NOTICE OF MEETING
CITY OF PACIFIC GROVE
CITY COUNCIL
REGULAR MEETING AGENDA
Wednesday, April 15, 2020, 6:00 P.M.
Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

The Council will not begin consideration of any item on this agenda later than 10:00 p.m. unless such consideration is approved. Any items on this agenda not considered this evening will be continued to a future meeting.

Copies of the agenda packet are available for review at the Pacific Grove Library located at 550 Central Avenue; the main counter in City Hall at 300 Forest Avenue, Pacific Grove; and on the internet at www.cityofpacificgrove.org/agendas. The most effective method of communication with the City Council is by sending an email to citycouncil@cityofpacificgrove.org. In order to allow the City Council adequate time to review communication related to an agenda item, and in order to allow for the communication to be photocopied and placed within the Reading File, it is recommended that the communication be sent no later than 9:00 AM on the day prior to the City Council meeting.

THIS MEETING WILL BE HELD VIRTUALLY AND IS COMPLIANT WITH THE GOVERNOR’S EXECUTIVE ORDERS N-25-20 AND N-29-20, ALLOWING FOR A DEVIATION OF TELECONFERENCE RULES REQUIRED BY THE BROWN ACT.

JOIN THE ZOOM WEBINAR TO PARTICIPATE LIVE AT:

https://us02web.zoom.us/j/209579290

To participate telephonically, call any number below:

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Webinar Meeting ID: 209 579 290#

Meeting Instructions Here. Help Line 831-648-3128

The public may also view the meeting on the Peninsula Channel 25.

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE: Councilmember Amelio

1. APPROVAL OF AGENDA
2. PRESENTATIONS

3. COUNCIL AND STAFF ANNOUNCEMENTS (City-Related Items Only)
   A. Report on Closed Session by City Attorney
   B. Other

4. GENERAL PUBLIC COMMENT
   General Public Comment must deal with matters subject to the jurisdiction of the City and the Council that
   are not on the Regular Agenda. This is the appropriate place to comment as to items on the Consent Agenda,
   only if you do not wish to have the item pulled for individual consideration by the Council. Comments from
   the public will be limited to three minutes and will not receive Council action. Comments regarding items on the
   Regular Agenda shall be heard prior to Council’s consideration of such items at the time such items are
   called. Whenever possible, written correspondence should be submitted to the Council in advance of the
   meeting, to provide adequate time for its consideration.

CONSENT AGENDA
   The Consent Agenda deals with routine and non-controversial matters, and may include action on resolutions,
   ordinances, or other public hearings for which testimony is not anticipated. The vote on the Consent Agenda
   shall apply to each item that has not been removed. Any member of Council, staff, or the public may remove an
   item from the Consent Agenda for individual consideration. When items are pulled for discussion, they will be
   automatically placed at the end of their respective section within the Regular Agenda. One motion shall be
   made to adopt all non-removed items on the Consent Agenda.

5. APPROVAL OF CITY COUNCIL MEETING MINUTES
   Items pulled from this section will be placed under 12. Unfinished and Ongoing Business
   A. Minutes of the April 1, 2020 and April 8, 2020 City Council Regular and Special Meetings
      PG 7
      Reference: Sandra Kandell, City Clerk
      Recommended Action: Approve minutes.
      CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines
      Section 15378

6. RESOLUTIONS
   Items pulled from this section will be placed under 12. Unfinished and Ongoing Business or 13. New Business
   A. Approve a Resolution to Designate the City's Agent for Federal Emergency Management
      Agency (FEMA) Grants.  PG 21
      Reference: Tori Hannah, Administrative Services Director
      Recommended Action: Approve a Resolution to Designate the City's Agent for Federal
      Emergency Management Agency (FEMA) Grants
      CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines
      Section 15378
   B. Resolution of Intention to Levy the Annual Assessment for the Hospitality Improvement
      District (HID)  PG 29
      Reference: Lori Frati, Management Analyst
Recommended Action:

1. Approve a resolution of intention to levy an assessment for the Hospitality Improvement District (HID) for Fiscal Year 2020-21.
2. Direct staff to notice a public hearing to be held on May 6, 2020, for the purpose of hearing any protests and determining whether to levy the assessment.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

C. Resolution of Intention to Levy the Annual Assessment for the Downtown Business Improvement District (BID) PG 33
Reference: Lori Frati, Management Analyst

Recommended Action:

1. Approve a resolution of intention to levy an assessment for the Downtown Business Improvement District (BID) for Fiscal Year 2020-21.
2. Direct staff to notice a public hearing for May 6, 2020, to receive protests and determine whether to levy the BID assessment.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

7. ORDINANCES

Items pulled from this section will be placed under 11. Public Hearings

A. Adopt an Ordinance Amending the Fiscal Year 2019-20 Budget. PG 37
Reference: Tori Hannah, Administrative Services Director

Recommended Action: Hold a second reading and adopt an ordinance amending the Fiscal Year 2019-20 Budget.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

8. REPORTS – INFORMATION ONLY

Items pulled from this section will be placed under 12. Unfinished and Ongoing Business or 13. New Business

A. New Local Emergency Actions PG 43
Reference: Ben Harvey, City Manager

Recommended Action: Receive report of emergency directives/modifications taken.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

B. Coastal Development Permit Process & Frequently Asked Questions PG 45
Reference: Alyson Hunter, Senior Planner

Recommended Action: Receive information on Coastal Development Permit procedures and Frequently Asked Questions.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378
C. Transportation Agency for Monterey County Highlights of March 25, 2020  
**Reference:** Robert Huitt, Mayor Pro Tem  
**Recommended Action:** Receive Highlights.  
**CEQA:** Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

D. Periodic Meeting Report  
**Reference:** Cynthia Garfield, Council Member  
**Recommended Action:** Receive report.  
**CEQA:** Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

9. **REPORTS – REQUIRING ACTION**  
*Items pulled from this section will be placed under 12. Unfinished and Ongoing Business or 13. New Business*

A. Coastal Wildlife Protection Advisory Committee (CWPAC)  
**Reference:** Bill Peake, Mayor  
**Recommended Action:** Acknowledge City Manager’s decision to extend CWPAC until 90 days after the Monterey County Shelter In Place Order is terminated.  
**CEQA:** Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

10. **MEETING MINUTES OF COMMISSIONS, BOARDS, AND COMMITTEES**  
*Items pulled from this section will be placed under 13. New Business*

**REGULAR AGENDA**

11. **PUBLIC HEARINGS**  
*For public hearings involving a quasi-judicial determination by the Council, the proponent of an item may be given 10 minutes to speak and others in support of the proponent’s position may be given three minutes each. A designated spokesperson for opposition to the item may be given 10 minutes to speak and all others in opposition may be given three minutes each. Very brief rebuttal and surrebuttal may be allowed in the sole discretion of the Council. In public hearings not involving a quasi-judicial determination by the Council, all persons may be given three minutes to speak on the matter. Public hearings on non-controversial matters or for which testimony is not anticipated may be placed on the Consent Agenda, but shall be removed if any person requests a staff presentation or wishes to be heard on the matter.*

A. Consider Adoption of an Ordinance to Add Chapter 2.50 regulating Electronic Records and Electronic Signatures  
**Reference:** Sandra Kandell, City Clerk  
**Recommended Action:** Hold First Reading of an ordinance to add PGMC 2.50 and direct its publication as approved by the City Attorney.  
**CEQA:** Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

12. **UNFINISHED AND ONGOING BUSINESS**
A. Point Pinos Trail Project Grant Agreement  PG 65
   Reference: Daniel Gho, Public Works Director
   Recommended Action: Approve a Resolution authorizing the City Manager to enter into an agreement with the California Coastal Conservancy to allocate grant funds for the Point Pinos Trail Project.
   CEQA: Initial Study, Mitigated Negative Declaration

13. NEW BUSINESS

A. Street Improvements, David and Central Avenue  PG 105
   Reference: Daniel Gho, Public Works Director
   Recommended Action: Authorize the City Manager to enter into an agreement with Monterey Peninsula Engineering for the FY19/20 Road Rehabilitation Project on David Avenue and Central Avenue in an amount not to exceed $1,143,972 and a 15% contingency.
   CEQA: Categorical Exemption, CEQA Guidelines Section 15301, Class I, Existing Facilities

B. FY20/21 Senate Bill 1 Project List & Resolution  PG 109
   Reference: Joyce Halabi, Deputy Public Works Director
   Recommended Action: Adopt a Resolution approving the FY20/21 Senate Bill 1 Project List
   CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

14. FULL PRESENTATIONS

A. California Joint Powers Insurance Authority Presentation  PG 119
   Reference: Ben Harvey, City Manager and Tori Hannah, Administrative Services Director
   Recommended Action: Receive presentation.
   CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

ADJOURNMENT

NOTICE OF ADA COMPLIANCE: Pursuant to Title II of the Americans with Disabilities Act (Codified At 42 United States Code Section 12101 and 28 Code of Federal Regulations Part 35), and Section 504 of the Rehabilitation Act of 1973, the City of Pacific Grove does not discriminate on the basis of race, color, religion, national origin, ancestry, sex, disability, age or sexual orientation in the provision of any services, programs, or activities. The City of Pacific Grove does not discriminate against persons with disabilities. City Hall is an accessible facility. A limited number of assisted listening devices will be available at this meeting. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting or provide the requested agenda format.
THIS PAGE
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TO: Honorable Mayor and Members of the City Council
FROM: Sandra Kandell, City Clerk
MEETING DATE: April 15, 2020
SUBJECT: Minutes of the April 1, 2020 and April 8, 2020 City Council Regular and Special Meetings
CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION
Approve the minutes.

Attachments
Draft Minutes
CALL TO ORDER
Mayor Peake called the meeting to order at 6:00 p.m. Roll Call was taken by the City Clerk. Present by telephonic appearance: Mayor Peake, Mayor Pro Tem Huitt, Councilmembers Amelio, Garfield, and Smith and Tomlinson. Absent: Councilmember McAdams.

PLEDGE OF ALLEGIANCE
Councilmember Smith led the pledge of allegiance.

1. APPROVAL OF AGENDA
During the approval of the Agenda, Mayor Peake recommended the following items, 9B, 11A, and 11B be heard immediately following the approval of the agenda.

Action: Upon motion by Mayor Pro Tem Huitt and seconded by Councilmember Smith, the Council approved the agenda as amended.

Motion carried 6-0-1 by the following roll call vote:
AYES: Mayor Peake, Mayor Pro Tem Huitt, Councilmembers Amelio, Garfield, Smith, and Tomlinson.
NOES: None.
ABSENT: Councilmember McAdams.

9B. Ratification of New Local Emergency Actions This item was formerly Consent Agenda Item 9B
No public comment received.

**Action:** Upon motion by Mayor Pro Tem Huitt and seconded by Councilmember Amelio the Council received report and ratified new emergency directives/modifications.

Motion carried 6-0-1 by the following roll call vote:
AYES: Mayor Peake, Mayor Pro Tem Huitt, Councilmembers Amelio, Garfield, Smith, and Tomlinson.
NOES: None.
ABSENT: Councilmember McAdams.

**CEQA:** Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

11A. Temporary Moratorium on Evictions  
This item was formerly Regular Agenda Item 11A

No public comment was received.

**Action:** Upon motion by Councilmember Tomlinson, and seconded by Mayor Pro Tem Huitt, the Council adopted an Urgency Ordinance No. 20-011, to take effect immediately, to establish a temporary moratorium on evictions due to nonpayment of rent as a result of COVID-19.

Motion carried 6-0-1 with the following roll-call vote:
AYES: Mayor Peake, Mayor Pro Tem Huitt, Councilmembers Amelio, Garfield, Smith, and Tomlinson
NOES: None.
ABSENT: Councilmember McAdams.

11B. First Reading of an Ordinance to Approve an Amendment to the Fiscal Year 2019-20 Operating and Capital Improvement Budget  
This item was formerly Regular Agenda Item 11B

No public comment was received.

**Action:** Upon motion by Councilmember Smith, and seconded by Councilmember Tomlinson, the Council introduced and held first reading of an ordinance amending the Fiscal Year 2019-20 Operating and Capital Improvement Budget; and directed that publication of the ordinance be satisfied by publication of a summary approved by the City Attorney.

Motion carried 6-0-1 with the following roll-call vote:
AYES: Mayor Peake, Mayor Pro Tem Huitt, Councilmembers Amelio, Garfield, Smith, and Tomlinson
NOES: None.
ABSENT: Councilmember McAdams

**CEQA:** Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378
2. **PRESENTATIONS**
   A. Gull Abatement
   No public comment was received.

   **Action:** Council received presentation.
   **CEQA:** Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

   B. Mayor's Proclamation: Fair Housing Month
   No public comment was received.

   **Action:** Council received presentation.
   **CEQA:** Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

3. **COUNCIL AND STAFF ANNOUNCEMENTS (City-Related Items Only)**
   A. Council and staff made general announcements.

4. **GENERAL PUBLIC COMMENT**
   General public comment was received from Lisa Ciani, Gary Mello, and Inge Lorentzen Daumer.

   **Action:** Upon motion by Mayor Peake, and seconded by Mayor Pro Tem Huitt to ask the City Manager to schedule the remainder of the agenda to the earliest practical time. No vote was taken.

   **Action:** Upon motion by Mayor Pro Tem Huitt and seconded by Councilmember Amelio the Council approved continuing the remainder of the agenda, with the exception of Regular Agenda Item 12C, to April 8, 2020.

   Motion carried 6-0-1 with the following roll-call vote:
   **AYES:** Mayor Peake, Mayor Pro Tem Huitt, Councilmembers Amelio, Garfield, Smith, and Tomlinson.
   **NOES:** None.
   **ABSENT:** Councilmember McAdams

   **CEQA:** Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

**CONSENT AGENDA** The Consent Agenda with the exception of Consent Agenda Item 9B was continued to April 8, 2020.

5. **APPROVAL OF CITY COUNCIL MEETING MINUTES**
   A. Minutes of the March 18, 2020 City Council Regular and Special Meetings
Reference: Sandra Kandell, City Clerk
Recommended Action: Approved minutes.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

6. RESOLUTIONS

7. ORDINANCES

8. REPORTS – INFORMATION ONLY

   City Zoning Map pertaining to the Monarch Pines Mobilehome Park
   A. Reference: Anastazia Aziz, AICP, Community Development Director
      Recommended Action: Receive report clarifying the City Zoning Map as it relates to the Monarch Pines Mobilehome Park (700 Briggs Ave., Pacific Grove - APN 006-087-001).
      CEQA: Statutory Exemption, CEQA Guidelines Section 15268, Ministerial Projects

9. REPORTS – REQUIRING ACTION

   A. Fire Station Deck Replacement
      Reference: Joyce Halabi, Deputy Public Works Director
      Recommended Action: Authorized the City Manager to enter into an agreement with All Star Painting and Maintenance for the Fire Station Decking Replacement Project in an amount not to exceed $39,800 plus a 25% contingency.
      CEQA: Categorical Exemption, CEQA Guidelines Section 15301, Class I, Existing Facilities

   B. Ratification of New Local Emergency Actions This item was pulled and considered immediately after the Approval of the Agenda.
      Reference: Ben Harvey, City Manager
      Recommended Action: Receive report and ratified new emergency directives/modifications
      CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

10. MEETING MINUTES OF COMMISSIONS, BOARDS, AND COMMITTEES

    A. Architectural Review Board Meeting Minutes: February 11, 2020
       Reference: Haroon Noori, Management Analyst
       Recommended Action: Receive minutes.
       CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

    B. Economic Development Commission Meeting Minutes: February 13, 2020
       Reference: Haroon Noori, Management Analyst
       Recommended Action: Receive minutes.
       CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

    C. Library Board Minutes: January 14, 2020 and February 11, 2020
REGULAR AGENDA

11. PUBLIC HEARINGS

A. Temporary Moratorium on Evictions

This item was pulled and considered immediately after the Approval of the Agenda.

Reference: Bill Peake, Mayor and Jenny McAdams, Councilmember, and Bill Peake, Mayor

Recommended Action: Adopt an urgency ordinance, to take effect immediately, to establish a temporary moratorium on evictions due to nonpayment of rent as a result of COVID-19.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

B. First Reading of an Ordinance to Approve an Amendment to the Fiscal Year 2019-20 Operating and Capital Improvement Budget

This item was pulled and considered immediately after the Approval of the Agenda.

Reference: Tori Hannah, Administrative Services Director

Recommended Action: Introduce and hold first reading of an ordinance amending the Fiscal Year 2019-20 Operating and Capital Improvement Budget; and direct publication of a summary of the ordinance as approved by the City Attorney and direct that publication of the ordinance will be satisfied by publication of a summary approved by the City Attorney.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

C. First Reading of an Ordinance to Amend the City Salary Classification Schedule: MEA Classifications

The item was continued to April 8, 2020.

Reference: Leticia Livian, Human Resources Director

Recommended Action: Introduce and hold first reading of an ordinance to amend the salary classification schedule Construction Project Manager, Management Analyst, and Principal Planner, and direct that publication of the ordinance will be satisfied by publication of a summary approved by the City Attorney.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

D. First Reading of an Ordinance to Amend the Zoning Map and Delete PGMC Section 23.16.090

The item was continued to April 8, 2020.

Reference: Alyson Hunter, Senior Planner

Recommended Action: Introduce and hold first reading of an ordinance to: 1) rezone a portion
of the Asilomar State Park & Conference Grounds from C-1-T to O, and twelve (12) other properties from R-1-B-2 and R-1-B-3 to R-1; (2) add a Text Amendment to delete PGMC Section 23.16.090 (R-1-B-2) Zoning District, and 3) direct that publication of the ordinance will be satisfied by publication of a summary approved by the City Attorney.

CEQA: Categorical Exemption, CEQA Guidelines Section 15061(b)(3), Legislative Amendment

12. UNFINISHED AND ONGOING BUSINESS
   A. The Morris Dill Courts Update  The item was continued to April 8, 2020.
      Reference: Kyle Susic Recreation Program Manager
      Recommended Action: Council received report.
      CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

   B. Relinquishment of a Portion of State Route 68  The item was continued to April 8, 2020.
      Reference: Daniel Gho, Public Works Director
      Recommended Action: Authorize the City Manager to send a letter to Caltrans requesting documentation necessary for a thorough analysis of the impacts of potential acquisition of State Route 68.
      CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

   C. Affordable Housing Assessment Consultant Contract
      No public comment received.
      Action: Upon motion by Councilmember Garfield and seconded by Councilmember Amelio, the Council authorized the City Manager to negotiate and enter into an agreement with Baird +Driskell for Affordable Housing Assessment, in an amount not to exceed $155,000.

      Motion carried 6-0-1 with the following roll-call vote:
      AYES: Mayor Peake, Mayor Pro Tem Huitt, Councilmembers Amelio, Garfield, Smith, and Tomlinson.
      NOES: None.
      ABSENT: Councilmember Tomlinson

      CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

13. NEW BUSINESS

14. FULL PRESENTATIONS
ADJOURNMENT
Council adjourned the regular meeting at 8:22 p.m.

Respectfully Submitted,

Sandra Kandell
City Clerk

Approved by Mayor: _____________________________ Date________________

Attest by City Manager: __________________________ Date_________________
NOTICE OF MEETING
CITY OF PACIFIC GROVE
CITY COUNCIL
THIS MEETING WAS CONTINUED FROM 4/1/2020
CONTINUED REGULAR MEETING AMENDED AGENDA
Wednesday, April 8, 2020, 6:00 P.M.
Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

The Council will not begin consideration of any item on this agenda later than 10:00 p.m. unless such consideration is approved. Any items on this agenda not considered this evening will be continued to a future meeting.

