guidance for outdoor dining](#). Restaurants should continue to encourage takeout and delivery service whenever possible.
- b. Wineries and tasting rooms must close indoor services to customers. During this closure all wineries and tasting rooms operating outdoors must comply with the [guidance for restaurants, wineries, and bars](#).
- c. Family entertainment centers and movie theaters must close indoor services and attractions to customers.
  1. Family entertainment centers may continue to provide outdoor services and attractions to customers, and must comply with the guidance for [movie theaters and family entertainment centers](#).

2. Drive-in movie theaters may continue to operate and should follow additional applicable guidance for [drive-in movie theaters](#).
- d. Indoor attractions at zoos and museums must close to visitors.
  1. Zoos and museums may continue to operate outdoor attractions and must follow the [guidance for zoos and museums](#).
- e. Cardrooms must close indoor services to customers and must follow the [guidance for cardrooms](#).

### **Order for Closure of Additional Indoor Sectors for Counties on Monitoring List**

3. Counties that currently appear on CDPH's County Monitoring List and have been on the list for three consecutive days, and counties that subsequently appear for three consecutive days or more while this order remains effective, must close all indoor operations of the following types of businesses/events/activities:

- a. Gyms and Fitness Centers
- b. Places of Worship
- c. Protests
- d. Offices for [Non-Critical Infrastructure Sectors](#)
- e. Personal Care Services (including nail salons, massage parlors, and tattoo parlors)
- f. Hair salons and barbershops
- g. Malls

### **Terms of Orders**

4. This order shall go into effect immediately.
5. These closures shall remain in effect until I determine it is appropriate to modify the order based on public health conditions.
6. Outdoor operations may be conducted under a tent, canopy, or other sun shelter but only as long as no more than one side is closed, allowing sufficient outdoor air movement.
7. I will continue to monitor the epidemiological data and will modify the sectors that may be open both statewide and in counties on the Monitoring List as required by the evolving public health conditions. If I determine that it is appropriate to reopen, close, or modify the operations of any additional sectors, those sectors will be posted at: <https://covid19.ca.gov/roadmap-counties/>.
8. My [guidance](#) mandating the wearing of face coverings and my [guidance](#) prohibiting gatherings continue to apply statewide, except as specifically permitted in other orders or guidance documents. To prevent further spread of COVID-19 to and within other

jurisdictions within the State, Californians should not travel significant distances and should stay close to home.

9. This order is issued pursuant to the authority under EO N-60-20, and Health and Safety Code sections 120125, 120130(c), 120135, 120140, 120145, 120150, 120175, 120195 and 131080.



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Sonia Y Angell, MD, MPH  
State Public Health Officer & Director  
California Department of Public Health



**ORDER OF THE HEALTH OFFICER OF THE COUNTY OF MONTEREY  
REQUIRING MEMBERS OF THE PUBLIC AND WORKERS TO WEAR  
FACE COVERINGS**

**DATE OF ORDER: April 28, 2020**

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both (California Health and Safety Code §120295). Except as may be defined herein, each of the capitalized terms is defined in the April 3, 2020 Monterey County Health Officer Shelter in Place Order ("April 3<sup>rd</sup> Order").

The Centers for Disease Control and Prevention ("CDC"), California Department of Public Health ("CDPH"), and the Monterey County Health Department ("MCHD") recommend that members of the public that need to interact with others outside the home, especially where many people are present such as shopping and waiting in lines, cover the mouth and nose to prevent inadvertently spreading the virus that causes Coronavirus Disease 2019 ("COVID-19"). One key method of transmission of the COVID-19 virus is by respiratory droplets that people expel when they breathe, cough or sneeze. People infected with the virus may not have any symptoms, meaning they are asymptomatic, but they can still be contagious. People infected with the virus are contagious 48 hours before developing symptoms, the time when they are pre-symptomatic. Many people with the COVID-19 virus have mild symptoms and do not recognize they are infected and contagious, and they can unintentionally infect others. Therefore, the CDC, CDPH, and MCHD now believe that wearing a face covering, when combined with physical distancing of at least 6 feet and frequent hand washing, may reduce the risk of transmitting coronavirus when in public and engaged in essential activities by reducing the spread of respiratory droplets. And, because it is not always possible to maintain at least 6 feet of distance, members of the public and workers should wear face coverings while engaged in most essential activities and other activities when others are nearby. For clarity, although wearing a face covering is one tool for reducing the spread of the virus, doing so is not a substitute for sheltering in place, physical distancing of at

least 6 feet, and frequent hand washing.