Copies of the agenda packet are available for review at the Pacific Grove Library located at 550 Central Avenue; the main counter in City Hall at 300 Forest Avenue, Pacific Grove; and on the internet at www.cityofpacificgrove.org/agendas. The most effective method of communication with the City Council is by sending an email to citycouncil@cityofpacificgrove.org. In order to allow the City Council adequate time to review communication related to an agenda item, and in order to allow for the communication to be photocopied and placed within the Reading File, it is recommended that the communication be sent no later than 9:00 AM on the day prior to the City Council meeting.

THIS MEETING WILL BE HELD VIRTUALLY AND IS COMPLIANT WITH THE GOVERNOR’S EXECUTIVE ORDER N-25-20 AND N-29-20, ALLOWING FOR A DEVIATION OF TELECONFERENCE RULES REQUIRED BY THE BROWN ACT.

JOIN THE ZOOM WEBINAR TO PARTICIPATE LIVE AT:
https://us02web.zoom.us/j/546459502

If no computer microphone, please call in for public comment.

Click here for more instructions
To participate telephonically, call any number below:

877 853 5247 (US Toll-free)
888 788 0099 (US Toll-free)
+1 346 248 7799 US (Houston)
Meeting ID: 546459502#

The public may also view the meeting on the Peninsula Channel 25.

CALL TO ORDER
Mayor Peake called the meeting to order at 6:00 p.m. The City Clerk conducted roll call with the following Council present via Zoom Webinar: Mayor Peake, Mayor Pro Tem Huitt, Councilmembers Amelio, Garfield, Smith, and Tomlinson. Absent: Councilmember McAdams.

PLEDGE OF ALLEGIANCE
Councilmember Tomlinson led the pledge of allegiance.
1. **APPROVAL OF AGENDA**
   The Mayor recommended Consent Agenda Item 8A be continued to a future date uncertain. Upon motion by Councilmember Smith and seconded by Councilmember Garfield, the City Council approved the agenda, as amended, continuing Consent Agenda Item 8A be continued to a future date uncertain.

   Motion carried 6-0-1 by the following roll call vote:
   AYES: Mayor Peake, Mayor Pro Tem Huitt, Councilmembers Amelio, Garfield, Smith and Tomlinson.
   NOES: None.
   ABSENT: Councilmember McAdams.

2. **PRESENTATIONS**

3. **COUNCIL AND STAFF ANNOUNCEMENTS (City-Related Items Only)**
   A. Other

4. **GENERAL PUBLIC COMMENT**
   General public comment was received from Amber Russell Kerchner.

**CONSENT AGENDA**

   **Action:** During the Approval of the Agenda, Consent Agenda Item No. 8A was continued to a future City Council meeting date uncertain.

   **Action:** Upon motion of Mayor Pro Tem Huitt and seconded by Councilmember Amelio, the Council approved the remainder of the Consent Agenda.

   Motion carried 6-0-1 by the following roll call vote:
   AYES: Mayor Peake, Mayor Pro Tem Huitt, Councilmembers Amelio, Garfield, Smith and Tomlinson.
   NOES: None.
   ABSENT: Councilmember McAdams.

5. **APPROVAL OF CITY COUNCIL MEETING MINUTES**
   A. Minutes of the March 18, 2020 City Council Regular and Special Meetings
   **Action:** Approved minutes.
   **CEQA:** Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

6. **RESOLUTIONS**

7. **ORDINANCES**

8. **REPORTS – INFORMATION ONLY**
   A. City Zoning Map pertaining to the Monarch Pines Mobilehome Park This item was continued to a future City Council meeting date uncertain.
   **Reference:** Anastazia Aziz, AICP, Community Development Director
Recommended Action: Receive report clarifying the City Zoning Map as it relates to the Monarch Pines Mobilehome Park (700 Briggs Ave., Pacific Grove - APN 006-087-001).

CEQA: Statutory Exemption, CEQA Guidelines Section 15268, Ministerial Projects

9. REPORTS – REQUIRING ACTION

A. Fire Station Deck Replacement
   Action: Authorized the City Manager to enter into an agreement with All Star Painting and Maintenance for the Fire Station Decking Replacement Project in an amount not to exceed $39,800 plus a 25% contingency.
   CEQA: Categorical Exemption, CEQA Guidelines Section 15301, Class I, Existing Facilities

10. MEETING MINUTES OF COMMISSIONS, BOARDS, AND COMMITTEES

A. Architectural Review Board Meeting Minutes: February 11, 2020
   Action: Received minutes.
   CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

B. Economic Development Commission Meeting Minutes: February 13, 2020
   Action: Received minutes.
   CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

C. Library Board Minutes: January 14, 2020 and February 11, 2020
   Action: Received minutes.
   CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

D. Planning Commission Meeting Minutes: February 13, 2020
   Action: Received minutes.
   CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

REGULAR AGENDA

11. PUBLIC HEARINGS

C. First Reading of an Ordinance to Amend the City Salary Classification Schedule: MEA Classifications
   No public comment was received.

   Action: Upon motion by Councilmember Smith and seconded by Councilmember Garfield, Council introduced and held first reading of an ordinance to amend the salary classification schedule Construction Project Manager, Management Analyst, and Principal Planner, and directed that publication of the ordinance will be satisfied by publication of a summary approved by the City Attorney.
Motion carried 6-0-1 by the following roll call vote:
AYES: Mayor Peake, Mayor Pro Tem Huitt, Councilmembers Amelio,
       Garfield, Smith and Tomlinson.
NOES: None.
ABSENT: Councilmember McAdams.

**CEQA:** Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

D. First Reading of an Ordinance to Amend the Zoning Map and Delete PGMC Section 23.16.090.
No public comment was received.

**Action:** Upon motion by Councilmember Amelio and seconded by Mayor Pro Tem Huitt, Council introduced and held first reading of an ordinance to: 1) rezone a portion of the Asilomar State Park & Conference Grounds from C-1-T to O, and twelve (12) other properties from R-1-B-2 and R-1-B-3 to R-1; (2) add a Text Amendment to delete PGMC Section 23.16.090 (R-1-B-2) Zoning District, and 3) directed that publication of the ordinance will be satisfied by publication of a summary approved by the City Attorney.

Motion carried 6-0-1 by the following roll call vote:
AYES: Mayor Peake, Mayor Pro Tem Huitt, Councilmembers Amelio,
       Garfield, Smith and Tomlinson.
NOES: None.
ABSENT: Councilmember McAdams.

**CEQA:** Categorical Exemption, CEQA Guidelines Section 15061(b)(3), Legislative Amendment

12. **UNFINISHED AND ONGOING BUSINESS**
   A. The Morris Dill Courts Update
   No public comment was received.

   **Action:** Council received report.

   **CEQA:** Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

   B. Relinquishment of a Portion of State Route 68
   No public comment was received.

   **Action:** Upon motion by Councilmember Tomlinson and seconded by Mayor Pro Tem Huitt, Council authorized the City Manager to send a letter to Caltrans requesting documentation necessary for a thorough analysis of the impacts of potential acquisition of State Route 68.

   Motion carried 6-0-1 by the following roll call vote:
AYES: Mayor Peake, Mayor Pro Tem Huit, Councilmembers Amelio, Garfield, Smith and Tomlinson.
NOES: None.
ABSENT: Councilmember McAdams.

CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

13. NEW BUSINESS

14. FULL PRESENTATIONS

ADJOURNMENT
Council adjourned the regular meeting at 7:15 p.m.
A. Conference with Labor Negotiators (Government Code Section 54957.6)  
City Negotiators: Ben Harvey, City Manager, Tori Hannah, Administrative Services Director and Leticia Livian, Human Resources Director  
Employee Organization: General Employees Association

B. Conference with Labor Negotiators (Government Code Section 54957.6)  
City Negotiators: Ben Harvey, City Manager, Tori Hannah, Administrative Services Director, and Leticia Livian, Human Resources Director  
Employee Organization: Management Employees Association

C. Conference with Labor Negotiators (Government Code Section 54957.6)  
City Negotiators: Ben Harvey, City Manager, Tori Hannah, Administrative Services Director, and Leticia Livian, Human Resources Director  
Employee Organization: Police Officers Association

D. Conference with Labor Negotiators (Government Code Section 54957.6)  
City Negotiators: Ben Harvey, City Manager, Tori Hannah, Administrative Services Director, and Leticia Livian, Human Resources Director  
Employee Organization: Unrepresented Employees

ADJOURNMENT  
Council adjourned the regular meeting at approximately 9:15 p.m. and will report out at the next City Council’s Regular meeting on April 15, 2020.

Respectfully Submitted,

Sandra Kandell  
City Clerk

Approved by Mayor: ___________________________ Date________________

Attest by City Manager: ___________________________ Date________________
TO: Honorable Mayor and Members of the City Council  
FROM: Tori Hannah, Administrative Services Director  
MEETING DATE: April 15, 2020  
SUBJECT: Approve a Resolution to Designate the City's Agent for Federal Emergency Management Agency (FEMA) Grants.  
CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION  
Approve resolution designating the City's Agent for Federal Emergency Management Agency Grants.

DISCUSSION  
On March 19, the Federal Emergency Management Agency (FEMA) announced that it would begin reimbursing specific costs related to COVID-19 Emergency Protective Measures. A copy of that announcement which identifies eligible reimbursement categories is included in Attachment 1. On April 2, 2020, staff completed the first step in applying for funding, which includes submitting a Request for Public Assistance to FEMA. The Administrative Services Department has also developed internal tracking or project accounting codes to account for staff time and materials expended for COVID-19 protective measures.

As part of the application process, the California Office of Emergency Services and FEMA require the City to designate authorized City agents to execute grant documents on behalf of the City. Approval of the attached Resolution will designate the appropriate staff to authorize grant reimbursements and sign related documentation.

OPTIONS  
• Provide alternate direction

FINANCIAL IMPACT:  
At this time, the fiscal impact is uncertain. The City is tracking costs associated with COVID-19. In addition, FEMA has indicated that they would provide entities with further clarification on reimbursable costs as part of the application process.

This action provides the City with the foundation to begin requesting reimbursements once the City's Request for Public Assistance has been approved. In addition, this resolution serves as support for future FEMA grant funding or reimbursement opportunities for up to three years from the date of approval.
GOAL ALIGNMENT: Financial Stability: Develop a strategic plan to better address current and future City expenditure and revenue, provide high quality muni services.

Attachments

FEMA Announcement
Resolution
Coronavirus (COVID-19) Pandemic: Eligible Emergency Protective Measures

Release date: March 19, 2020

Release Number: FACT SHEET

Consistent with the President's national emergency declaration for the coronavirus (COVID-19) pandemic on March 13, 2020, FEMA urges officials to, without delay, take appropriate actions that are necessary to protect public health and safety pursuant to public health guidance and conditions and capabilities in their jurisdictions. FEMA provides the following guidance on the types of emergency protective measures that may be eligible under FEMA's Public Assistance Program in accordance with the COVID-19 Emergency Declaration in order to ensure that resource constraints do not inhibit efforts to respond to this unprecedented disaster.

FEMA Public Assistance Program

In accordance with section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the “Stafford Act”), eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials may be reimbursed under Category B of FEMA's Public Assistance program. FEMA will not duplicate assistance provided by the U.S. Department of Health and Human Services (HHS), (http://www.hhs.gov/) to include the Centers for Disease Control and Prevention (CDC), (http://www.cdc.gov/), or other federal agencies.

State, territorial, tribal, and local government entities and certain private non-profit organizations are eligible to apply for Public Assistance (https://www.fema.gov/public-assistance-local-state-tribal-and-non-profit). FEMA assistance will be provided at a 75 percent federal cost share. This assistance will require execution of a FEMA-
State/Tribal/Territory Agreement, as appropriate, and execution of an applicable emergency plan. Local governments and other eligible PA applicants will apply through their respective state, tribal or territorial jurisdictions.

**Eligible Assistance**

Under the COVID-19 Emergency Declaration described above, FEMA may provide assistance for emergency protective measures including, but not limited to, the following, if not funded by the HHS/CDC or other federal agency. While some activities listed may be eligible for funding through HHS/CDC, final reimbursement determinations will be coordinated by HHS and FEMA. FEMA will not duplicate any assistance provided by HHS/CDC:

- **Management, control and reduction of immediate threats to public health and safety:**
  - Emergency Operation Center costs
  - Training specific to the declared event
  - Disinfection of eligible public facilities
  - Technical assistance to state, tribal, territorial or local governments on emergency management and control of immediate threats to public health and safety

- **Emergency medical care:**
  - Non-deferrable medical treatment of infected persons in a shelter or temporary medical facility
  - Related medical facility services and supplies
  - Temporary medical facilities and/or enhanced medical/hospital capacity (for treatment when existing facilities are reasonably forecasted to become overloaded in the near term and cannot accommodate the patient load or to quarantine potentially infected persons)
  - Use of specialized medical equipment
  - Medical waste disposal
  - Emergency medical transport
• Medical sheltering (e.g. when existing facilities are reasonably forecasted to become overloaded in the near future and cannot accommodate needs)
  ○ All sheltering must be conducted in accordance with standards and/or guidance approved by HHS/CDC and must be implemented in a manner that incorporates social distancing measures
  ○ Non-congregate medical sheltering is subject to prior approval by FEMA and is limited to that which is reasonable and necessary to address the public health needs of the event, is pursuant to the direction of appropriate public health officials and does not extend beyond the duration of the Public Health Emergency.

• Household pet sheltering and containment actions related to household pets in accordance with CDC guideline.

• Purchase and distribution of food, water, ice, medicine, and other consumable supplies, to include personal protective equipment and hazardous material suits movement of supplies and persons.

• Security and law enforcement

• Communications of general health and safety information to the public.

• Search and rescue to locate and recover members of the population requiring assistance.

• Reimbursement for state, tribe, territory and/or local government force account overtime costs.

More Information


For more information, visit the following federal government websites:

RESOLUTION NO. 20-xxx

RESOLUTION OF THE CITY OF PACIFIC GROVE DESIGNATION OF APPLICANT’S AGENT RESOLUTION FOR NON-STATE AGENCIES

FINDINGS

1. The City of Pacific Grove (City) submitted a Request for Public Assistance to the Department of Homeland Security, Federal Emergency Management Agency (FEMA) on April 2, 2020 in response to COVID-19; and

2. The City is required to complete a Designation of Applicant’s Agent Resolution for Non-State Agencies (Cal OES 130) to be eligible to receive funding; and

3. The required components of the State of California Governor’s Office of Emergency Services, Cal OES 130, have been included herein this resolution; and

4. The City Council finds the introduction and adoption of this resolution is not subject to the California Environmental Quality Act (CEQA) as the activity is not a project as defined in Section 15378) of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE:

1. THAT the City Manager, ___________________________ OR
   (Title of Authorized Agent)
   Administrative Services Director, _____________ OR
   (Title of Authorized Agent)
   Administrative Services Manager
   (Title of Authorized Agent)

   is hereby authorized to execute for and on behalf of the City of Pacific Grove, a public entity established under the laws of the State of California, this application and to file it with the California Governor’s Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

2. THAT the City of Pacific Grove, a public entity established under the laws of the State of California, hereby authorizes its agent(s) to provide to the
Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

3. This is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.

4. This Resolution shall take effect immediately following passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 15th day of April, 2020, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

_______________________
BILL PEAKE, Mayor

ATTEST:

____________________________
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

____________________________
DAVID C. LAREDO, City Attorney
TO: Honorable Mayor and Members of the City Council  
FROM: Lori Frati, Management Analyst  
MEETING DATE: April 15, 2020  
SUBJECT: Resolution of Intention to Levy the Annual Assessment for the Hospitality Improvement District (HID)  
CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

1. Approve a resolution of intention to levy an assessment for the Hospitality Improvement District (HID) for Fiscal Year 2020-21.
2. Direct staff to notice a public hearing to be held on May 20, 2020 for the purpose of hearing any protests and determining whether to levy the assessment.

DISCUSSION

In 2007, the City established the Hospitality Improvement District (HID), appointed an advisory board, and established an assessment for the District. On November 18, 2018, City Council passed Resolution No. 18-047, amending the Hospitality Improvement District assessment be set at $2.00 per room night for full-service lodging establishments and $1.00 per room night for all others, effective January 1, 2019. Pacific Grove has no full-service hotels or bed and breakfast establishments that collect the $2.00 per room night fee. (Resolution 12-014 defines full service accommodations as “…generally mid-price, upscale or luxury hotels with a restaurant, lounge facilities and meeting space as well as minimum service levels, often including bell service and room service. These hotels report food and beverage revenue”). HID assessment revenues are exclusively used for the support and benefit of the hospitality economy of Pacific Grove.

Pursuant to State law and City Council Resolution 07-044, which formed the HID, an Annual Report is required that reports on District revenues and expenditures, proposes a budget for Fiscal Year (FY) 2020-21, and requests the levy of an assessment for FY 2020-21. The annual report prepared by the HID will be included in the May 6, 2020 agenda report. No changes to HID boundaries are recommended for FY 2020-21.

At the public hearing on May 6, 2020, the Council will have the opportunity to hear and evaluate any protests received and determine whether to levy the assessment. The Council will also have the opportunity to appoint an advisory board.

The separate Monterey County Tourism Improvement District (MCTID) assessment was approved for levy in January 2019, and is subject to a five-year term. This agenda item is specifically related to the
HID assessment.

OPTIONS
1. Decline to adopt the Resolution
2. Provide alternate direction.

FINANCIAL IMPACT:
The City acts as the administrative pass-through to the HID. Assessment revenues may only be used for HID purposes.

GOAL ALIGNMENT: Help Local Businesses Thrive: Develop a strategic plan to serve existing businesses while attracting new commerce and revitalize commercial corridors.

Attachments
HID Resolution
RESOLUTION NO. 20-xxx

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
STATING THE CITY’S INTENTION TO LEVY AN ASSESSMENT FOR THE PACIFIC
GROVE HOSPITALITY IMPROVEMENT DISTRICT FOR FISCAL YEAR 2020-21

FINDINGS

1. In 2007 the City of Pacific Grove established the Pacific Grove Hospitality Improvement District (HID); and

2. The HID has been approved for continuation each year since it was first established, and has proved to be of benefit to the Community in terms of promoting tourism and the hospitality economy; and

3. The Pacific Grove Chamber of Commerce has requested continuation of the HID for the 2020-21 fiscal year; and

4. The Action proposed by this Resolution does not constitute a “Project” as that term is defined under California Environmental Quality Act (CEQA), CEQA Guideline section 15378.

NOW THEREFORE, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES RESOLVE AS FOLLOWS:

1. The City Council finds each recital set forth above to be true and correct, and by this reference incorporates each as an integral part of this Resolution.

2. It is the intention of the City to levy and collect assessments for the Fiscal Year 2020-21 within the Pacific Grove Hospitality Improvement District (HID), as described in Section 6.54 of the Pacific Grove Municipal Code. The proposed assessment, equal to $2.00 per room night for full-service establishments and $1.00 per room night for other establishments, will be collected by the City from lodging establishment owners when Transient Occupancy Taxes are paid.

3. On May 6, 2020, the City Council will receive an annual report prepared by the HID’s Advisory Board, which contains detail of expenditures in 2019-20 and a description of the anticipated costs and activities to be provided in Fiscal Year 2020-21. Copies of the report will be on file with the City Clerk and available at the offices of the Pacific Grove Chamber of Commerce.

4. There is no change to the boundaries of the district as established and set forth in Section 6.54.030 of the Pacific Grove Municipal Code.
5. The Council hereby sets the public hearing to consider the levy of the proposed Fiscal Year 2020-21 assessment for the HID for May 6, 2020 at 6:00 pm, or as soon thereafter as the item may be called, at the Pacific Grove City Hall, 300 Forest Avenue, Pacific Grove, California.

6. At the public hearing, the City Council shall hear and consider any and all protests against the Fiscal Year 2020-21 levy of assessments for the HID. The rules and procedures used in receiving and considering protests will comply with those set forth in Streets and Highways Code sections 36524, 36525 and 36534. Following the hearing, the Council may adopt a resolution approving the levy.

7. The City Clerk is hereby directed to give a summary notice of the public hearing by causing this resolution of intention to be published once in a newspaper of general circulation not less than seven days before the public hearing.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 15th day of April, 2020, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

____________________________________
BILL PEAKE, Mayor

ATTEST:

_____________________________
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

_____________________________
DAVID C. LAREDO, City Attorney
TO: Honorable Mayor and Members of the City Council
FROM: Lori Frati, Management Analyst
MEETING DATE: April 15, 2020
SUBJECT: Resolution of Intention to Levy the Annual Assessment for the Downtown Business Improvement District (BID)
CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION
1. Approve the attached Resolution of Intention to Levy an Assessment for the Downtown Business Improvement District for Fiscal Year 20-21.
2. Hold a public hearing on May 6, 2020, to receive protests and determine whether to levy the assessment.

DISCUSSION
In 2000, the City established the Downtown Pacific Grove Business Improvement District (BID), appointed an advisory board, and levied assessments for the District. The assessments may be used only for the promotion, marketing and advertising of professional and retail businesses located in the district, and for general maintenance to benefit those businesses. All businesses located in the BID are assessed an amount equal to 35% of their business license tax. The assessment is collected together with the business license tax payment, each year in July. Since 2000, the BID and assessments have been reauthorized annually, without exception.

Pursuant to State law and the City Council Resolution forming the BID, an Annual Report is required that reports on District revenues and expenditures for the prior fiscal year, proposes a budget, and requests the levy of an assessment for the next year. The annual report will be included in the May 6, 2020 agenda report. No changes to BID boundaries are recommended for Fiscal Year 2020-21.

At the public hearing on May 6, 2020, the Council will have the opportunity to hear and evaluate any protests received and determine whether to levy the assessment. The Council will also have the opportunity to appoint an advisory board.

OPTIONS
1. Decline to adopt the Resolution
2. Provide alternate direction

FINANCIAL IMPACT:
The assessed funds may only be used for BID purposes. These revenues may not be used for any other City purpose.

**GOAL ALIGNMENT:** Help Local Businesses Thrive: Develop a strategic plan to serve existing businesses while attracting new commerce and revitalize commercial corridors.

<table>
<thead>
<tr>
<th>Attachments</th>
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</thead>
<tbody>
<tr>
<td>BID Resolution</td>
</tr>
</tbody>
</table>
RESOLUTION NO. 20-xxx

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
STATING THE CITY’S INTENTION TO LEVY AN ASSESSMENT FOR THE PACIFIC
GROVE BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2020-21

FINDINGS

1. In 2000 the City of Pacific Grove established the Downtown Pacific Grove Business
   Improvement District (BID); and

2. The BID has been approved for continuation each year since it was first established, and has
   proved to be of benefit to the City in terms of promoting the downtown professional and
   retail business economy; and

3. The Pacific Grove Chamber of Commerce has requested continuation of the Downtown BID
   for the 2020-21 fiscal year; and

4. The action proposed by this Resolution does not constitute a “Project” as that term is defined
   under California Environmental Quality Act (CEQA), CEQA Guideline section 15378.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES
RESOLVE AS FOLLOWS:

1. The City Council finds each recital set forth above to be true and correct, and by this
   reference incorporates each as an integral part of this Resolution.

2. The City intends to levy and collect assessments for Fiscal Year 2020-21 within the
   Downtown Pacific Grove Improvement District (BID), as described in Section 6.50.010 of
   the Pacific Grove Municipal Code. The proposed assessment would be collected by the City
   from the business owners when the business license tax is paid in 2020-21. Excepting
   catalog sales establishments, each and every business in the district will pay an assessment
   equal to 35% of its business license tax for fiscal year 2019-20.

3. On May 6, 2020, the City Council will receive an annual report prepared by the BID’s
   Advisory Board, which contains details of expenditures in 2019-20 and a description of the
   anticipated costs and activities to be provided in Fiscal Year 2020-21. These activities
   include, but are not limited to, promotion, marketing and advertising of businesses in the
   district, support for special events, and general maintenance to benefit businesses within the
   BID.

4. Copies of the report will be on file with the City Clerk and are also available at the offices of
   the Pacific Grove Chamber of Commerce.
5. There is no change to the boundaries of the district as established and set forth in Section 6.5.020 of the Pacific Grove Municipal Code.

6. The Council sets the public hearing to consider the levy of the proposed Fiscal Year 2020-21 assessment for the BID for May 6, 2020 at 6:00 pm, or as soon thereafter as the item may be called, at the Pacific Grove City Hall, 300 Forest Avenue, Pacific Grove, California.

7. At the public hearing, the City Council shall hear and consider all protests against the Fiscal Year 2020-21 levy of assessments for the BID. The rules and procedures used to receive and consider protests will comply with Streets and Highways Code sections 36524, 36525 and 36534. Following the hearing, the Council may adopt a resolution approving the levy.

8. The City Clerk is hereby directed to give a summary notice of the public hearing by causing this resolution of intention to be published once in a newspaper of general circulation not less than seven days before the public hearing.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE THIS 15th day of April, 2020, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

____________________________________
BILL PEAKE, Mayor

ATTEST:

____________________________________
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

____________________________________
DAVID C. LAREDO, City Attorney
TO: Honorable Mayor and Members of the City Council
FROM: Tori Hannah, Administrative Services Director
MEETING DATE: April 15, 2020
SUBJECT: Adopt an Ordinance Amending the Fiscal Year 2019-20 Budget.
CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION
Hold a second reading and adopt an ordinance amending the Fiscal Year 2019-20 Budget.

DISCUSSION
Monterey County officials recently initiated a local shelter-in-place mandate, with State and Federal governments issuing similar restrictions to assist in reducing the spread of the coronavirus, COVID-19. At the March 18, 2020, City Council Meeting, staff provided general information to begin discussions on the potential fiscal impacts associated with these public safety measures. Depending on the continuation of these mandates, as well as personal preferences, it is anticipated that these changes will result in reductions to transient occupancy tax revenues; and sales tax receipts that would have been generated from out-of-town visitors. In addition, revenues associated with special events, facility rentals, and recreation programs are also anticipated to decline due to social distancing, as well as continuing restrictions.

To assist with managing risk and this type of uncertainty, as well as to meet cash flow needs, the City’s Budget and Financial Management Policy established General Fund reserve levels. The City’s General Fund reserve or unassigned fund balance levels were established at 35% of operating expenditures and debt service. In Fiscal Year 18/19, the City ended the year with a strong unassigned reserve or fund balance of $10.9 million, with a projected ending Fiscal Year 19/20 unassigned fund balance of $10.1 million. The amount of unassigned General Fund balance needed to meet the City’s reserve policy levels for Fiscal Year 19/20 is approximately $8.4 million. This leaves approximately $1.7 million above reserve levels available for discretionary use. The City Council could also approve accessing approximately $3.6 million in reserves that are set aside for fiscal stability and emergencies to supplement any budgetary shortfalls, without impacting the $4.8 million in reserves that are allocated for cash flow purposes.

At this time, sufficient information is unavailable to project the impact of COVID-19 to City finances due to the timing of tax receipts, the unknown duration of the restrictions, and economic uncertainties. To assist with being proactive in managing City finances, staff reviewed the Fiscal Year 19/20 Budget to identify any contracts or projects that could be deferred; as well as any areas of savings. This information was presented at the March 18, 2020 Council Meeting; and included $638,000 in potential reductions.
additional $190,000 in potential deferred capital purchases and expenditures was also identified and included in the attached ordinance. An overview of the $828,000 in potential reductions to the Fiscal Year 19/20 General Fund budget is included in Attachment A.

This proposed budget amendment, as well as the first reading of the ordinance took place at the Council Meeting on April 1, 2020. The City Clerk caused a summary of the ordinance to be published on April 9, 2020.

OPTIONS
- Approve an ordinance to amend the Fiscal Year 19/20 Budget
- Provide alternate direction

FINANCIAL IMPACT:
The proposed amendment would reduce the General Fund's budget by approximately $828,000.

The corresponding revenues and expenditures in the Capital Improvement and Workers Compensation Funds have been adjusted to reflect the offsetting General Fund contributions. These reductions would reduce or eliminate fund for the identified capital projects, as well as the optional settlement of workers compensation claims.

GOAL ALIGNMENT: Financial Stability: Develop a strategic plan to better address current and future City expenditure and revenue, provide high quality muni services.

Attachments

Budget Amendment Details
Ordinance
## BUDGET AMENDMENT DETAILS

<table>
<thead>
<tr>
<th>FUND</th>
<th>FUND NAME</th>
<th>PROJECT NUMBER</th>
<th>PROJECT NAME/PURPOSE</th>
<th>DIVISION</th>
<th>ACCOUNT</th>
<th>AMOUNT</th>
</tr>
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<tbody>
<tr>
<td>01</td>
<td>General Fund</td>
<td></td>
<td>Police Overtime</td>
<td>301</td>
<td>5102</td>
<td>(30,000)</td>
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<tr>
<td>01</td>
<td>General Fund</td>
<td></td>
<td>Defer Seasonal and Temp Positions</td>
<td>401/421</td>
<td>5105</td>
<td>(60,000)</td>
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<td>01</td>
<td>General Fund</td>
<td></td>
<td>Consultants, Contract, and Legal services</td>
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<td>5237, 5205</td>
<td>(169,000)</td>
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<tr>
<td>01</td>
<td>General Fund</td>
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<td>Affordable Housing Consultant</td>
<td>201</td>
<td>5201</td>
<td>(85,000)</td>
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<tr>
<td>01</td>
<td>General Fund</td>
<td></td>
<td>Banking Fees</td>
<td>131</td>
<td>5213</td>
<td>(5,000)</td>
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<tr>
<td>01</td>
<td>General Fund</td>
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<td>01</td>
<td>General Fund</td>
<td></td>
<td>Fuel</td>
<td>301</td>
<td>5311</td>
<td>(10,000)</td>
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<tr>
<td>01</td>
<td>General Fund</td>
<td></td>
<td>Internal Service Charges - Workers Comp.</td>
<td>multiple</td>
<td>5230</td>
<td>(160,000)</td>
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<tr>
<td>01</td>
<td>General Fund</td>
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<td>Tuition Reimbursement</td>
<td>121</td>
<td>5238</td>
<td>(9,000)</td>
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<tr>
<td>01</td>
<td>General Fund</td>
<td>CO 20-02</td>
<td>License Plate Recognition System</td>
<td>133</td>
<td>6001</td>
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<tr>
<td>01</td>
<td>General Fund</td>
<td>CO 20-06</td>
<td>Library self-Check machines</td>
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<td>6001</td>
<td>(20,000)</td>
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<tr>
<td>01</td>
<td>General Fund</td>
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<td>Façade Program</td>
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### Other Funds

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<th>FUND NAME</th>
<th>PROJECT NUMBER</th>
<th>PROJECT NAME/PURPOSE</th>
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<th>AMOUNT</th>
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<tr>
<td>71</td>
<td>General Fund</td>
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<td>Workers' Comp. - Potential claim settlements</td>
<td>701</td>
<td>5231</td>
<td>(160,000)</td>
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### General Fund Capital Improvements Fund

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<th>FUND NAME</th>
<th>PROJECT NUMBER</th>
<th>PROJECT NAME/PURPOSE</th>
<th>DIVISION</th>
<th>ACCOUNT</th>
<th>AMOUNT</th>
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<tbody>
<tr>
<td>63</td>
<td>Capital Imp Proj Fund</td>
<td>CIP20-07</td>
<td>Storm Water Master Plan</td>
<td>631</td>
<td>6054</td>
<td>(75,000)</td>
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<td>63</td>
<td>Capital Imp Proj Fund</td>
<td>CIP20-03</td>
<td>Annual Sidewalk</td>
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<td>6041</td>
<td>(20,000)</td>
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<td>63</td>
<td>Capital Imp Proj Fund</td>
<td>CIP20-06</td>
<td>Roof at Lovers' Point Grill</td>
<td>631</td>
<td>6021</td>
<td>(20,000)</td>
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### Total Other Fund Expenditures

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<th>PROJECT NUMBER</th>
<th>ACCOUNT</th>
<th>AMOUNT</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>TOTAL:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$ (286,000)</td>
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### Other Fund Revenues

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<th>FUND</th>
<th>FUND NAME</th>
<th>PROJECT NUMBER</th>
<th>PROJECT NAME/PURPOSE</th>
<th>DIVISION</th>
<th>ACCOUNT</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>63</td>
<td>Capital Imp Proj Fund</td>
<td></td>
<td>Transfer in from the General Fund</td>
<td>63</td>
<td>4930</td>
<td>(126,000)</td>
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<tr>
<td>71</td>
<td>Workers Compensation</td>
<td></td>
<td>Internal Service Charges</td>
<td>71</td>
<td>4707</td>
<td>(160,000)</td>
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</tbody>
</table>

### Notes:

(a,b) The reductions in General Fund expenditures have offsetting transfers and expenses in other funds. References have been added to illustrate their relationship.
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
AMENDING THE APPROVED BUDGET FOR THE FISCAL YEAR 2019-20

FACTS


2. It is customary to amend the budget to adjust revenues and expenditures to reflect updated information since the adoption of the Fiscal Year 2019-20 Budget.

3. The City Manager is recommending amendments to the FY 2019-20 Budget to reflect the City Council’s goals to defer expenditures due to the potential impact of the coronavirus on City revenues.

4. The Council has determined it is appropriate to amend the approved budget for FY 2019-20.

5. Pursuant to Charter Article 15, an amendment of the budget must be approved by ordinance.

6. A summary of the Ordinance, approved by the City Attorney, was published on April 9, 2020.

7. In the enactment of this ordinance, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq.

8. Enactment of this ordinance action does not constitute a “project” as defined by California Environmental Quality Act (CEQA) Guidelines Section 15378 because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

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

SECTION 1. The foregoing Facts are adopted as findings of the City Council as set forth fully within the body of this ordinance.

SECTION 2. The revenue and expenditure budget for the following funds is amended, as stated herein, which by this reference are incorporated as set forth in its entirety.
SECTION 3. In accord with Article 15 of the City Charter, this ordinance shall become effective upon adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
This 15th day of April, 2020, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**APPROVED:**

________________________
BILL PEAKE, Mayor

ATTEST:

________________________
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

________________________
DAVID C. LAREDO, City Attorney
TO: Honorable Mayor and Members of the City Council
FROM: Ben Harvey, City Manager
MEETING DATE: April 15, 2020
SUBJECT: New Local Emergency Actions
CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION
Receive report of emergency directives/modifications taken.

DISCUSSION
The City Manager during this Local Emergency is authorized to act to mitigate effects of the Local Emergency to protect life or property.

Since the time of the revised Monterey County Shelter in Place Order issued Friday, April 3, 2020, the City Manager has taken the following new actions or modifications pursuant to the Emergency Proclamation:

- Closed playground areas in City parks
- Closed basketball courts in City parks
- Designated specified City construction projects as Essential Government Functions
- Added signage to City parks, trails and open space areas further advising the public of social-distancing requirements
- Canceled all City advisory board meetings for the month of April, 2020

No action is necessary, as these modifications are in response to requirements of the revised Monterey County Shelter in Place Order.

OPTIONS
N/A; Informational report.

FINANCIAL IMPACT:
There is no financial impact in receiving the report.

GOAL ALIGNMENT: Community Responsiveness: Develop and implement systems, interfaces and infrastructure.
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TO: Honorable Mayor and Members of the City Council
FROM: Alyson Hunter, Senior Planner
MEETING DATE: April 15, 2020
SUBJECT: Coastal Development Permit Process & Frequently Asked Questions
CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION
Receive information on Coastal Development Permit procedures and Frequently Asked Questions.

DISCUSSION
The Coastal Commission certified the City's Local Coastal Program (LCP) on March 11, 2020. Immediately thereafter, the City acquired the authority to process Coastal Development Permits (CDPs) which had previously been the sole responsibility of the Coastal Commission. To prepare for this responsibility, Community Development staff prepared new forms and checklists for applicants to use in the development of their complete CDP application. Staff also created an FAQ handout (attached) to help property owners and developers with some common questions about the process.

OPTIONS
None.

FINANCIAL IMPACT:
None.

GOAL ALIGNMENT: Environmental Stewardship: Adopt and develop policies and ordinances that preserve and protect the environment.

Attachments
CDP FAQ
Coastal Development Permit (CDP) FAQ

Frequently Used Acronyms

LCP: Local Coastal Program           LUP: Land Use Plan [component of the LCP]
IP: Implementation Plan (development standards, design guidelines, and other implementing actions)
ESHA: Environmentally Sensitive Habitat Area

The Local Coastal Program, inclusive of the LUP and the IP, are located on the City’s website:
https://www.cityofpacificgrove.org/living/community-development/planning

For more information on the City’s CDP authority and application requirements, please contact the Community Development Department at Pacific Grove City Hall, 300 Forest Avenue | 831-648-3183

1. What is a CDP?
A CDP is a discretionary permit for development within the Coastal Zone. Development is broadly defined by the Coastal Act (PRC § 30106) as follows:

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act, and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan.

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

As indicated in the City’s adopted Local Coastal Program (LCP), the Planning Commission is the review authority for CDPs.

2. Are there exemptions to CDP requirements?
Pursuant to Coastal Act § 30610 and Title 14 of the California Code of Regulations (CCR) and the City’s LCP, the following projects are exempt from the requirements to obtain a CDP:
   A. Interior improvements to existing single-family residences that do not result in an intensification or expansion of use (ex. lowering existing kitchen or bathroom counter to accommodate a wheelchair does not require a CDP, etc.);
   B. Improvements to other existing structures;
C. Repair or maintenance activities (ex. the in-kind replacement of existing horizontal wood siding for new siding that matches the old in size, finish, and reveal does not require a CDP, etc.)
D. Replacement of destroyed structures (in compliance with § 23.90.040.D and, within the Asilomar Dunes Residential Area, § 23.90.180.4.I, of the LCP); and
E. Temporary events.