This Order requires that people wear Face Coverings, which may be simple do-it-yourself coverings as further described below, in three main settings. First, members of the public must wear Face Coverings while a) inside of or waiting in line to enter Essential Businesses and other businesses or facilities engaged in Minimum Basic Operations, b) providing Essential Infrastructure or Essential Government Functions (except Healthcare Operations, which are subject to different requirements), c) when seeking healthcare from Healthcare Operations, and d) when waiting for or riding on public transportation and other types of shared transportation. Second, this Order also requires employees, contractors, owners, and volunteers of all Essential Businesses or those operating public transportation and other types of shared transportation to wear a Face Covering when at work. And third, this Order also requires workers engaged in Minimum Basic Operations, Essential Infrastructure, and Essential Government Functions to wear a Face Covering in areas where the public is present or likely to be, and at any time when others are nearby.

This Order includes certain exceptions. For instance, this Order does not require that any child aged twelve years or younger wear a Face Covering, and recommends that any child aged two years or younger should not wear one because of the risk of suffocation. This Order also does not apply to people who are in their own cars alone or with members of their own household. It also does not require people to wear Face Coverings while engaged in outdoor recreation such as walking, hiking, bicycling, or running, though it does recommend that they have a Face Covering with them and still requires them to practice social distancing and other measures to protect against transmission of the virus.

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040 AND 120175, THE HEALTH OFFICER OF THE COUNTY OF MONTEREY ("HEALTH OFFICER") ORDERS:**

1. This Order will take effect at 12:01 a.m. on April 30, 2020, and will continue to be in effect until it is extended, rescinded, superseded, or amended in writing by the Health Officer. All individuals, businesses and government agencies in the unincorporated and incorporated areas of the County of Monterey ("County") are required to follow the

provisions of this Order.

2. This Order is based on evidence of increasing occurrence of COVID-19 within the County, California and the United States. In the County, as of April 26, 2020 there were 185 cases of COVID-19 and four fatalities, including a significant and increasing number of suspected cases of community transmission.
3. As used in this Order, a "Face Covering" means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face. A covering that hides or obscures the wearer's eyes or forehead is not a Face Covering. Examples of Face Coverings include a scarf or bandana; a neck gaiter; a homemade covering made from a T-shirt, sweatshirt, or towel, held on with rubber bands or otherwise; or a mask, which need not be medical-grade. A Face Covering may be factory-made, or may be handmade and improvised from ordinary household materials. The Face Covering should be comfortable, so that the wearer can breathe comfortably through the nose and does not need to adjust it frequently, so as to avoid touching the face. For as long as medical grade masks such as N95 masks and surgical masks are in short supply, members of the public should not purchase those masks as Face Coverings under this Order; medical grade masks should be reserved for health care providers and first responders. In general, even when not required by this Order, people are strongly encouraged to wear Face Coverings when in public. Also, for Face Coverings that are not disposed of after each use, people should clean them frequently and have extra ones available so that they have a clean one available for use.

Note that any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling is not a Face Covering under this Order and is not to be used to comply with this Order's requirements. Valves of that type permit droplet release from the mask, putting others nearby at risk.

A video showing how to make a face covering and additional information about how to wear and clean Face Coverings may be

found at the website of Centers for Disease Control and Prevention, at [www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html](http://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html).