There are a variety of exceptions to these exemptions which apply to projects within Environmentally Sensitive Habitat Areas (ESHA) like the Asilomar Dunes Residential Area, projects that occur within a specified distance from an ESHA, certain public works projects, etc.

In accordance to § 23.90.040 of the IP, staff will make a determination at the time of application submittal as to whether or not the project is exempt from a CDP.

3. Do Building Permits Trigger a CDP?
Building Permits for work that is considered “Development”, as defined in 1) above, will trigger a CDP, unless the activity is found to be exempt per 2) above. As with all building permits for new construction or exterior changes to existing buildings, the Building Department will circulate plans to the Planning Department for consistency with zoning. Generally, no Planning permits are required for re-roofing, plumbing and electrical upgrades, minor interior tenant improvements and other minor improvements that do not effect major structural components as defined in § 1.10 of the Land Use Plan (LUP).

4. What is a CDP Waiver?
If a project is not exempt from CDP requirements and a complete CDP application has been submitted, the City’s Community Development Director (Director) or designee will review the application to see if the issuance of a De Minimis Waiver ( waiver) is warranted. The procedures for the issuance of waivers can be found in § 23.90.045 of the LCP’s Implementation Plan (IP). Waivers require public notice, concurrence of applicability by the Executive Director of the Coastal Commission, and review and concurrence by the Planning Commission. The same application materials, including fees, are required for the waiver as for a full CDP.

5. What and Where is the Appeal Jurisdiction?
The City’s LCP includes an appeal area map prepared for the City by the Coastal Commission that geographically indicates the automatic appeal jurisdiction. Within this area, the Coastal Commission retains the right to appeal any CDP authorized by the City. Other appeal areas include, but may not be limited to:

A. Projects located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
B. Projects located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
C. Projects in a sensitive coastal resource area (i.e., in the Asilomar Dunes Residential Area or the Asilomar Conference Grounds).

Any aggrieved individual may appeal a CDP to the City Council and to the Coastal Commission once all local administrative remedies have been exhausted. The City’s CDP and CDP appeal fees are indicated on the most recent adopted Fee Schedule. The appeal regulations are further described in § 23.90.100 of the IP.
6. Is there a map of the Environmentally Sensitive Habitat Areas (ESHA) in the City?
No, but the Land Habitat Sensitivity Map (Fig. 5 in the LCP) shows areas of special biological significance and should be used by a developer’s professional biologist and/or botanist in the preparation of project-specific reports to identify and properly protect ESHA resources. Sensitive resources can be found anywhere in the City and it is incumbent on the development review process, on a case-by-case basis, to identify and protect them wherever they are located.

7. Are there Special CDP Findings?
Yes. In most cases, a CDP will be required in addition to the standard Architectural Permit, Use Permit, Subdivision or other local discretionary permit and will be processed concurrently as part of a consolidated permit package. All permit types have individual findings that must be made in order for the review authority - the Planning Commission in those cases where a CDP is required - to be able to approve the project. The following findings must be made in order to approve a CDP:

A. LCP Consistency. The project is consistent with the LCP.
B. Public Views. The project protects or enhances public views.
C. Habitat Protection. The project protects vegetation, natural habitats and natural resources consistent with LCP.
D. Design Consistency. The design, location, size, and operating characteristics of the proposed development is consistent with applicable LCP design requirements, including design plans and area plans incorporated into the LCP.
E. Coastal Access. The project protects or enhances public access to and along the coast.
F. Visitor Serving. The project supports the LCP goal of providing for visitor-serving needs as appropriate, including providing low and no cost visitor and recreational facilities.
G. Appropriate Use. The project is consistent with the allowed LCP uses associated with the property.
H. Coastal Resources. The proposed development protects or enhances coastal resources, where applicable.

8. What is the Coastal Commission’s permitting role once the Local Coastal Program is certified?
After a Local Coastal Program is certified, the Commission’s coastal permitting authority is transferred to the City. The City interprets the Local Coastal Program and applies the LCP’s standards and regulations as required. The Commission retains permanent coastal permit jurisdiction over development proposed on tidelands, submerged lands, and public trust lands. The Coastal Commission is the appeal body for certain CDPs and reviews and approves any amendments to previously certified Local Coastal Programs.
TO: Honorable Mayor and Members of the City Council
FROM: Robert Huitt, Mayor Pro Tem
MEETING DATE: April 15, 2020
SUBJECT: Transportation Agency for Monterey County Highlights of March 25, 2020
CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION
Receive Highlights.

Attachments

TAMC Highlights
HIGHLIGHTS
March 25, 2020

TAMC Board of Directors Convenes Virtual Meeting

In response to Governor Newsom Executive Order on March 12, 2020, which enhances State and Local Governments’ ability to respond to COVID-19 Pandemic based on Guidance for Gatherings issued by the California Department of Public Health; and specifically allows local legislative bodies to hold meetings via teleconference, the TAMC Board meeting was held via a Zoom conference call.

The meeting was accessible electronically and members of the public were encouraged to download the app at: https://zoom.us/download. A link to simplified instructions for use of the Zoom app was also provided: https://blog.zoom.us/wordpress/2018/07/03/video-communications-best-practice-guide/

As Board Chair Alejo convened the meeting, he asked for patience and said that this would probably become the norm for some time. At the end of the meeting, he noted that the meeting via teleconferencing allows the Board to continue to do the people’s work during the Covid-19 pandemic.

TAMC Board Certifies Final FORTAG Final Environmental Document

The TAMC Board of Directors took several actions that will allow the Transportation Agency to advance the development of the Fort Ord Regional Trail and Greenway (FORTAG) project.

During the meeting, the Board:
• certified the Final Environmental Impact Report
• adopted the Mitigation Monitoring and Reporting Plan
• adopted the findings in the compliance with Public Resources Code Section 21081 and California Environmental Quality Act Guidelines Section 15091; and,
• approved the Master Agreement between the partnering agencies defining roles and responsibilities for construction and maintenance for the proposed 28-mile FORTAG project.

As a result of these actions, the Transportation Agency will submit their allocation request of $1.8 million for grants secured through the leveraging of local Measure X funds to the California Transportation Commission. These grants will be used for the design/engineering and right-of-way acquisition for phase 1 of the Canyon Del Rey/State Route 218 segment of the proposed 28-mile project. The total amount for the entire phase of the Canyon Del Rey/State Route 218 segment is expected to be $11 million in grant funds, leveraged by $2.4 million of Measure X funds.

The FORTAG project proposes to construct a continuous 12-foot wide paved bicycle and pedestrian trails that will connect the Monterey Peninsula cities from the existing Monterey Bay Coastal Trail to the California State Monterey Bay University campus through the former Fort Ord open space area.

The full environmental impact report is available at www.tamcmonterey.org/measure-x/programs-projects/fort-ord-regional-trail-greenway/.

The Master Agreement is between the Transportation Agency, the County of Monterey, the cities of Seaside, Marina, Monterey, Del Rey Oaks, California State University, Monterey Bay, University of Santa Cruz, and the Monterey Peninsula Regional Park District.

**TAMC Board Authorizes a Call for Projects for Competitive Grant Funds**

The Transportation Agency Board of Directors approved the release of an estimated $12.2 million in competitive grant funds for transportation projects over the next three years. The projects competing for these funds will be based on a variety of criteria, including safety, traffic volume and project deliverability. With the Board’s authorization, the Transportation Agency will begin a new grant cycle, with the release of grant applications materials.

Funding for the competitive grants includes $9.36 million of Regional Surface Transportation Program funding, $750,000 of Transportation Development Act 2% funds, and potentially an additional $2.1 million to be funded with any deprogrammed funds from the last competitive grants cycle.
TO: Honorable Mayor and Members of the City Council
FROM: Cynthia Garfield, Councilmember
MEETING DATE: April 15, 2020
SUBJECT: Periodic Meeting Report
CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION
Receive report.

DISCUSSION
FORA Update
FORA is on track for the planned June 30, 2020 sunset. Staffing has shrunk to less than 6, with additional resources provided by consultants as functions and funding is transferred to successor agencies. Several landmarks have occurred that will have long lasting regional implications:

- The Habitat Working Group has determined that they will not be forming a JPA or any sort of entity for collaboratively approaching habitat management both for mitigations of future development and for funding maintenance and access to open spaces. Each jurisdiction will need to create their own plan for mitigating any development in their future.

  It is unclear how funding will be created and sustained for long term management of open spaces, so it is likely that some recreational open space may not be open for use and enjoyment.

- Seaside has been nominated as the successor agency for managing future munitions and cleanup. Once/if the Army concurs, staffing, funding and management responsibilities will be transferred to Seaside.

- Several months ago, FORA was finalizing bond funding (to be paid back via a portion of the property taxes of the jurisdictions benefitting from the cleanup) which, in the market conditions of late 2019/early 2020 was estimated to bring in up to $55 million. That was expected to be enough, over three stages, to fully remove all the blighted buildings (that were supposed to be the responsibility of the jurisdiction receiving the “free” land.

  In early 2020, FORA received word that the Department of Finance objected to FORA’s plan to commit future property tax revenue to bond repayment.

  This opposition was ultimately successfully challenged in court, allowing for a clean legal opinion necessary for the bonds to be issued. Obviously, this is a very different market that was available.
initially, and the estimate for issuance now will be around $30million, requiring a method for
distributing the available amount since it will be insufficient for meeting all needs.

As always, information about FORA activities can be reached at www.fora.org. Those interested can see
minutes, agendas and video of meetings. In addition to the Board meetings, subcommittee minutes are
also available within each Board packet.

League of California Cities: Governance, Transparency and Labor Relations Policy Committee
This Policy Committee’s content covers things like governing in ways that maximize access, openness
and deals most effectively with public issues. In addition, this committee deals with labor issues, most
critically pensions. In this session, key topics included:

- There have been considerable changes to normal government operating practices as a result of
  shutdowns, sheltering orders and the governor’s executive orders. The League is providing cities
  with clarifications and materials to better understand changes.
- The Legislature is on hiatus, given the current shelter orders; with no set time to return, the League
  is actively preparing for a very different legislative and budget climate.
- The new budget will be “bare bones” and legislation will focus on recovery and homelessness.
  Many expected bills will not come forward when the legislature reconvenes.
- The League is actively working to assure that cities will get some of the relief being created by
  Federal and State actions. Note that the CARES Act provides no relief for cities and many of the
  relief actions impact city budgets (ex: delaying payment of sales tax is helpful to businesses, but the
  cuts revenues to cities).
- Of primary concern to every city is the impact of the recent stock market decreases on CalPERS.
  At one point the pension fund lost $30Billion, following a market in which the returns still did not
  reach the target of 7%. More on this below in a summary of a CalPERS webinar.

Additional information on each of the League Policy Committees can be found on www.cacities.org.

League of California Cities Environmental Quality Policy Committee
This policy committee has addressed environmental issues and includes focus on waste management
(deferring or reducing waste diversion mandates, for example), power outages (in areas where there is a
high risk of fire, power companies’ planned or emergency outages have been damaging to businesses, and
disruptive for communities) wildfire risk reduction.

In this policy meeting the Legislative process was again noted to be in recess. Constitutionally, the
Legislature must pass a budget by June 15. No one knows how this will be accomplished, but everyone
expects that the budget and legislative bills will be “bare bones” with little resemblance to what was
expected even a month ago. In the meantime, the legislative team is watching, communicating with
staffers and preparing for whatever does materialize.

CalPERS Webinar and Updates
The current dramatic decreases in the equities market is of interest to every city and to the state as the
decrease will impact pension funding. CalPERS did not reach their investment goal of 7%, even before
the market sell-off. While the market is still very volatile, CalPERS stated their rate of return at this point
is negative 4%, although their scenarios include -5% and -10%. At this moment, outflows exceed inflows
by $5Billion.

Several key points were presented across all CalPERS functional areas:

- CalPERS has made significant changes that prepared them far better for this disruption than they
were in 2008. A new team in place created a plan for preparing and responding to major disruptions and it appears those plans paid off

- Planning for liquidity, so that pension outflows come from fixed payment assets and prevent a sell-off of depreciated assets
- The investment team has a long view, and a disciplined approach to lasting through this time. This is a very different team than was in place during the last downturn.
- Investment risk has been reduced as appropriate for a pension fund, with a more diversified portfolio

- CalPERS staff stressed that they are the pension plan managers. Benefits, including COLAs are set through the legislature. While CalPERS will respond to questions, they will not advocate for or promote any pension plan changes.
- While staff – for the first time – considers and attends to “employer affordability”, the concern for how well cities can manage pension obligations is really a function of the impact that has on paying out pensions while maintaining a strong fund balance.
- It seems a given that everyone’s Unfunded Liability will increase. The timeline on that is somewhat a relief. At the end of June returns are locked in, returns are announced in July, any changes in discount rate are announced in November, increased city payments due to a change in discount rate begin 2 years later, ramp up for 5 years and remain stable for another 15 years.
- Cities experiencing an inability to pay their CalPERS obligations are assessed on a “case by case basis”, city finances are reviewed and – perhaps – payments may be reorganized or shifted. No reduction in obligations will be given, according to the staff.

For those interested in knowing more about this topic may want to research CalPERS’ YouTube Channel.

OPTIONS
None.

FINANCIAL IMPACT:
None.

GOAL ALIGNMENT: Not Applicable.
TO: Honorable Mayor and Members of the City Council
FROM: Bill Peake, Mayor
MEETING DATE: April 15, 2020
SUBJECT: Coastal Wildlife Protection Advisory Committee (CWPAC)
CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION
Acknowledge City Manager’s decision to extend CWPAC until 90 days after the Monterey County Shelter In Place Order is terminated.

DISCUSSION
This extension will allow CWPAC, an ad hoc advisory committee, to complete its goals as outlined in a report to Council on December 19, 2018. CWPAC was initiated by Ben Harvey, City Manager, with Council concurrence. Its current sunset date is April 30, 2020.

CWPAC identified key coastal wildlife habitat areas along Pacific Grove’s coast. It has also begun identifying threats to this habitat. Maps with explanations of how the habitat areas were developed were presented at a town hall on September 26, 2019. Approximately 46 attended. Presentation material will be posted online under ‘Ad-Hoc Committees’.

Documentation for Council is currently in draft form. However, CWPAC progress was halted in March due to coronavirus health precautions.

CWPAC members are:
- Thom Akeman Bay Net
- Erika Delemarre marine scientist
- Mark Denny Hopkins Marine Station
- Scott Kathey Monterey Bay Nat’l Marine Sanctuary
- Blake Matheson Monterey Audubon Society
- Bill Peake City of Pacific Grove
- John Pearse UC Santa Cruz
- Amanda Preece Monterey Audubon Society
- Bill Standley Bureau of Land Management
- Kyle Van Houtan Monterey Bay Aquarium

OPTIONS
Provide alternative direction.

FINANCIAL IMPACT:
None.

GOAL ALIGNMENT: Not Applicable.
TO: Honorable Mayor and Members of the City Council
FROM: Sandra Kandell, City Clerk
MEETING DATE: April 15, 2020
SUBJECT: Consider Adoption of an Ordinance to Add Chapter 2.50 regulating Electronic Records and Electronic Signatures
CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION
Hold First Reading of an ordinance to add PGMC 2.50 and direct its publication as approved by the City Attorney.

DISCUSSION
The City desires to implement industry best practices using electronic records and electronic signatures to effectively manage documents in accordance with California state law. It is necessary to update the Pacific Grove City Code before digital signatures can be used in the execution of City business.

Over the past several years, the City has invested in, and continues to improve, citywide business processes. The City has implemented the use of an agenda management system that provides a digital workflow removing the creation of paper documents for that process. A State of California compliant digital signing application may be used for the digital signing of resolutions, ordinances, minutes, contracts and other documents as appropriate. The use of digital signatures citywide will enable “digital to digital” processes increasing customer service, enhancing records management best practices and providing benchmark data for performance measurements leading to good management decisions.

Further, the use of digital signatures will reduce paper document creation and supports the City’s goal for Environmental Stewardship.

OPTIONS
1. Take no action.
2. Provide alternative direction to staff.

FINANCIAL IMPACT:
There is no fiscal impact.

GOAL ALIGNMENT: Environmental Stewardship: Adopt and develop policies and ordinances that preserve and protect the environment.
ORDINANCE NO. 20-___
AN ORDINANCE OF THE CITY OF PACIFIC GROVE
ADDING CHAPTER 2.50 TO THE MUNICIPAL CODE RELATING TO ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES

Findings
A. The City desires to implement industry best practices using electronic records and electronic signatures to effectively manage documents in accordance with California state law; and
B. The City desires to use electronic records, electronic signatures, and digital signatures to the fullest extent allowed by law;
C. The City currently uses an agenda management system that provides a digital workflow removing the creation of paper documents for that process;
D. Use of digital signing will enhance the quality of documents, increase signing efficiency, and provide sound citywide records management; and
E. This action is not a project subject to CEQA because it involves only general policy and procedure making and does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. (CEQA Guidelines, §§ 15002(d), 15378, 15061(b)(3).)

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

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. A new Chapter 2.50, entitled “Electronic Records and Electronic Signatures” shall be created and added to Title 2, “Administration and City Government,” as follows:

Chapter 2.50
ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES

Sections:
2.50.010 Purpose.
2.50.020 Definitions.
2.50.030 Use of Electronic Records and Electronic Signatures.

2.45.010 – Purpose
A. This section is intended to enable the city to use electronic records, electronic signatures, and digital signatures to the fullest extent allowed by law, and does not limit the city’s ability to use electronic records, electronic signatures, or digital signatures in any way.

2.50.20 – Definitions
A. The following definitions apply to this section:
1. “Electronic record” has the same meaning as in section 1633.2 of the California Civil Code, as may be amended.
2. “Electronic signature” has the same meaning as in section 1633.2 of the California Civil Code, as may be amended.
3. “Digital signature” has the same meaning as in section 16.5 of the California Government Code, as may be amended.
4. “UETA” means the Uniform Electronic Transactions Act, commencing at section 1633.1 of the California Civil Code.

2.50.030 – Use of Electronic Records and Electronic Signatures

A. In any transaction or communication with the city for which the parties have agreed to conduct the transaction or communication by electronic means, the following provisions apply:
   1. When a record is required to be in writing, an electronic record satisfies that requirement, if it is in accordance with the UETA.
   2. When a signature is required, the parties may agree that either:
      a. An electronic signature satisfies that requirement, if it is in accordance with the UETA; or
      b. A digital signature satisfies that requirement, if it is in accordance with section 16.5 of the California Government Code.

SECTION 3. The Mayor, Council Members, City Manager, City Attorney and all other officers are directed to execute documents and to perform all other necessary City acts to implement this Ordinance.

SECTION 4. Severability. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 5. In accord with Article 15 of the City Charter, this Ordinance shall become effective on the thirtieth (30th) day following passage and adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
THIS ____ day of ____, 202_, by the following vote:

AYES:
NOES:

ABSENT:

APPROVED:

________________________
BILL PEAKE, Mayor

ATTEST:
Dated:

_________________________________
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

_________________________________
DAVID C. LAREDO, City Attorney
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TO: Honorable Mayor and Members of the City Council  
FROM: Daniel Gho, Public Works Director  
MEETING DATE: April 15, 2020  
SUBJECT: Point Pinos Trail Project Grant Agreement  
CEQA: Initial Study, Mitigated Negative Declaration

RECOMMENDATION
Approve a Resolution authorizing the City Manager to enter into an agreement with the California Coastal Conservancy to allocate grant funds for the Point Pinos Trail Project.

DISCUSSION
Background:
This Point Pinos Trail project comprises a 0.8 mile stretch of coastline in the City of Pacific Grove generally known as Point Pinos. Currently, the California Coastal Trail (CCT) exists along the entire coast of the City of Monterey and along three of the four miles of the City of Pacific Grove’s coast, except at Point Pinos. The Point Pinos Trail Project will complete the CCT in this 0.8-mile segment by developing a 5-foot wide decomposed granite coastal trail within a natural setting seaward of Ocean View Boulevard. The coastal trail will connect from the existing curb side trail near Acropolis Street west and extend to the Great Tidepool site. The project locates the trail outside the 30-year coastal retreat setback line, except where moving the trail beyond this line is constrained by Ocean View Boulevard. In these cases, the trail will be along the north side of the road, such as along Crespi Pond.

Since the project’s inception in 2012, as a concept by the Recreation Board, tremendous progress has been made. Project milestones include:

- Completion of the Point Pinos Trail Plan and Coastal Study (June 2017)
- City Council approval of the Mitigated Negative Declaration (December 6, 2017)
- Receipt of a Coastal Development Permit Waiver from the California Coastal Commission (April 11, 2018)
- Completion of construction drawings and specifications (February 7, 2020)

Discussion:
The estimated construction cost for the Point Pinos Trail Project is $2.4 million. This estimate incorporates the $2 million engineers estimate for construction and $400,000 for contingency, specialized project management, and archeological monitoring.

Specialized project management is necessary for a project this complex in nature. The project management team will help coordinate the detailed trail surveying, staking, parking lot construction and alignment, and geological and habitat restoration.
The California Coastal Conservancy Board, who assisted financially with the design and engineering of the project, approved the allocation of $1.8 million in grant funding at their December 19, 2019 meeting. The $1.8 million of grant funding includes $1 million from a Climate Ready Grant and $800,000 from Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act (Proposition 84). All of this grant funding will be used toward the construction of the Point Pinos Trail project.

To finalize the allocation of this grant funding, the City Council must approve a resolution authorizing execution of the grant agreement and specifying the City will allocate the necessary funding to complete and maintain the project (Attachment 1). The City has allocated $250,000 from the General Fund through the Capital Improvement Program, for a secured funding amount of $2,050,000.

There is still a $400,000 funding shortfall to construct the project. In order to bridge this funding gap, the City has submitted an application for the California Natural Resource Agency- Trails and Greenway Grant (Prop 68) requesting $382,000. It is anticipated that qualified applicants will be invited to submit a complete application in the Spring 2020. Grant awards will be announced in Summer 2020.

If the City is unsuccessful in efforts to obtain the remaining $400,000 from the California Natural Resource Agency Grant, funding may be available through the Regional Surface Transportation Program competitive grants administered by the Transportation Agency of Monterey County. Applications for these funds will be released this Spring 2020.

Next Steps:
The City will continue efforts to obtain additional grant funding to bridge the existing funding gap. Following execution of the agreement with the Coastal Conservancy for the $1.8 million of grant funds (Attachment 2), the City anticipates preparing and issuing a request for proposals.

OPTIONS
1. Do nothing
2. Provide alternative direction

FINANCIAL IMPACT:
The estimated construction cost for the Point Pinos Trail Project is $2.4 million. The City has allocated $250,000 from the general fund as part of the FY 19/20 Capital Improvement Program. Upon execution of the agreement with the Coastal Conservancy the City will have $2,050,000 of secured project funding. City staff will continue to seek grant opportunities for the remaining $400,000 balance.

Grant funds and expenditures for this project will be appropriated as part of the Fiscal Year 20/21 budget process.

GOAL ALIGNMENT: Complete Streets: Plan, design and implement streets, sidewalks and transportation networks.

Attachments

Resolution
Grant Agreement
RESOLUTION NO. 20-____

RESOLUTION OF THE CITY OF PACIFIC GROVE APPROVING THE GRANT OF FUNDS FROM THE STATE COASTAL CONSERVANCY UNDER GRANT AGREEMENT NO. 19-116 FOR THE POINT PINOS COASTAL TRAIL CONSTRUCTION PROJECT

FINDINGS

1. The Legislature of the State of California has established the State Coastal Conservancy (“Conservancy”) under Division 21 of the California Public Resources Code, and has authorized the Conservancy to award grants to public agencies and nonprofit organizations to implement the provisions of Division 21;

2. The Conservancy awards grants for projects that it determines are consistent with Division 21 of the Public Resources Code and with the Conservancy’s Strategic Plan and that best achieve the Conservancy’s statutory objectives, in light of limited funding;

3. The City of Pacific Grove (“applicant”) has applied for Conservancy grant funding for the Point Pinos Coastal Trail Construction Project (“the project”).

4. The Conservancy encourages applicants for grant funding to certify through a resolution the applicant’s approval of the application at the time of submission of an application to the Conservancy for an award of grant funds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE:

1. The Council determines that each of the Findings set forth above is true and correct, and by this reference incorporates those Findings as an integral part of this Resolution.

2. The Council approves the filing of an agreement for funding by Conservancy grant agreement No. 19-116.

3. The Council agrees to provide any funds beyond the Conservancy grant funds necessary to complete the project, and to operate and maintain all of the facilities funded as part of the project for a reasonable period, not less than twenty (20) years.

4. The Council Authorizes any of the following named officers or employees of the applicant or any person holding any of the following positions with the applicant to act as a representative of the applicant and to negotiate and execute on behalf of the grantee all agreements and instruments necessary to comply with the Conservancy’s grant requirements, including, without limitation, the grant agreement: Ben Harvey, City Manager and Daniel Gho, Public Works Director.

5. This Resolution shall become effective immediately following passage and adoption thereof.
PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this 15th of April 2020, by the following vote:

AYES: _______________________________

NOES: _______________________________

ABSENT: _______________________________

APPROVED: _______________________________

BILL PEAKE, Mayor

ATTEST: _______________________________

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM: _______________________________

DAVID C. LAREDO, City Attorney
STATE OF CALIFORNIA
STANDARD AGREEMENT
Std.2 (Grant - Rev 01/18)

THIS AGREEMENT, made and entered into this ________ day of ______________, 2020 in the State of California, by and between State of California, through its duly elected or appointed, qualified and acting

<table>
<thead>
<tr>
<th>TITLE OF OFFICER ACTING FOR STATE</th>
<th>AGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Officer</td>
<td>State Coastal Conservancy</td>
</tr>
</tbody>
</table>

GRANTEE'S NAME
City of Pacific Grove, hereafter called the Grantee.

The Grantee, for and in consideration of the covenants, conditions, agreements, and stipulations of the Conservancy hereinafter expressed, does hereby agree as follows:

SCOPE OF AGREEMENT

Pursuant to Chapter 9 of Division 21 of the California Public Resources Code, the State Coastal Conservancy ("the Conservancy") hereby grants to the City of Pacific Grove, ("the grantee") a sum not to exceed $1,800,000 (one million eight hundred thousand dollars), subject to this agreement. The grantee shall use these funds to complete the following project ("the project") at Point Pinos, Monterey County, as shown on Exhibit 1, which is incorporated by reference and attached.

(Continued on the following pages)

The provisions on the following pages constitute a part of this agreement.

IN WITNESS WHEREOF, this agreement has been executed by the parties hereto, upon the date first above written.

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>GRANTEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Coastal Conservancy</td>
<td>City of Pacific Grove</td>
</tr>
</tbody>
</table>

BY (Authorized Signature)

Printed Name and Title of Person Signing

Samuel Schuchat, Executive Officer

Address & Phone Number

1515 Clay Street, 10th Floor
Oakland, CA 94612

Phone: (510) 286-1015

<table>
<thead>
<tr>
<th>AMOUNT ENCUMBERED BY THIS DOCUMENT</th>
<th>PROGRAM/CATEGORY (CODE AND TITLE)</th>
<th>FUND TITLE/PROP NO.</th>
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<tr>
<td>$1,800,000.00</td>
<td>Local Assistance</td>
<td>Green House Gas Reduction Fund</td>
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</table>

Prior amount encumbered for this agreement:

<table>
<thead>
<tr>
<th>FUND ITEM</th>
<th>CHAPTER</th>
<th>STATUTE</th>
<th>FISCAL YEAR</th>
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<tbody>
<tr>
<td>3760-101-3228</td>
<td>29/30</td>
<td>2018</td>
<td>18/19</td>
</tr>
<tr>
<td>3760-101-605100008(B0682)</td>
<td>14</td>
<td>2017</td>
<td>17/18</td>
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</table>

Total amount encumbered to date:

$1,800,000.00

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.

Signature of Accounting Officer

Date

☐ GRANTEE ✗ ACCOUNTING ☐ PROJECT MANAGER ☐ CONTROLLER ☐ STATE AGENCY

Erlinda Corpuz
Procurement and Contracts Manager

PG CC 4/15/20
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City of Pacific Grove  
Grant Agreement No. 19-116  
Page 2

The project consists of constructing a .8-mile segment of the California Coastal Trail and related parking facilities and improvements and restoring up to 2 acres of coastal dunes.

The grantee shall carry out the project in accordance with this agreement and a work program, as provided in the “WORK PROGRAM” section, below. The grantee shall provide any funds beyond those granted under this agreement which are needed to complete the project.

**CONDITIONS PRECEDENT TO CONSTRUCTION AND DISBURSEMENT**

The grantee shall not begin construction of the project and the Conservancy shall not be obligated to disburse any funds unless and until the following conditions precedent have been met:

1. The City Council of the grantee has adopted a resolution designating positions whose incumbents are authorized to negotiate and execute this agreement and amendments to it on behalf of the grantee.

2. The Executive Officer of the Conservancy (“the Executive Officer”) has approved in writing:
   
   a. A work program for the project, as provided in the “WORK PROGRAM” section, below.
   
   b. A plan for installation of signs and acknowledgment of Conservancy support, as provided in the “SIGNS AND ACKNOWLEDGMENT” section, below.
   
   c. All contractors that the grantee intends to retain in connection with the project. The grantee must provide written evidence to the Conservancy that each contractor has complied with the bonding requirements described in the “BONDING” section, below.

3. The grantee has provided written evidence to the Conservancy that:

   a. All permits and approvals necessary to the completion of the project under applicable local, state and federal laws and regulations have been obtained.

   b. The grantee has provided for required insurance coverage, including additional insured endorsement, as described in the “INSURANCE” section, below.

**ADDITIONAL GRANT CONDITIONS**

The grantee shall also meet the following conditions:
City of Pacific Grove  
Grant Agreement No. 19-116  
Page 3

1) To the extent appropriate, the grantee shall incorporate the guidelines of the Conservancy’s ‘Standards and Recommendations for Accessway Location and Development’ (attached as Exhibit 2) and the requirements of all applicable federal and state laws governing barrier-free access for persons with disabilities into the Point Pinos trail.

2) GGRF Funding Requirements

Grantee acknowledges that the project is funded in part by funds from the Greenhouse Gas Reduction Fund (GGRF), which is administered by the California Air Resources Board (CARB) as the California Climate Investments (CCI) program. Grantee also acknowledges that the Conservancy must comply with all requirements in CARB’s “Funding Guidelines for Agencies Administering California Climate Investments,” as revised from time to time (“GGRF Guidelines”), and any other requirements provided by CARB. Grantee shall cooperate fully with Conservancy staff to meet these requirements and shall provide, in a timely manner, all information or documentation as requested by the Conservancy to comply with such requirements.

These requirements may include the following:

(a) Applying the Quantification Methodology and Calculator Tool and other tools, templates, methodologies and frameworks approved and provided by CARB and the Conservancy, to evaluate the facilitation of the reduction of greenhouse gas emissions, benefits to priority populations, and co-benefits;

(b) Project tracking, monitoring and reporting requirements, including periodic reporting of project status; and

(c) Recordkeeping requirements, as described in the “AUDITS/ACCOUNTING/RECORDS” section of this agreement.

In addition to the requirements above, grantee agrees to coordinate with the Conservancy to comply with reporting on project outcomes, including milestones, metrics and additional data collection after completion of the project.

All reporting templates and forms provided by the Conservancy to grantee to meet these reporting requirements shall be incorporated into this agreement by reference.

TERM OF AGREEMENT

This agreement shall take effect when signed by both parties and received in the offices of the Conservancy together with the resolution described in the “CONDITIONS PRECEDENT TO
CONSTRUCTION AND DISBURSEMENT” section of this agreement. An authorized representative of the grantee shall sign the first page of the originals of this agreement in ink.

This agreement shall run from its effective date through December 31, 2041 (“the termination date”) unless otherwise terminated or amended as provided in this agreement. However, all work shall be completed by December 31, 2021 (“the completion date”).

The grantee shall deliver a final Request for Disbursement to the Conservancy no later than February 25, 2022.

AUTHORIZATION

The signature of the Executive Officer of the Conservancy on this agreement certifies that at its December 19, 2019 meeting, the Conservancy adopted the resolution included in the staff recommendation attached as Exhibit 3. This agreement is executed under that authorization.
Standard Provisions

WORK PROGRAM

Before beginning construction, the grantee shall submit a detailed work program to the Executive Officer for review and written approval of its consistency with the purposes of this grant agreement. The work program shall include:

1. Construction plans and specifications that have been certified by a licensed architect or registered engineer, or approved by the grantee’s Public Works Director.

2. A schedule of completion for the project specifically listing the completion date for each project component and a final project completion date.

3. A detailed project budget. The project budget shall describe all labor and materials costs of completing each component of the project, including the grantee’s labor and materials costs and costs to be incurred under a contract with any third party retained by the grantee for work under this agreement. For each project component, the project budget shall list all intended funding sources, including the Conservancy’s grant, the grantee’s required contribution and all other sources of monies, materials, or labor. The grantee shall review the plans on-site with Conservancy staff.

If all or any part of the project to be funded under this agreement will be performed by third parties (“contractors”) under contract with the grantee, then the grantee shall, prior to initiating any contractor selection process, submit the selection package, including any applicable construction plans and specifications that have been certified or approved as described above, to the Executive Officer for review and written approval as to consistency with the purposes of this grant agreement. Upon approval by the Executive Officer, the grantee shall proceed with the contractor selection process. Prior to final selection of a contractor, the grantee shall submit to the Executive Officer for written approval the names of all contractors that the grantee intends to hire. The grantee shall then comply with the above paragraph regarding submission and approval of a work program prior to construction.

The work program shall have the same effect as if included in the text of this agreement. However, the work program may be modified without amendment of this agreement upon the grantee’s submission of a modified work program and the Executive Officer’s written approval of it. If this agreement and the work program are inconsistent, the agreement shall control.

The grantee shall construct the project in accordance with the approved work program.
SIGN AND ACKNOWLEDGMENT

Prior to beginning the project, the grantee shall submit, for review and written approval by the Executive Officer, a plan for the installation of signs and acknowledgment of Conservancy support. Except as the Executive Officer agrees otherwise, the plan shall commit the grantee to mention the Conservancy’s support in its project-related press releases, contacts with the media, and social media postings, and on its website.

The plan shall commit the grantee to shall install and maintain a sign or signs visible from the nearest public roadway identifying the project, acknowledging Conservancy assistance and displaying the Conservancy’s logo and directing the public to the project. The Conservancy shall provide to the grantee specifications for the signs. The grantee may incorporate the required information into other signs as approved by the Executive Officer. In special circumstances, where the placement of signs or the general specifications are inappropriate, the Executive Officer may approve alternative, more appropriate methods for acknowledging the sources of funding. In addition to signs acknowledging Conservancy assistance, the grantee shall install and maintain California Coastal Trail emblems on the real property and on all other real property interests controlled, maintained or managed by the grantee that are deemed by the Conservancy to be existing segments of the California Coastal Trail. Emblem locations shall be determined by the grantee in consultation with the Conservancy. The grantee sign plan shall describe the number, design, placement and wording of the signs, or the specifications of a proposed, alternative method. The grantee shall implement the approved signs and acknowledgment plan. The Conservancy will withhold final disbursement until the signs are installed as approved by the Conservancy.

The signs shall also acknowledge funding from GGRF by using the official CCI logo in compliance with the GGRF Guidelines. The CCI logo shall be displayed, to the extent possible, at the project site or on other appropriate locations or materials. In addition to signage, grantee shall acknowledge GGRF funding on announcements, press releases and publications, as provided in the GGRF Guidelines.

BONDING

If the grantee intends to use any contractors on any portion of the project to be funded under this agreement, construction shall not begin until each contractor has furnished a performance bond in favor of the grantee in the following amounts: for faithful performance, one hundred percent (100%) of the contract value; and for labor and materials, one hundred percent (100%) of the contract value. This requirement shall not apply to any contract for less than $20,000.

Any bond furnished under this section shall be executed by an admitted corporate surety insurer licensed in the State of California.
COSTS AND DISBURSEMENTS

When the Conservancy determines that all “CONDITIONS PRECEDENT TO CONSTRUCTION AND DISBURSEMENT” have been fully met, the Conservancy shall disburse to the grantee, in accordance with the approved project budget, a total amount not to exceed the amount of this grant, as follows:

The withholding for this agreement is five percent. The Conservancy shall disburse funds for costs incurred to date, less five percent, upon the grantee’s satisfactory progress under the approved work program, and upon the grantee’s submission of a “Request for Disbursement” form, which shall be submitted no more frequently than monthly but no less frequently than quarterly. The Conservancy shall disburse the five percent withheld upon the grantee’s satisfactory completion of construction and compliance with the “PROJECT COMPLETION” section, below, and upon the Conservancy’s acceptance of the project.

The Conservancy will reimburse the grantee for expenses necessary to the project when documented by appropriate receipts. The Conservancy will reimburse travel and related expenses at actual costs not to exceed the rates provided in Title 2, Division 1, Chapter 3, Subchapter 1, Article 2 of the California Code of Regulations (“CCR”), except that reimbursement may be in excess of these rates upon documentation that these rates are not reasonably available to the grantee. Reimbursement for the cost of operating a private vehicle shall not, under any circumstance, exceed the current rate specified by the State of California for unrepresented state employees as of the date the cost is incurred. The Conservancy will reimburse the grantee for other necessary expenses if those expenses are reasonable in nature and amount taking into account the nature of the project, its location, and other relevant factors.

The grantee shall request disbursements by filing with the Conservancy a fully executed “Request for Disbursement” form (available from the Conservancy). The grantee shall include in the form its name and address, the number of this agreement, the date of the submission, the amount of the invoice, the period during which the work was actually done, and an itemized description, including time, materials, and expenses incurred of all work done for which disbursement is requested. Hourly rates billed to the Conservancy, and specified in the approved work program budget shall be equal to the actual compensation paid by grantee to employees, which may include employee benefits. The form shall also indicate cumulative expenditures to date, expenditures during the reporting period, and the unexpended balance of funds under the grant agreement.