4. All members of the public, except as specifically exempted below, must wear a Face Covering outside their home or other place where they reside in the following situations:
  - a. When inside of, or in line to enter, or when conducting business through a car window or walk-up counter at any Essential Business (as that term is defined in Section 13.f of the April 3<sup>rd</sup> Order), including, but not limited to, grocery stores, convenience stores, supermarkets, laundromats and restaurants;
  - b. When inside or at any location or facility engaging in Minimum Basic Operations, or inside of any location or facility while seeking or receiving Essential Government Functions (as defined in Sections 13.g and 13.d, respectively, of the April 3<sup>rd</sup> Order);
  - c. When engaged in Essential Infrastructure work (as defined in Section 13.c of the April 3<sup>rd</sup> Order);
  - d. When obtaining services at Healthcare Operations (as defined in Section 13.b of the April 3<sup>rd</sup> Order), including hospitals, clinics, COVID-19 testing locations, dentists, pharmacies, blood banks and blood drives, other healthcare facilities, mental health providers, or facilities providing veterinary care and similar health care services for animals, unless directed otherwise by an employee or worker at the Healthcare Operation; or
  - e. When waiting for or riding on public transportation (including without limitation any bus or train) or paratransit, or are in a taxi, private car service, or ride-sharing vehicle.
5. Each driver or operator of any public transportation vehicle, paratransit vehicle, taxi, private car service or ride-sharing vehicle must wear a Face Covering while driving or operating such vehicle, regardless of whether a member of the public is in the vehicle, due to the need to reduce the spread of respiratory droplets in the vehicle at all times.
6. All Essential Businesses, as well as entities and organizations with workers engaged in Essential Infrastructure work, Minimum Basic

**Operations, or Essential Government Functions (except for Healthcare Operations, which are subject to their own regulation regarding specified face coverings), must:**

- a. Require their employees, contractors, owners, and volunteers to wear a Face Covering at the workplace and when performing work off-site any time the employee, contractor, owner, or volunteer is:**
  - i. interacting in person with any member of the public;**
  - ii. working in any space visited by members of the public, such as, by way of example and without limitation, reception areas, grocery store or pharmacy aisles, service counters, public restrooms, cashier and checkout areas, waiting rooms, service areas, and other spaces used to interact with the public, regardless of whether anyone from the public is present at the time;**
  - iii. working in any space where food is prepared or packaged for sale or distribution to others;**
  - iv. working in or walking through common areas such as hallways, stairways, elevators, and parking facilities; or**
  - v. in any room or enclosed area when other people (except for members of the person's own household or residence) are present.**

**A Face Covering is not required when a person is in a personal office (a single room) when others outside of that person's household are not present as long as the public does not regularly visit the room. By way of example and without limitation, a construction worker, plumber, bank manager, accountant, or bike repair person, who is otherwise allowed to engage in work pursuant to the April 3<sup>rd</sup> Order, is not required to wear a Face Covering if that individual is alone and in a space not regularly visited by the public, but that individual must put on a Face Covering when coworkers are nearby, when being visited by a client/customer, and anywhere members of the public or other coworkers are regularly present; and**

- b. Take reasonable measures, such as posting signs, to remind their customers and the public of the requirement that they wear a Face Covering while inside of or waiting in line to enter the business, facility, or location. Essential Businesses and entities or**

organizations that are engaged in Essential Infrastructure work or Minimum Basic Operations must take all reasonable steps to prohibit any member of the public who is not wearing a Face Covering from entering and must not serve that person.


7. Any child aged two years or less should not wear a Face Covering because of the risk of suffocation. This Order does not require that any child twelve years of age or less wear a Face Covering, including but not limited to, when attending childcare activities. However, parents and caregivers should supervise the use of Face Coverings by children to avoid misuse.
8. Wearing a Face Covering is recommended but not required while engaged in outdoor recreation such as walking, hiking, bicycling, or running. But each person engaged in such activity must comply with social distancing requirements including maintaining at least six feet of separation from all other people to the greatest extent possible. Additionally, it is recommended that each person engaged in such activity bring a Face Covering and wear that Face Covering in circumstances where it is difficult to maintain compliance with social distancing requirements, and that they carry the Face Covering in a readily accessible location, such as around the person's neck or in a pocket, for such use. Running or bicycling causes people to more forcefully expel airborne particles, which makes the usual minimum 6 feet distance requirement less adequate. Therefore, runners and cyclists must take extra measures to avoid exposing others to airborne particles, including wearing a Face Covering when possible, maintaining physical distance of greater than 6 feet when engaging in these activities, avoiding spitting, and avoiding running or cycling directly in front of or behind another runner or cyclist who is not in the same household.
9. This Order does not require any person to wear a Face Covering while driving alone, or exclusively with other members of the same family or household, in a motor vehicle.
10. A Face Covering is also not required by this Order to be worn by an individual if the person can show either: 1) a medical professional has advised that wearing a Face Covering may pose a risk to the person wearing the mask for health-related reasons; or 2) wearing a Face Covering would create a risk to the person related to their work as