An authorized representative of the grantee shall sign the forms. Each form shall be accompanied by:

1. All receipts and any other source documents for direct expenditures and costs that the grantee has incurred.
2. Invoices from contractors that the grantee engaged to complete any portion of the work funded under this agreement and any receipts and any other source documents for costs incurred and expenditures by any such contractor, unless the Executive Officer makes a specific exemption in writing.

3. A supporting progress report summarizing the current status of the project and comparing it to the status required by the work program (budget, timeline, tasks, etc.) including written substantiation of completion of the portion of the project for which the grantee is requesting disbursement.

The grantee’s failure to fully execute and submit a Request for Disbursement form, including attachment of supporting documents, will relieve the Conservancy of its obligation to disburse funds to the grantee until the grantee corrects all deficiencies.

EXPENDITURE OF FUNDS AND ALLOCATION OF FUNDING AMONG BUDGET ITEMS

No increase in the total amount of this grant will be valid unless set forth written amendment to this agreement. The grantee shall expend funds consistent with the approved project budget. Expenditure on items contained in the approved project budget, other than overhead and indirect costs, may vary by as much as ten percent without prior approval by the Executive Officer, provided that the grantee first submits a revised budget to the Conservancy and requests disbursement based on the revised budget. Any deviation greater than ten percent, and any deviation that shifts funds from approved budget items into an overhead or indirect costs category, must be identified in a revised budget approved in advance and in writing by the Executive Officer. The Conservancy may withhold payment for items which exceed the amount allocated in the project budget by more than ten percent and which have not received the approval required above. Any increase in the funding for any particular budget item shall mean a decrease in the funding for one or more other budget items unless there is a written amendment to this agreement.

PROJECT COMPLETION

Upon completion of the project, the grantee shall supply the Conservancy with evidence of completion by submitting a final report by the final Request for Disbursement date set forth in the “TERM OF AGREEMENT” section that includes:

1. A report certifying completion of the project according to the approved work program, including photographs documenting project completion.
2. Documentation that signs are installed as required by the “SIGNS AND ACKNOWLEDGMENT” section of this agreement.

3. A fully executed final “Request for Disbursement.” A “final Request for Disbursement” means a Request for Disbursement that includes the withheld amounts and all remaining amounts for which grantee is entitled to seek payment, if any, pursuant to this agreement.

4. A final inspection report by a licensed architect or registered engineer or the grantee’s Public Works Director, and a copy of “as built” drawings of the completed project.

The Conservancy shall determine whether the grantee has satisfactorily completed the project. If so, the Conservancy shall issue to the grantee a letter of acceptance of the project and release the withhold amount pursuant to the “COSTS AND DISBURSEMENTS” section. The project shall be deemed complete as of the date of the letter.

EARLY TERMINATION, SUSPENSION AND FAILURE TO PERFORM

Before the project has commenced, either party may terminate this agreement for any reason by providing the other party with seven days notice in writing.

Before the project is complete, the Conservancy may terminate or suspend this agreement for any reason by providing the grantee with seven days notice in writing. In either case, the grantee shall immediately stop work under the agreement and take all reasonable measures to prevent further costs to the Conservancy. The Conservancy shall be responsible for any reasonable and non-cancelable obligations incurred by the grantee in the performance of this agreement prior to the date of the notice to terminate or suspend, but only up to the undisbursed balance of funding authorized in this agreement. Any notice suspending work under this agreement shall remain in effect until further written notice from the Conservancy authorizes work to resume.

If the grantee fails to complete the project as required, or fails to fulfill any other obligations of this agreement prior to the termination date, the grantee shall be liable for immediate repayment to the Conservancy of all amounts disbursed by the Conservancy under this agreement. The Conservancy may, at its sole discretion, consider extenuating circumstances and not require repayment for work partially completed. This paragraph shall not be deemed to limit any other remedies the Conservancy may have for breach of this agreement.

Before the project is complete, the grantee may terminate this agreement for any reason by providing the Conservancy with seven days notice in writing and repaying to the Conservancy all amounts disbursed by the Conservancy under this agreement. The Conservancy may, at its sole discretion, consider extenuating circumstances and allow early termination without repayment for work partially completed.
City of Pacific Grove
Grant Agreement No. 19-116
Page 10

The parties expressly agree to waive, release and relinquish the recovery of any consequential damages that may arise out of the termination or suspension of this agreement under this section.

The grantee shall include in any agreement with any contractor retained for work under this agreement a provision that entitles the grantee to suspend or terminate the agreement with the contractor for any reason on written notice and on the same terms and conditions specified in this section.

OPERATION AND MAINTENANCE

The grantee shall use, manage, maintain and operate the project throughout the term of this agreement consistent with the purposes for which the Conservancy’s grant was made. The grantee assumes all operation and maintenance costs of these facilities and structures; the Conservancy shall not be liable for any cost of maintenance, management, or operation. The grantee may be excused from its obligations for operation and maintenance during the term of this agreement only upon the written approval of the Executive Officer.

For purposes of this agreement, "operation costs" include direct costs incurred for material and labor needed for operations, utilities, insurance, and similar expenses. "Maintenance costs" include ordinary repairs and replacements of a recurring nature necessary to prolong the life of capital assets and basic structures, and the expenditure of funds necessary to replace or reconstruct capital assets or basic structures.

MITIGATION

Without the written permission of the Executive Officer, the grantee shall not use or allow the use for mitigation (in other words, to compensate for adverse changes to the environment elsewhere) of any portion of real property on which the Conservancy has funded construction. In providing permission, the Executive Officer may require that all funds generated in connection with any authorized or allowable mitigation on the real property shall be remitted promptly to the Conservancy. As used in this section, mitigation includes, but is not limited to, any use of the property in connection with the sale, trade, transfer or other transaction involving carbon sequestration credit or carbon mitigation.

INSPECTION

Throughout the term of this agreement, the Conservancy shall have the right to inspect the project area to ascertain compliance with this agreement.
INDEMNIFICATION AND HOLD HARMLESS

The grantee shall be responsible for, indemnify and hold harmless the Conservancy, its officers, agents, and employees from any and all liabilities, claims, demands, damages, or costs, including, without limitation, litigation costs and attorneys fees, resulting from or arising out of the willful or negligent acts or omissions of the grantee, its officers, agents, contractors, subcontractors, and employees, or in any way connected with or incident to this agreement, except for the active negligence of the Conservancy, its officers, agents, or employees. The duty of the grantee to indemnify and hold harmless includes the duty to defend as provided in Civil Code section 2778. This agreement supersedes any right the grantee may have as a public entity to indemnity and contribution as provided in Gov. Code Sections 895 et seq.

The grantee waives any and all rights to any type of express or implied indemnity or right of contribution from the State, its officers, agents, or employees, for any liability resulting from, growing out of, or in any way connected with or incident to this agreement.

Nothing in this agreement is intended to create in the public or in any member of it rights as a third-party beneficiary under this agreement.

The obligations in this “INDEMNIFICATION AND HOLD HARMLESS” section shall survive termination of this agreement.

INSURANCE

The grantee shall procure and maintain insurance, as specified in this section, against claims for injuries to persons and damage to property that may arise from or in connection with any activities of the grantee or its agents, representatives, employees, volunteers, or contractors associated with the project undertaken pursuant to this agreement.

As an alternative, with the written approval of the Executive Officer, the grantee may satisfy the coverage requirement in whole or in part through: (a) its contractors’ procurement and maintenance of insurance for work under this agreement, if the coverage otherwise fully satisfies the requirements of this section; or (b) the grantee’s participation in a “risk management” plan, self insurance program or insurance pooling arrangement, or any combination of these, if consistent with the coverage required by this section.

The grantee shall maintain property insurance, if required below, throughout the term of this agreement. Any required errors and omissions liability insurance shall be maintained from the effective date through two calendar years after the completion date. The grantee shall maintain all other required insurance from the effective date through the completion date.
1. **Minimum Scope of Insurance.** Coverage shall be at least as broad as:

   a. Insurance Services Office ("ISO") Commercial General Liability coverage, occurrence-basis (Form CG 00 01) or comparable.

   b. Automobile Liability coverage: ISO Form Number CA 0001, Code 1 (any auto).

   c. Workers’ Compensation insurance as required by the Labor Code of the State of California, and Employer’s Liability insurance.

   d. Course-of-construction (also known as "Builder’s Risk") insurance covering all risks of loss. (Any proceeds of loss payable under this coverage shall be used to replace, rebuild or repair the damaged portions of the facilities and structures constructed under this agreement.)

   e. Property insurance covering the loss, damage, or destruction of the facilities or structures constructed under this agreement against fire and extended coverage perils. (Any proceeds of loss payable under this coverage shall be used to replace, rebuild and/or repair the damaged portions of the facilities and structures constructed under this agreement.)

2. **Minimum Limits of Insurance.** The grantee shall maintain coverage limits no less than:

   a. **General Liability:**
      
      *(Including operations, products and completed operations, as applicable)*
      
      $2,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the activities under this agreement, or the general aggregate limit shall be twice the required occurrence limit.

   b. **Automobile Liability:**
      
      $1,000,000 per accident for bodily injury and property damage.

   c. **Worker’s Compensation and Employer’s Liability:**
      
      Worker’s compensation as required by law and Employer’s Liability of no less than $1,000,000 per accident for bodily injury or disease.

   d. **Course of Construction:**
      
      "All Risk" (Special Perils) coverage form, with limits equal to the completed value of the project with no coinsurance penalty provisions.
c. Property Insurance:  
90 percent of full replacement cost of the facilities or structures.

3. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by the Executive Officer.


   a. Each insurance policy required by this section shall be endorsed to state that coverage shall not be canceled by either party, except after thirty days’ prior written notice by first class mail has been given to the Conservancy; or in the event of cancellation of coverage due to nonpayment, after ten days prior written notice to the Conservancy. The grantee shall notify the Conservancy within two days of receipt of notice that any required insurance policy will lapse or be cancelled. At least ten days before an insurance policy held by the grantee lapses or is cancelled, the grantee shall provide the Conservancy with evidence of renewal or replacement of the policy.

   b. The grantee hereby grants to the State of California, its officers, agents, employees, and volunteers, a waiver of any right to subrogation which any insurer of the grantee may acquire against the State of California, its officers, agents, employees, and volunteers, by virtue of the payment of any loss under such insurance. Grantee agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not the grantee has received a waiver of subrogation endorsement from the insurer.

   c. The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

   (i) The State of California, its officers, agents, employees, and volunteers are to be covered as additional insureds with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of the grantee; and with respect to liability arising out of work or operations, including completed operations, performed by or on behalf of the grantee including materials, parts or equipment furnished in connection with the work or operations.

   (ii) For any claims related to this agreement, the grantee’s insurance coverage shall be primary insurance as respects the State of California, its officers, agents and employees, and not excess to any insurance or self-insurance of the State of California.

   (iii) The limits of the additional insured coverage shall equal the limits of the named insured coverage regardless of whether the limits of the named insurance coverage exceed those limits required by this agreement.
City of Pacific Grove  
Grant Agreement No. 19-116  
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5. **Acceptability of Insurers.** Insurance shall be placed with insurers admitted to transact business in the State of California and having a current Best’s rating of “B+:VII” or better or, in the alternative, acceptable to the Conservancy and approved in writing by the Executive Officer.

6. **Verification of Coverage.** The grantee shall furnish the Conservancy with original certificates and amendatory endorsements, or copies of the applicable policy language, effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the Executive Officer before work commences. The Conservancy may require, at any time, complete, certified copies of all required insurance policies, including endorsements affecting the coverage.

7. **Contractors.** The grantee shall include all contractors as insureds under its policies or shall require each contractor to provide and maintain coverage consistent with the requirements of this section. To the extent generally available, grantee shall also require each professional contractor to provide and maintain Errors and Omissions Liability insurance appropriate to the contractor’s profession and in a reasonable amount in light of the nature of the project with a minimum limit of liability of $1,000,000.

8. **Premiums and Assessments.** The Conservancy is not responsible for premiums and assessments on any insurance policy.

**AUDITS/ACCOUNTING/RECORDS**

The grantee shall maintain financial accounts and records relating to this agreement in accordance with the guidelines of “Generally Accepted Accounting Principles” (“GAAP”) published by the American Institute of Certified Public Accountants, and maintain any documents or data collected or reports produced in the course of performing this agreement (collectively, “records”). The records shall include, without limitation, data or documents generated in compliance with reporting requirements referenced in the “ADDITIONAL GRANT CONDITIONS – GGRF FUNDING REQUIREMENTS” section of this agreement, and shall also include the amount, receipt, deposit, and disbursement of all funds related to the implementation of the project, and the use, management, operation and maintenance of the real property. Time and effort reports are also required. The grantee shall maintain adequate supporting records in a manner that permits tracing from the request for disbursement forms to the accounting records and to the supporting documentation.

Additionally, the Conservancy or its agents may review, obtain, and copy all records relating to performance of the agreement. The grantee shall provide the Conservancy or its agents with any relevant information requested and shall permit the Conservancy or its agents access to the grantee’s premises upon reasonable notice, during normal business hours, to interview employees and inspect and copy books, records, accounts, and other material that may be
relevant to a matter under investigation for the purpose of determining compliance with this agreement and any applicable laws and regulations.

The grantee shall retain the required records for a minimum of three years following the later of (1) final disbursement by the Conservancy, (2) the final year to which the particular records pertain, or (3) the project completion date provided in this agreement. The records shall be subject to examination and audit by the Conservancy, the Bureau of State Audits, CARB, the Department of Finance, the Joint Legislative Committee, and other state oversight agencies during the retention periods.

If the grantee retains any contractors to accomplish any of the work of this agreement, the grantee shall first enter into an agreement with each contractor requiring the contractor to meet the terms of this section and to make the terms applicable to all subcontractors.

The Conservancy may disallow all or part of the cost of any activity or action that it determines to be not in compliance with the requirements of this agreement.

**COMPUTER SOFTWARE**

The grantee certifies that it has instituted and will employ systems and controls appropriate to ensure that, in the performance of this agreement, state funds will not be used for the acquisition, operation or maintenance of computer software in violation of copyright laws.

**NONDISCRIMINATION**

During the performance of this agreement, the grantee and its contractors shall not deny the agreement’s benefits to any person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. The grantee shall insure that the evaluation and treatment of employees and applicants for employment are free of such discrimination. The grantee and contractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12900 et seq.), the regulations promulgated thereunder (Cal. Code Regs., tit. 2, §11000 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Gov. Code §§11135-11139.5), and the regulations or standards adopted by the Conservancy to implement such article. The grantee shall permit access by representatives of the Department of Fair Employment and Housing and the Conservancy upon reasonable notice at any time during the normal business hours, but in no
case less than 24 hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or the Conservancy shall require to ascertain compliance with this clause. The grantee and its contractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. (See Cal. Code Regs., tit. 2, §11105.)

The grantee shall include the nondiscrimination and compliance provisions of this clause in all contracts to perform work under this agreement.

**AMERICANS WITH DISABILITIES ACT**

By signing this agreement, grantee certifies that it is in compliance with the Americans with Disabilities Act (ADA) of 1990, (42 U.S.C., 12101 et seq.), which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA.

**PREVAILING WAGE**

Work done under this grant agreement may be subject to the prevailing wage and other related requirements of the California Labor Code, Division 2, Part 7, Chapter 1, sections 1720-1861. If required by law to do so, the grantee shall pay prevailing wage to all persons employed in the performance of any part of the project and otherwise comply with all associated requirements and obligations.

This agreement is funded in whole or in part with funds from the “Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006” (“Proposition 84”). Section 75075 of the Public Resources Code imposes on a body awarding any contract for a public works project financed in any part with Proposition 84 funds responsibility for adoption and enforcement of a “labor compliance program” under Labor Code section 1771.5(b). Regulations implementing Section 1771.5(b) include Title 8, California Code of Regulations, Division 1, Chapter 8, Subchapter 4.

The grantee is responsible for determining whether the project is subject to prevailing wage laws, and for complying with all labor laws applicable to the project. The grantee may also review the Conservancy publication, *Information on Current Status of Prevailing Wage Laws for State Coastal Conservancy Grantees (May 2018)*, available from the Conservancy on request; provided, that this publication is for grantee’s informational purposes only, and shall not be construed as legal advice to the grantee on whether the grantee’s project is subject to prevailing wage laws.
City of Pacific Grove
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UNION ORGANIZING

By signing this agreement, grantee hereby acknowledges the applicability of Government Code Sections 16645 through 16649 to this agreement, and certifies that no state funds disbursed by this agreement will be used to assist, promote or deter union organizing. If grantee makes expenditures to assist, promote or deter union organizing, grantee agrees to maintain records sufficient to show that no state funds, including the funds provided under this agreement, have been used for these purposes, and shall provide these records to the Attorney General upon request.

DRUG-FREE WORKPLACE

The grantee’s signature on this agreement constitutes the certification required by Government Code Section 8355 (Drug-Free Workplace Act of 1990), which requires that all state grantees provide a drug-free workplace by doing all of the following:

(1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the person’s or organization’s workplace and specifying actions that will be taken against employees for violations of the prohibition.

(2) Establishing a drug-free awareness program to inform employees about all of the following:

   a. The dangers of drug abuse in the workplace.
   b. The person’s or organization’s policy of maintaining a drug-free workplace.
   c. Any available drug counseling, rehabilitation, and employee assistance programs.
   d. The penalties that may be imposed upon employees for drug abuse violations.

(3) Requiring that each employee engaged in the performance of the grant be given a copy of the drug-free workplace statement and that, as a condition of employment on the grant, the employee agrees to abide by the terms of the statement.

INDEPENDENT CAPACITY

The grantee, and the agents and employees of grantee, in the performance of this agreement, shall act in an independent capacity and not as officers or employees or agents of the State of California.
ASSIGNMENT

Without the written consent of the Executive Officer, the grantee may not assign this agreement in whole or in part.

TIMELINESS

Time is of the essence in this agreement.

EXECUTIVE OFFICER’S DESIGNEE

The Executive Officer shall designate a Conservancy project manager who shall have authority to act on behalf of the Executive Officer with respect to this agreement. The Executive Officer shall notify the grantee of the designation in writing.

AMENDMENT

Except as expressly provided in this agreement, no changes in this agreement shall be valid unless made in writing and signed by the parties to the agreement. No oral understanding or agreement not incorporated in this agreement shall be binding on any of the parties.

LOCUS

This agreement is deemed to be entered into in the County of Alameda.
Trail corridor with red dotted line showing the alignment of the proposed path
Standards and Recommendations
For Accessway Location and Development

These standards provide guidelines for the location, size and type of accessways along the California coast. San Francisco Bay accessway standards are available from the San Francisco Bay Conservation and Development Commission. The California Coastal Commission and Conservancy adopted these standards to ensure a consistent approach is used for access construction. Since sites and circumstances vary along the coast the application of these standards is flexible. These standards apply to all new and existing developments.

Standard No. 1  Protect the Public and Coastal Resources

Coastal access facilities should be located where they safely accommodate public use. Their distribution should prevent crowding, parking congestion, and misuse of coastal resources. To fulfill this goal, accessway design and location should: a) minimize alteration of natural landforms and be subordinate to the setting’s character; b) prevent unwarranted hazards to the land and public safety; c) ensure the privacy of adjoining residences; and d) protect environmentally sensitive habitats and agricultural areas.

Standard No. 2  Correct Hazards

The management and construction of accessways should correct or at least not increase the potential of any hazard, such as fire or erosion. At times when there is an increased hazard, for example during pesticide application in agricultural areas, the accessway should be closed.

Standard No. 3  Access Easements: Construction and Location

Accessways built on easements, such as offers-to-dedicate, should be no wider than necessary. Width of accessways can vary from a minimum of 30 inches for a trail to 10 feet or wider for ramps or paved walkways, depending on topography and the existing development. Wheelchair access should be provided wherever possible.

Standard No. 4  Privacy

The design and location of accessways should consider the privacy of adjoining residences. Vertical accessways may be fenced or screened with landscaping on the property line and be closed at night, depending on the needs of the adjoining residences.
Standard No. 5  

**Environmentally Sensitive Areas**

Access projects to areas such as wetlands, tidepools, or riparian areas should be evaluated on a case-by-case basis to ensure that the projects: a) are consistent with the policies of Chapter Three of the Coastal Act; b) avoid adverse effects on the resource and, if possible, enhance the resource; c) are reviewed by the Department of Fish and Game and the California Coastal Commission.

Standard No. 6  

**Lateral Accessways: Construction and Location**

A lateral accessway is an area of land that provides the public with access and recreational use along the water’s edge.

Lateral accessways should include a minimum of 25 feet of dry sand at all times of the year or the entire sandy area if the beach is less than 25 feet. They should not extend further inland than any shoreline protective structures; nor should they come closer than 10 feet to an existing single-family home. Specifications for construction will vary depending on the Local Coastal Program (LCP) requirements or Commission permit conditions.

Due to the proximity of the ocean and winter storm waves, construction of support facilities on lateral accessways should be kept to a minimum. Retractable ramps or boardwalks, however, not only enable the handicapped to reach the water, but they also can be removed as the seasons dictate.

Standard No. 7  

**Vertical Accessways: Construction and Location**

A vertical is an area of land connecting the first landward public road, trail, or use area with a public beach or lateral accessway, used to get people to the shore. Vertical accessways should be a minimum 10 feet wide.

**Urban areas:** Vertical accessways in urban areas should be located where streets end at the shoreline, once every six parcels, or up to once every 500 feet. New multiple-family residential projects of five dwelling units or more should provide sufficient space for a vertical accessway and public parking and pay for their construction. Condominium conversions of the same type of units should provide a vertical accessway, either on-site or in the same general area. The existence of public beaches nearby could reduce the number of verticals needed.

Commercial development should incorporate or preserve views of the ocean and vertical access, as well as construct and maintain the accessway as part of the project. Industrial development should provide vertical access and parking improvements according to the extent to which the potential public use is displaced by the facility.
**Rural areas:** When beachfront parcels are subdivided in rural areas, owners should provide a vertical accessway either as a separate parcel or as an easement over the parcels to be created. More than one vertical accessway may be required if the parcels contain more than one beach area or the beach is ¼ mile or longer. Residential developments should use the standards suggested for urban development.

Vertical accessways in agricultural and timberlands should be wide enough to protect accessway users as well as the crops. At least one accessway should be provided or acquired on such lands if they contain a beach appropriate for safe public use.

Stairways, ramps, trails, over- or underpasses are some of the facilities that can be built on vertical accessways. Drainage systems to prevent erosion may also be necessary.

**Standard No. 8**  

*Trails*

A trail provides continuous public access either along a coastal bluff or links inland recreational facilities to the shoreline. Specifications for construction will vary according to the LCP.

Trail easements should be a minimum of 25 feet in width. They should never be closer than 10 feet to an existing residence.

Trails should be established on ocean front parcels, depending on the topographic conditions. These trails should connect: a) the shore with inland units of the federal, state, or local park systems; b) access easements; or c) the road with a scenic overlook. Such trails must avoid geologically unstable and erosive soils. Prime agricultural soils should also be avoided except where the trail will not interfere with agricultural production.

Trails can feature steps, footbridges, appropriate paving materials, adequate trail drainage system, trash receptacles, benches, barriers, restrooms, and signs.

**Standard No. 9**  

*Scenic Overlooks*

A scenic overlook provides the public a unique or unusual view of the coast.

Development of scenic overlooks can vary from a simple roadside turnout with only trashcans, parking, and fencing as appropriate, to a more elaborate roadside rest area. Overlooks that are not next to a road should be accessible by trail, ramps or stairs, and be accessible to those with physical disabilities.
Standard No. 10  Coastal Bikeways

Coastal bikeways are paths specifically designated to provide access to and along the coast by nonmotorized bicycle travel as defined in Section 2373 of the Streets and Highway Code.

There are three classes of bikeways:

Class I Bikeway – Bike Path

A completely separated right-of-way designated for the exclusive use of bicycles and pedestrians.

Minimum surface width of 8 feet for a two-way path and 5 feet for a one-way path and provision for a 2 foot wide graded area adjacent to either edge of the paths.

Class II Bikeway – Bike Lane

A Class II bikeway is a right-of-way in the paved areas of highways that is restricted for the use of bicycles. Motor vehicle parking and cross-flows are permitted.

To be classified as a Class II bikeway, the bikeway should be four feet wide on roads in outlying areas where parking is prohibited, 5 feet wide when parallel parking is allowed, or 11 to 13 feet wide when parallel parking is allowed and designated by specific striping.

Class III Bikeway – Bike Route

A Class III bikeway is a surface street that is shared with pedestrians or motorists. These routes are used primarily to provide a continuous link between Class I and II bikeways.

All classes of bikeways must feature a graded and paved path, bike racks, vehicle barriers, fencing, and signs. On a Class II and III, signs and striping are required.

Standard No. 11  Hostels

Hostels are low-cost public travel accommodations that provide sleeping, kitchen, and bath facilities for traveling families, groups, and individuals of all ages. Following the example of the hostels in Europe, which generally allow a maximum stay of three nights, California coastal hostels combine low-cost lodging with educational, social, and cultural opportunities.
Hostels should have sufficient space for a minimum of 24 people, and one parking space for every eight guests and each residential staff person. Existing buildings, such as lighthouse stations, preferably on public or parkland, should be used for hostel sites whenever renovation is economically feasible and the structures are appropriate to current surrounding land use.

Ideally, hostels should be located at intervals of 20 to 40 miles, on or near the coast, and within two miles of recreational trails. If more than five miles of normal bicycle travel is required to get from one campground or hostel to another then campgrounds should be used to provide lodging.

Hostels should feature beds, kitchens, and bathrooms mentioned above as well as public telephones, location signing along highways, and public transit stops.

**Standard No. 12 Support Facilities**

Support facilities are structures that make it easier for people to use and maintain coastal accessways: signs, trash receptacles, public telephones, restrooms, showers, bike security racks, public transit loading and unloading areas, campgrounds, and parking areas fit into this category. The support facilities that each accessway will require should be decided on a case-by-case bases. Directional and resource interpretation signs are available from the Coastal Conservancy.

**Standard No. 13 Barrier-Free Access**

All accessways must be made wheelchair-accessible unless this would present an unreasonable hardship. Grounds for an unreasonable hardship are to be determined by the enforcement agency for the region.

Accessways that accommodate or plan to accommodate those with mobility problems are the highest priority for State funding. The standards for these accessways and their support facilities should at least meet, if not exceed, the requirements of Title 24 of the California Administrative Code. The Office of the State Architect has written a guide to Title 24, the California State Accessibility Standards Interpretive Manual. This manual is available for $8.00 from the Office of the State Architect, Access Compliance Unit, P.O. Box 1079, Sacramento, CA 95805.
COASTAL CONSERVANCY

Staff Recommendation
December 19, 2019

POINT PINOS COASTAL TRAIL CONSTRUCTION

Project No. 15-019-02
Project Manager: Timothy Duff

RECOMMENDED ACTION: Authorization to disburse up to $1,800,000 to the City of Pacific Grove to construct a segment of the California Coastal Trail and related parking facilities, and restore coastal dunes, in Monterey County; and adoption of CEQA findings.

LOCATION: Point Pinos, City of Pacific Grove, Monterey County.

PROGRAM CATEGORY: Public Access

EXHIBITS
Exhibit 1: Project Location Maps
Exhibit 2: Site Photos
Exhibit 3: Trail Plan and Rendering of Proposed Improvements
Exhibit 4: CEQA Initial Study/Mitigated Negative Declaration
Exhibit 5: CEQA Mitigation Monitoring and Reporting Program
Exhibit 6: Project Letters

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400 et seq. of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one million eight hundred thousand dollars ($1,800,000) to City of Pacific Grove ("the grantee") to construct a segment of the California Coastal Trail; reconfigure existing, and construct new, trail-access parking facilities; restore coastal dunes; and install related public access improvements at Point Pinos, Monterey County.

Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:
1. A detailed work program, schedule, and budget.
2. Names and qualifications of any contractors to be retained in carrying out the project.
3. A plan for acknowledgement of Conservancy funding.
4. Evidence that all permits and approvals required to implement the project have been obtained.

In addition, to the extent appropriate, the grantee shall incorporate the guidelines of the Conservancy’s ‘Standards and Recommendations for Accessway Location and Development’ and the requirements of all applicable federal and state laws governing barrier-free access for persons with disabilities into the Point Pinos trail.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 9 of Division 21 of the Public Resources Code, regarding public access.

2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.

3. The Conservancy has independently reviewed and considered the “Point Pinos Coastal Trail Project Initial Study/Mitigated Negative Declaration” adopted by the City of Pacific Grove on December 6, 2017 pursuant to the California Environmental Quality Act (“CEQA”) and attached to the accompanying staff recommendation as Exhibits 4 and 5. The Conservancy finds that the proposed project as designed and mitigated avoids, reduces, or mitigates the potentially significant environmental effects to a less-than-significant level, and that there is no substantial evidence based on the record as a whole that the Point Pinos Coastal Trail Project may have a significant effect on the environment, as defined in 14 Cal. Code Regulations Section 15382.

4. The proposed project will serve more than local needs.”

PROJECT SUMMARY:

Staff recommends disbursing up to $1,800,000 to the City of Pacific Grove to construct a segment of the California Coastal Trail and related access improvements, in Monterey County. Currently, the California Coastal Trail (CCT) exists along the entire coast of the adjacent City of Monterey and along three of the four miles of the City of Pacific Grove coast. The proposed project will complete the final mile of CCT within the City and establish over 10 miles of continuous CCT from Pacific Grove north through the Cities of Monterey, Seaside and Marina. Eliminating this gap in the trail is identified as a priority in the Coastal Conservancy’s “Completing the California Coastal Trail Report.”
POINT PINOS COASTAL TRAIL CONSTRUCTION

The project area’s offshore waters and rocks are located within the Monterey Bay National Marine Sanctuary and the California Coastal National Monument that attracts thousands of residents and visitors from all over the world to this highly scenic segment of the California coast. Waves hitting the rocky shoreline around Point Pinos create a visually stunning landscape that is especially dramatic given the proximity of the ocean and shoreline to the proposed trail corridor. Today the project area has abundant informal parking and a network of unimproved trails. However, because a formal trail system has not been integrated into and between the area’s numerous parking areas, user conflicts exist between pedestrians and vehicles (see Exhibit 2).

The project is designed to adapt to future sea level rise by locating the trail and parking outside of the projected 30-year erosion zone. First, the city will remove approximately one-half mile of informal trail that exists within the 30-year set back area. Additionally, approximately 110 parking locations will be removed and/or redesigned. In the remaining area, approximately 2.5 acres of coastal dune habitat will be restored.

Adjacent to the setback area, the City will build a 5-foot wide decomposed granite trail wide enough to accommodate users walking in both directions. The trail will connect with existing formal trails located at the Great Tide Pool site on the west end and Perkins Park on the east end of the project site. To provide unobstructed ocean views the trail will be located on the seaward side of all parking areas (Exhibit 3). The trail will be located outside of the 30-year setback line, except at Crespi Pond where the setback line extends into Ocean View Blvd. In this location a floating boardwalk will be constructed along the roadside that will be able to withstand wave surges.

New parking areas will be developed and/or reorganized at the eastern end of the project site and pushed south into existing ice plant areas. This expansion will compensate for the parking lost on the west end. The driveways and parking in the new plan will be more clearly delineated than the current parking. Recreational vehicles will be accommodated at designated parking lots along the west end of the trail and parking spaces for people with disabilities will be installed at several locations. Bus parking will be located upland of the trail on a city street fronted by the city’s community golf course. Fencing and/or other suitable barriers will be installed to separate the trail from the parked vehicles.

Beach access pathways will be located and signed to direct visitors to specific access points and to discourage haphazard access that currently causes erosion and impacts sensitive dune habitat.

By locating the trail and parking areas inland of the 30-year erosion zone and restoring native dune habitat, the project will both protect and enhance coastal dune habitat and create a sustainable trail that is resilient to the effects of climate change including storm surge and coastal erosion. The City of Pacific Grove has also developed a Long-Term Plan to address future sea level rise beyond 30 years as was required by Coastal Commission. In the Long-Term Plan, Ocean View Boulevard would be closed as a public road between Asilomar Avenue and Sunset Drive/Lighthouse Avenue. The roadway would be converted to a two-way bike path to
replace the existing bike lanes. The City owns Ocean View Blvd and all surrounding property and will be able to enact this Long-Term plan when required by rising seas.

**Site Description:** The project site is located above the Pacific Grove shoreline around Point Pinos along a one mile stretch of city-owned roadway north of the Rocky Shores section of Asilomar State Beach and across from the Pacific Grove Municipal golf course. The offshore waters and rocks are within the Asilomar State Marine Reserve, the Monterey Bay National Marine Sanctuary and the California Coastal National Monument. The rocky intertidal area that fronts the site is extensive, extending several hundred feet from sandy dune areas to the ocean edge of the rocky shelf. There is a network of unimproved trails with some segments encroaching into sensitive dune habitat. The project site hosts a variety of vegetation assemblages including coastal dune shrub, dune sedge meadow, salt grass flat, ice plant, acacia thicket, aloe stands and cypress trees. There are two colonies of Tidestrom’s lupine, which is a State and Federal listed Special Status Species, and several potential locations of nesting Black oystercatcher birds.

**Grantee Qualifications:** The City of Pacific Grove successfully completed the project design, completed environmental review and secured a coastal permit from the Coastal Commission. Pacific Grove staff, elected officials and community leaders have embraced the concept of planned retreat in the project design and are fully committed to relocating the improvements in the future to address rising seas and increases in coastal erosion. In addition to completing the pre-construction tasks with Conservancy and City funding, the City also recently completed a nearby beach and dune access construction project with Conservancy and other funding.

**Project History:** In December 2015 the Conservancy awarded funds to the City of Pacific Grove to design and permit the subject trail project. In April 2018 the City obtained a coastal permit to construct the project from the Coastal Commission. Since then Conservancy and City staff have worked together to identify other funds sources to match the Conservancy’s grant and have successfully secured most of the additional funds needed to complete the project.

**PROJECT FINANCING**

- Coastal Conservancy: $1,800,000
- City of Pacific Grove: $250,000
- Resources Agency (Applied): $400,000
- Project Total: $2,450,000

One of the two anticipated sources for the Conservancy funds for this project is an appropriation from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, Public Resources Code Section 75001 *et seq.* (Proposition 84). Proposition 84 authorizes the use of bond funds for projects that promote access to and
enjoyment of the coastal resources of the state and are consistent with the Conservancy’s enabling legislation, Public Resources Code Section 31000 et seq. (Public Resources Code Section 75060(b)).

Public Resources Code Section 75060(e) allocates funds to the Conservancy for the protection of Monterey Bay and its watersheds. “Protection,” as defined in Public Resources Code Section 75005(m), includes “actions necessary to allow the continued use and enjoyment of property or natural resources and includes acquisition, development, restoration, preservation and interpretation,” as defined. “Development” is defined in Public Resources Code Section 75005(f) to include physical improvement of real property.

Consistent with these provisions, the proposed project will serve to protect and improve the use and enjoyment of property and natural resources along the City of Pacific Grove coast by developing physical improvements of real property and by restoring coastal dunes. The proposed project is consistent with the Conservancy’s enabling legislation, as discussed in the “Consistency with Conservancy’s enabling legislation” section below. The proposed project is thus consistent with the funding requirements of Proposition 84.

The second source of anticipated Conservancy funds for this project is from the state’s Greenhouse Gas Reduction Fund (GGRF) administered by the Conservancy. The Point Pinos Trail Project is consistent with the use of GGRF because the project facilitates the reduction of greenhouse gas emissions associated with land and natural resource conservation and management by restoring 2.5 acres of coastal dune habitat (Health and Safety Code (HSC) Section 39712(c)(3)).

**GGRF Investment Plan and Funding Guidelines**

Projects funded with the GGRF must also be consistent with the current GGRF Investment Plan and with the California Air Resources Board’s Funding Guidelines (HSC Sections 39716 and 39715). This project is consistent with the Third GGRF Investment Plan: Fiscal Years 2019-2022, which prioritizes GGRF funding for, among other things, climate adaptation and resiliency. The project will lessen the impacts and effects of climate change on the state’s communities and environment (HSC Section 39172(b)(6)) by relocating access improvements in response to sea level rise and restoring coastal dunes. This project also facilitates the reduction of GHG emissions associated with land and natural resource conservation and management (HSC Section 39712(c)(3)) through the restoration of dune habitat and subsequent carbon sequestration. This project is also consistent with GGRF funding priorities in the Global Warming Solutions Act of 2006 by employing climate adaptation and resiliency strategies (HSC Section 38590.1(a)(6)).

The California Air Resources Board (CARB) is directed by the state legislature to administer the GGRF funds and to develop funding guidelines to implement the GGRF statutory regime (HSC Section 39715). The project is part of the Conservancy’s sixth round of Climate Ready grants. Consistent with the CARB 2018 Funding Guidelines, the projects recommended in this round of Climate Ready grants, as a group, meet the following required guiding principles for GGRF
programs: facilitate GHG emission reductions and further the purposes of AB 32 and related statutes; maximize economic, environmental, and public health co-benefits to the State; foster job creation and job training, wherever possible; avoid potential substantial burdens to disadvantaged communities and low-income communities; and ensure transparency and accountability and provide public access to program information.

Consistent with the Funding Guidelines, this round of Climate Ready grants also meets the following recommended guiding principles for GGRF programs: encourage projects that contribute to other State climate goals; and coordinate investments and leverage funds where possible to provide multiple benefits and to maximize benefits.

The City of Pacific Grove is providing $250,000 from their general funds and has applied to the Resources Agency and Wildlife Conservation Board for the balance of grant funds needed to complete the project.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The recommended project would be undertaken pursuant to Section 31113 of Chapter 3 of Division 21 of the Public Resources Code, which authorizes the Conservancy to address the impacts and potential impacts of climate change on resources within the Conservancy’s jurisdiction (Section 31113(a)).