determined by local, state, or federal regulators or workplace safety guidelines. A Face Covering should also not be used by anyone who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the Face Covering without assistance.

11. The intent of this Order is to ensure that all people who are visiting or working at Essential Businesses and all people who are seeking care at healthcare facilities or engaged in certain types of public transit or transportation with others wear a Face Covering to reduce the likelihood that they may transmit or receive the COVID-19 virus. The intent of this Order is also to ensure that people who work for or seek services from entities engaged in Essential Infrastructure work, Minimum Basic Operations, or Essential Government functions also wear a Face Covering when they are in close proximity to others. In so doing, this Order will help reduce the spread of the COVID-19 virus and mitigate the impact of the virus on members of the public and on the delivery of critical healthcare services to those in need. All provisions of this Order must be interpreted to effectuate this intent.
12. This Order is issued based on scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County.
13. This Order is issued in accordance with, and incorporates by reference, the: April 3, 2020 Order of the Monterey County Health Officer, the March 19, 2020 Order of the State Health Officer, The March 19, 2020 Executive Order N-33-20 issued by the Governor of California, the March 12, 2020 Executive Order (Executive Order N-25-20) issued by the Governor of California, the March 10, 2020 Resolution of the Board of Supervisors of the County of Monterey Ratifying and Extending the Proclamation of a Local Emergency, the March 6, 2020 Proclamation of a Local Emergency issued by the County Administrative Officer, the March 4, 2020 Proclamation of a State of Emergency issued by the California Governor, and guidance issued by the California Department of Public Health, as each of them have been and may be supplemented.

14. Failure to comply with any of the provisions of this Order constitutes an imminent threat and immediate menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.
15. To the extent necessary, pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and all Chiefs of Police in the County ensure compliance with and enforcement of this Order.
16. Copies of this Order shall promptly be: (1) made available at the County Government Center at 168 West Alisal Street, CA 93901 and the County Health Department at 1270 Natividad Rd., Salinas CA 93906; (2) posted on the County Health Department website [www.mtyhd.org](http://www.mtyhd.org); and (3) provided to any member of the public requesting a copy of this Order.
17. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other people or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
18. Questions or comments regarding this Order may be directed to Monterey County Health Department at (831) 755-4521.

**IT IS SO ORDERED:**

  
\_\_\_\_\_  
Edward Moreno, MD, MPH  
Health Officer of the County of Monterey

Dated April 28, 2020



## CDC Newsroom

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# CDC calls on Americans to wear masks to prevent COVID-19 spread

JAMA editorial reviews latest science, while case study shows masks prevented COVID spread

### Press Release

For Immediate Release: Tuesday, July 14, 2020

Contact: [Media Relations](#)

(404) 639-3286

Americans are increasingly adopting the use of cloth face masks to slow the spread of COVID-19, and the latest science may convince even more to do so.

In an editorial published today in the Journal of the American Medical Association (JAMA), CDC reviewed the latest science and affirms that cloth face coverings are a critical tool in the fight against COVID-19 that could reduce the spread of the disease, particularly when used universally within communities. There is increasing evidence that cloth face coverings help prevent people who have COVID-19 from spreading the virus to others.

“We are not defenseless against COVID-19,” said CDC Director Dr. Robert R. Redfield. “Cloth face coverings are one of the most powerful weapons we have to slow and stop the spread of the virus – particularly when used universally within a community setting. All Americans have a responsibility to protect themselves, their families, and their communities.”

This review included two case studies out today, one from JAMA, showing that adherence to universal masking policies reduced SARS-CoV-2 transmission within a Boston hospital system, and one from CDC’s Morbidity and Mortality Weekly Report (MMWR), showing that wearing a mask prevented the spread of infection from two hair stylists to their customers in Missouri.

Additional data in today’s MMWR showed that immediately after the White House Coronavirus Task Force and CDC advised Americans to wear cloth face coverings when leaving home, the proportion of U.S. adults who chose to do so increased, with 3 in 4 reporting they had adopted the recommendation in a national internet survey.

The results of the Missouri case study provide further evidence on the benefits of wearing a cloth face covering. The investigation focused on two hair stylists — infected with and having symptoms of COVID-19 — whose salon policy followed a local ordinance requiring cloth face coverings for all employees and patrons. The investigators found that none of the stylists’ 139 clients or secondary contacts became ill, and all 67 clients who volunteered to be tested showed no sign of infection.

The finding adds to a growing body of evidence that cloth face coverings provide source control – that is, they help prevent the person wearing the mask from spreading COVID-19 to others. The main protection individuals gain from masking occurs when others in their communities also wear face coverings.

## COVID-19 prevention in a Missouri hair salon

When two stylists at a Missouri hair salon tested positive for the virus that causes COVID-19, researchers from CoxHealth hospitals, Washington University, the University of Kansas, and the Springfield-Greene County Health Department worked together to trace contacts, investigate the cases, and publish their findings in the MMWR.

One of the stylists developed respiratory symptoms but continued to see clients for eight days. The other, who apparently became infected from her co-worker, also developed respiratory symptoms and continued to see clients for four days.

The salon in which they worked had a policy requiring both stylists and their clients to wear face coverings, consistent with the local government ordinance. Both stylists wore double-layered cloth face coverings or surgical masks when seeing clients. The median appointment time was 15 minutes and ranged from 15 to 45 minutes. More than 98% of clients wore a face covering—47% wore cloth face coverings, 46% wore surgical masks, and about 5% wore N-95 respirators.

When customers were asked whether they had been ill with any respiratory symptoms in the 90 days preceding their appointment, 87 (84%) reported that they had not. None of the interviewed customers developed symptoms of illness. Among 67 (48%) customers who volunteered to be tested, all 67 tested negative for the virus that causes COVID-19. Several family members of one of the stylist's subsequently developed symptoms and received a diagnosis of COVID-19.

### Survey: Acceptance of face-mask guidance increased

CDC analyzed data from an internet survey of a national sample of 503 adults during April 7–9 and found that about 62% said they would follow the newly announced recommendations to wear a face mask when outside the home. A repeat survey during May 11–13 showed that the percentage of adults endorsing face mask wearing increased to more than 76%.

The increase was driven largely by a significant jump in approval by white, non-Hispanic adults, from 54% to 75%. Approval among Black, non-Hispanic adults went up from 74% to 82%, and remained stable among Hispanic/Latino adults at 76% and 77%.

There was also a large increase in face-mask approval among respondents in the Midwest, from 44% to 74%. Approval was greatest in the Northeast, going from 77% to 87%.

### Resources:

- CDC's Information on Cloth Face Coverings: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>
- CDC Editorial in JAMA: Brooks JT, Butler JC, Redfield RR. Time for universal masking and prevention of transmission of SARS-CoV-2. JAMA. Published online July 14, 2020. doi:10.1001/jama.2020.13107 <https://jamanetwork.com/journals/jama/fullarticle/10.1001/jama.2020.13107> [↗](#)
- MMWR Article: No Transmission of Symptomatic SARS-CoV-2 After Significant Exposure With Universal Face Mask Use at a Hair Salon – Springfield, Missouri, May 2020 [https://www.cdc.gov/mmwr/volumes/69/wr/mm6928e2.htm?s\\_cid=mm6928e2\\_w](https://www.cdc.gov/mmwr/volumes/69/wr/mm6928e2.htm?s_cid=mm6928e2_w)

MMWR Article: Factors Associated with Cloth Face Coverings Use during the COVID-19 Pandemic — United States, April and May 2020 [https://www.cdc.gov/mmwr/volumes/69/wr/mm6928e3.htm?s\\_cid=mm6928e3\\_w](https://www.cdc.gov/mmwr/volumes/69/wr/mm6928e3.htm?s_cid=mm6928e3_w)

###

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES 

*CDC works 24/7 protecting America's health, safety and security. Whether disease start at home or abroad, are curable or preventable, chronic or acute, or from human activity or deliberate attack, CDC responds to America's most pressing health threats. CDC is headquartered in Atlanta and has experts located throughout the United States and the world.*

Page last reviewed: July 14, 2020  
Content source: Centers for Disease Control and Prevention

**AGENDA ITEM**

**8F**

Connie Horca

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**From:** Monterey Peninsula Chamber of Commerce  
<communications@montereychamber.com>  
**Sent:** Wednesday, July 29, 2020 1:27 PM  
**To:** connie@sandcityca.org  
**Subject:** Member2Member - July 29, 2020



*The mission of the Monterey Peninsula Chamber of Commerce is to support member success and promote the regional economy.*



**Welcome  
NEW  
MEMBERS**

**SEGOVIA'S COCKTAILS**

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# UNDERWATER COMPANY

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*A*guajito  
Veterinary  
Hospital

**UPCOMING EVENTS**



MONTEREY  
PENINSULA  
CHAMBER OF  
COMMERCE

# QUARTERLY CEO BREAKFAST

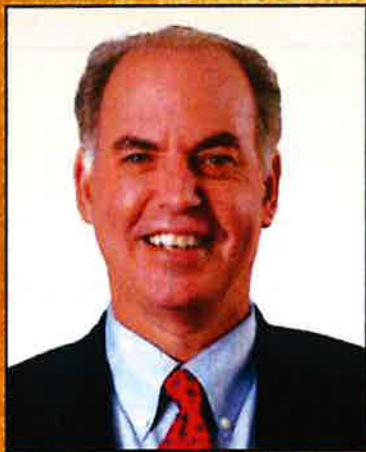
*Save the Date*

**WEDNESDAY, AUGUST 5, 2020  
7:30AM – 9:00AM**

Presented By

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**MONTAGE  
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**STEVEN J. PACKER**

Register online at [www.montereychamber.com](http://www.montereychamber.com) or  
by calling 831-648-5350

The mission of the Monterey Peninsula Chamber of Commerce is to  
support member success and promote the regional economy.



Live Webinar Training  
for City of Monterey  
Tenants & Property Owners

CITY OF MONTEREY  
PROHIBITIONS ON EVICTIONS  
& TENANT PROTECTIONS

AUGUST 4, 2020, 5:30 PM

Register in advance from ECHO's  
Events Calendar by following this link:  
<https://www.echofairhousing.org/events-calendar.html>

*Produced and Presented by ECHO Housing*







# PANEL ON PARKLETS

A CONVERSATION WITH MONTEREY BUSINESSES

**THURSDAY • JULY 30 • 9:00 AM**

The City of Monterey seeks feedback from the business community to develop parklet guidelines for our business areas to promote economic activity during the Covid-19 pandemic.

## WHAT IS A PARKLET?

A parklet is an innovative way to add (physically distant!) gathering space to public streets. Built and maintained by neighboring businesses, parklets are located in the parking lane adjacent to the curb and designed as an extension to the sidewalk.

## PARKLET EXAMPLE



Join City of Monterey staff in the discussion on parklets for business owners and operators:

- restaurants
- retail
- service professionals (hair salons, etc.)
- brick and mortar businesses

## JOIN THE WEBINAR

**ZOOM LINK AT  
MONTEREY.ORG/BUILDING**

City of Monterey - (831) 646-3760 - [suggest@monterey.org](mailto:suggest@monterey.org)