Pursuant to Section 31113(b), the Conservancy is authorized to award grants to public agencies to undertake projects that include reducing greenhouse gas emissions, and addressing extreme weather events, sea level rise, flooding, and other coastal hazards that threaten coastal communities, infrastructure, and natural resources. Consistent with this section, the proposed authorization awards funds to a public agency to undertake the project described in the “Project Summary” section, which maximizes public benefits by facilitating the reduction of greenhouse gas emissions, reducing coastal hazards due to sea level rise, enhancing coastal natural lands, and conserving biodiversity.

The proposed project is consistent with Chapter 9 of Division 21 of the Public Resources Code (Sections 31400-31410), regarding public access and enjoyment of coastal resources. Section 31400 states that the Conservancy shall have a principal role in the implementation of a system of public accessways to and along the state’s coastline. Through the proposed action, the Conservancy will play a primary role by funding the construction of an important link in the California Coastal Trail, a trail system of statewide significance.

Section 31400.1 allows the Conservancy to award grants to a public agency for development of accessways to and along the coast that serve more than local public needs. Consistent with this section, the proposed project will develop a new segment of the Coastal Trail, and related parking facilities, that will provide access along the coast for visitors from throughout the region and beyond. The Monterey Bay region, including the cities of Monterey, Pacific Grove and Carmel attract millions of visitors per year.

Section 31400.2 requires the Conservancy to consider a number of factors in determining the amount of funding for an access project. Consistent with this section, the proposed level of
funding was evaluated relative to the total amount of funding available to the Conservancy for coastal access projects, the fiscal resources of the applicant, and the Conservancy’s project selection criteria (see Consistency with Conservancy’s Project Selection Criteria & Guidelines). The City of Pacific Grove has committed to provide funds to this project, as well as the funds necessary to operate and manage the proposed trail improvements; however, the city does not have sufficient funds available for recreational trails to complete the project without assistance.

Section 31400.2 also provides that the level of funding for an access project is to be determined by an application of factors prescribed by the Conservancy for the purpose of determining project eligibility and priority. Consistent with this requirement, and as discussed in greater detail in the section below, the project has been evaluated and found to be consistent with the Conservancy’s project selection criteria and guidelines.

Section 31400.3 authorizes the Conservancy to assist public agencies in developing and implementing a system of public accessways to and along the state’s coastline. The proposed project will further these goals by improving and enhancing public access in a heavily visited coastal region.

Consistent with Section 31408 requiring the Conservancy to coordinate development of the CCT in consultation with the State Department of Parks and Recreation, Coastal Commission, and others, Conservancy staff has worked with staff at these agencies in developing the proposal.

CONSISTENCY WITH CONSERVANCY’S ACCESS PROGRAM STANDARDS:

**Standard No. 1, Protect Public and Coastal Resources:** Consistent with Standard No. 1, the proposed access facilities will be located adjacent to a city street where they can safely accommodate public use and will be designed to minimize alteration of natural landforms and be subordinate to the setting’s character.

**Standard No. 5, Environmentally Sensitive Areas:** The project area includes dunes covered with native and non-native plant species. The proposed new trail and parking improvements will be located away from sensitive dune habitat, including habitat to be enhanced by the project.

**Standard No. 8, Trails:** The proposed trails will provide continuous public access above the shoreline with appropriate paving materials, adequate trail drainage, trash receptacles, benches, and signs.

**Standard No. 9, Scenic Overlooks:** The project site provides opportunities to establish one or more overlooks accessible to those with physical disabilities.

**Standard No. 12, Support Facilities:** The proposed project will provide support facilities, including off-street parking, signs, trash receptacles, and benches.

**Standard No. 13, Barrier-Free Access:** A portion of the parking and overlooks will be wheelchair-accessible.
CONSISTENCY WITH CONSERVANCY'S 2018-2022 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with Goal 1, Objective A of the Conservancy’s 2018-2022 Strategic Plan, the project will promote awareness and use of the California Coastal Trail.

Consistent with Goal 1, Objective D of the Conservancy’s 2018-2022 Strategic Plan, the project will result in the construction of a new trail segment.

Consistent with Goal 2, Objective A of the Conservancy’s 2018-2022 Strategic Plan, the project will serve to expand opportunities for barrier-free access to coastal trails.

Consistent with Goal 2, Objective D of the Conservancy’s 2018-2022 Strategic Plan, the project entails the construction of new facilities, including a trail and parking lots, to increase and enhance coastal recreational opportunities and enable people to enjoy natural, cultural, and historical resources.

Consistent with Goal 8, Objective C of the Conservancy’s 2018-2022 Strategic Plan, proposed project will increase resilience to sea level rise or other climate change impacts using nature-based solutions and other multi-benefit strategies.

CONSISTENCY WITH CONSERVANCY’S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy’s Project Selection Criteria and Guidelines, last updated on October 2, 2014, in the following respects:

Required Criteria

1. Promotion of the Conservancy’s statutory programs and purposes: See the “Consistency with Conservancy’s Enabling Legislation” section above.

2. Consistency with purposes of the funding source: See the “Project Financing” section above.

3. Promotion and implementation of state plans and policies: By developing public access and Coastal Trail facilities the project serves to promote and implement state Coastal Act policies as follows:

   - Coastal Act (1976), Public Resources Code Section 30210 on public access and recreation calls for “maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse,” and Section 30214 calls for public access and recreation “tak[ing] into account the need to regulate the time, place, and manner of...
public access depending on the facts and circumstances in each case... The proposed project is consistent with this section in that it will provide safe public access to the bluffs and beaches of Pacific Grove while protecting private property owner rights and natural resource areas from overuse. The City of Pacific Grove will be responsible for posting and operating the accessways in a manner that is consistent with this section.

- **Coastal Act (1976), Public Resources Code Section 30240** on environmentally sensitive habitat areas states that "environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas," and "development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas." The proposed project as sited and designed is consistent with this section.

4. **Support of the public:** The project has broad support of the public, public agencies and elected officials as demonstrated by the letters attached as Exhibit 6.

5. **Location:** The proposed project is located within the coastal zone of Monterey County.

6. **Need:** Conservancy funds are needed to match other funds to complete the project.

7. **Greater-than-local interest:** The Monterey Bay region, including the cities of Monterey and Pacific Grove, attracts thousands of daily visitors from throughout the state, the country and the world, many of whom seek to access and enjoy the region’s coastline and beaches.

8. **Sea level rise vulnerability:** Sections of the proposed trail are located above a massive rocky intertidal area that ranges in elevation from 18 to 30 feet above sea level. With widths up to 650 feet, this rocky shelf serves to buffer these sections from storm surge and wave run up. While other sections are more exposed to sea level rise and wave run up during storms, the majority of the trail will be located inland from the projected 30-year erosion zone.

**Additional Criteria**

9. **Resolution of more than one issue:** The project will close a gap in the CCT, enhance public safety and dune habitat, and address coastal erosion. By locating the trail and parking areas inland from the projected 30-year erosion zone and restoring native dune habitat, the project will create a sustainable trail that is resilient to the effects of climate change.

10. **Leverage:** See the "Project Financing" section above.

11. **Innovation:** By adopting “planned retreat” in the design and location of the trail, the project reflects an innovative approach recommended by the state’s climate adaptation policies.

12. **Readiness:** The project is permitted and ready to construct once the remaining funding needed to complete the project is secured.
13. **Realization of prior Conservancy goals:** Completion of this one-mile segment of the CCT is identified as a priority in the Coastal Conservancy’s “Completing the California Coastal Trail Report”.

**CEQA COMPLIANCE:**

Staff has independently evaluated the Point Pinos Coastal Trail Project Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) adopted by the City of Pacific Grove on December 6, 2017 and the public comments received, and concurs that there is no substantial evidence that the proposed project will have a significant effect on the environment. Staff therefore recommends that the Conservancy find that the project as mitigated avoids, reduces or mitigates the possible significant environmental effects to a level of less-than-significant and that there is no substantial evidence that the project will have a significant effect on the environment as that term is defined by Title 14 California Code Regulations Section 15382.

The IS/MND identified potentially significant impacts in the following areas: Biological Resources, Cultural Resources, Tribal Cultural Resources and Mandatory Findings of Significance. Mitigation measures were identified for each potentially significant impact that will avoid, reduce, or mitigate the potential impacts to a less-than-significant level. Potential impacts and mitigation measures are summarized below.

**Biological Resources**

Trail rehabilitation will occur within and/or in close proximity to Tidestrom’s lupine plants, a State and Federally listed species. To avoid impacts activities will be kept to the smallest feasible disturbance area, flagging and fencing will be installed, and root systems will not be dislodged while invasive, non-native plants are hand-pulled.

To avoid impacts to coastal dune scrub and dune sedge meadow the City will install construction fencing, and stockpiled soil and sod will be used in rehabilitated areas, including informal trails to be restored. The City will provide post-construction documentation of no net loss of coastal dune scrub and dune sedge meadow.

Construction activities may cause short-term impacts to nesting birds if they are present during construction. To avoid such impacts construction activities involving grading, vegetation stripping, or other involving heavy equipment, will occur outside the migratory bird breeding season (August to February) if possible. If not possible, active nests will be identified before construction activities using heavy equipment occur in these months. If a nest is found construction will be halted and the nest monitored to determine when it is safe to resume work around the nest site. Removal of trees that may provide nesting habitat for migratory birds will be replaced. Because the nesting success of Black oystercatchers during breeding season (March to September) could potentially be disrupted, the City will hire a qualified biologist to
ensure that all young have fledged before construction commences and/or that a buffer zone is established to avoid impacts to the young.

Cultural Resources

Construction and use of trail and parking areas could expose, disturb or displace archaeological resources due to ground excavation, trampling, accelerated erosion, and increased trail use. To avoid or minimize such impacts, a qualified archaeologist will be present for all ground disturbing activities as well as a Native American monitor authorized to halt excavation until any finds are properly evaluated. Known archaeological site boundaries will be fenced off during construction. If human remains are discovered, all work within 25 feet of the find will cease and if determined to be Native American, the County coroner will notify the Native American Heritage Commission within 24 hours.

Geology and Soils

To minimize hazards from wave runup during storms the trail and parking areas will be located inland from the recommended 30-year setback except where the adjacent road, Ocean View Boulevard, exists within the setback, in which case the trail will be located along the seaward edge of road until the long-term plan is implemented and the road and trail are reduced or relocated outside of the setback. Hazards may consist of vertical drop-offs, rills and gullies that present tripping or slip and fall risks, and ocean wave impact. The City will periodically monitor, repair, and maintain the improvements to maintain safe conditions. Appropriate signage will be installed to warn visitors of hazardous and risky conditions. During some ocean conditions, the trails and associated facilities will be closed to use until the ocean subsides or maintenance and repairs occur.

Tribal Cultural Resources

The project sites meet the definition of historical and archaeological resources. During project construction, a Native American monitor certified by the Ohlone/Costanoan-Eselen Nation (OCEN) will be present for all ground disturbance. If any tribal cultural resources are found, the project applicant and/or its contractor will cease all work within 50 feet of the discovery and immediately notify the City of Pacific Grove Planning Division. The OCEN-certified Native American monitor will contact the OCEN Tribal Chair and in consultation with the City and an archeologist evaluate the finds and recommend appropriate mitigation measures for the inadvertently discovered tribal cultural resource. Such measures may include reburial of any ancestral remains, avoidance, preservation in place, excavation, documentation, or other appropriate measures.

Mandatory Findings of Significance

As discussed under the Biological Resources section, the project will have the potential to impact individual special status plant species and nesting birds, potentially significant impacts that can avoided/minimized with implementation of mitigation measures and project BMPs. As discussed under the Cultural Resources section, the project would have the potential to disturb archaeological sites which provide examples of California pre-history. However, impacts can be
POINT PINOS COASTAL TRAIL CONSTRUCTION

avoided with implementation of mitigation measures and project Best Management Practices ("BMPs"). The project will not result in elimination of important examples of major periods of California history or prehistory.

Upon approval of the project, Conservancy staff will file a Notice of Determination.
TO: Honorable Mayor and Members of the City Council
FROM: Daniel Gho, Public Works Director
MEETING DATE: April 15, 2020
SUBJECT: Street Improvements, David and Central Avenue
CEQA: Categorical Exemption, CEQA Guidelines Section 15301, Class I, Existing Facilities

RECOMMENDATION
Authorize the City Manager to enter into an agreement with Monterey Peninsula Engineering for the FY19/20 Road Rehabilitation Project on David Avenue and Central Avenue in an amount not to exceed $1,143,972 and a 15% contingency.

DISCUSSION
The Road Rehabilitation Project on David and Central Avenue was approved as part of the FY19/20 Capital Improvement Program (CIP). This project serves as a vital road rehabilitation project that will address two main arterials in the City’s road network:

1. David Avenue from Kenet Avenue to Montecito Avenue
2. Central Avenue from 12th Street to 9th Street

These segments were selected for rehabilitation based on a thorough review of the City’s 2019 Pavement Management Program, existing road conditions, maintenance logs, and citizen work requests.

David Avenue Existing Conditions
David Avenue, from Kenet Avenue to Montecito Avenue, is currently one of the lowest rated segments of roadway in the City. It is considered a “failing” with a Pavement Condition Index (PCI) rating of 17 out of 100. In addition to its status as a failing roadway, the City has received numerous citizen work requests and performed countless maintenance activities on this stretch of roadway over the years. This segment of David Avenue requires a full road reconstruction.

Central Avenue Existing Conditions
Central Avenue, between 9th and 15th streets, has a PCI of 63 and is classified as “fair” condition. Despite the decent PCI rating, Central Avenue is exhibiting signs of distress and cracking. Performing a 2 inch asphalt concrete overlay, as a maintenance activity, is a cost effective measure to repair roadway conditions and evade a significantly more costly road reconstruction project in the future.

The FY19/20 Street Rehabilitation Project was engineered to include the necessary pavement rehabilitation treatments and underground infrastructure repairs/improvements. Construction documents and specifications were completed in early March. On March 12, 2020, the City distributed a call for bids.
The City received three bids:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monterey Peninsula Engineering</td>
<td>$1,143,972</td>
</tr>
<tr>
<td>Don Chapin Co.</td>
<td>$1,390,591</td>
</tr>
<tr>
<td>Granite Construction</td>
<td>$1,677,838</td>
</tr>
</tbody>
</table>

Monterey Peninsula Engineering has been qualified as the lowest responsible bidder.

**SCOPE OF WORK**

The scope of work for the FY19/20 Street Rehabilitation project based on location is provided below.

David Avenue Scope of Work:
- Approximately 54,000 SF of pavement reconstruction
- Approximately 9,750 square feet of asphalt concrete (AC) overlay
- Installation of 350 square feet of AC walkway
- Construction of 330 linear feet of storm drain
- Construction of 535 linear feet of sanitary sewer
- Reconstruction of 6 manholes
- 2 sanitary sewer spot repairs

Central Avenue Scope of Work:
- Reconstruction of 6,300 square feet of asphalt concrete roadway
- Overlay 46,000 square feet of roadway
- Reconstruct 420 square feet of sidewalk
- Reconstruct 520 square feet of stormwater cross gutter
- Reconstruct 120 Linear feet of curb
- Reconstruct 4 curb ramps
- Construct 5 storm drain inlets
- Installation of 308 linear feet of storm drain

Should the City Council opt to award bid for the FY19/20 Road Rehabilitation Project on David Avenue and Central Avenue, including sanitary sewer and storm drain infrastructure improvements, the City Manager will need to deem the project essential pursuant to the April 3, 2020 Monterey County Shelter In Place Order.

**OPTIONS**
1. Enter into an agreement with Monterey Peninsula Engineering per the staff recommendation
2. Do not enter into the agreement

**FINANCIAL IMPACT:**

The project budget is derived from a variety of funding sources as approved in the FY19/20 CIP. The low bid was well below the allocated project budget. As a result, there will be cost savings in the General Fund and Measure X fund.

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Project Budget</th>
<th>Planned Expenditures</th>
<th>Project Savings</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
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PG CC 4/15/20
106 of 119
<table>
<thead>
<tr>
<th>Fund/Category</th>
<th>Initial</th>
<th>Actual</th>
<th>Variance</th>
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</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$650,000</td>
<td>$500,000</td>
<td>$150,000</td>
</tr>
<tr>
<td>Road Maintenance and Rehabilitation</td>
<td>$265,981</td>
<td>$265,981</td>
<td>$0</td>
</tr>
<tr>
<td>Measure X</td>
<td>$750,000</td>
<td>$324,462</td>
<td>$425,538</td>
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<tr>
<td>Sewer Fund*</td>
<td>$225,125</td>
<td>$225,125</td>
<td>$0</td>
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<tr>
<td>TOTALS</td>
<td>$1,891,106</td>
<td>$1,315,568</td>
<td>$575,538</td>
</tr>
</tbody>
</table>

*The sewer improvements associated with the David Avenue scope of work will be derived from the Sewer Fund, as part of the Phase 8 Sewer Line Improvements project. This CIP amendment was approved at the February 19, 2020 City Council meeting.

**Maintenance of Effort Requirement**

Execution of this project will ensure the City meets annual Maintenance of Effort (MOE) requirements for continued Measure X and Senate Bill 1 funding. Although this project has come in under budget, $500,000 must be expended from the General Fund to ensure MOE compliance.

**GOAL ALIGNMENT:** Complete Streets: Plan, design and implement streets, sidewalks and transportation networks.
TO: Honorable Mayor and Members of the City Council
FROM: Joyce Halabi, Deputy Public Works Director
MEETING DATE: April 15, 2020
SUBJECT: FY20/21 Senate Bill 1 Project List & Resolution
CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION
Adopt a Resolution approving the FY20/21 Senate Bill 1 Project List

DISCUSSION
BACKGROUND
Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide.

SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year.

Annually, the City must adopt a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, by resolution no later than May 1st. The project list must include a description and the location of each proposed project, a proposed schedule for completion, and the estimated useful life of the improvement.

This is the third year in which the City is receiving SB 1 funding. This funding enables the City to continue essential road maintenance and rehabilitation projects, safety improvements, and increase access and mobility options that would not have otherwise been possible without SB 1.

PROJECT DETAIL
Public Works is recommending the FY20/21 SB1 allocation, in its entirety, be allocated to perform the Street Rehabilitation on Lower Lighthouse Avenue and Funston Avenue Project. This project will allow for a total of 87,750 SF of pavement reconstruction on two road segments in poor condition:

1. Lower Lighthouse Avenue, from Eardley Avenue to 13th Street
2. Funston Avenue, from Presidio Avenue to Montecito Avenue

Selection of these segments was based on review of the City’s 2019 Pavement Management Program, existing roadway conditions, and maintenance logs. This thorough review process ensures revenues are...
used on high-priority and cost-effective projects.

Lower Lighthouse Avenue
Lower Lighthouse Avenue, from Eardley Avenue to 13th Street, serves as a main arterial and an entryway into the City. This segment of roadway has been void of any formal maintenance or rehabilitation treatments in over 30 years. Heavy traffic volumes paired with insufficient surface water drainage have resulted in notable deterioration. This segment of roadway is in “poor” condition with a PCI ranging from 32-45. The level of pavement deterioration and high-volume usage make Lower Lighthouse Avenue ideal for road rehabilitation and use of SB1 funding.

Funston Avenue
Over the last five years, the City has systematically addressed the road network in the Del Monte Park neighborhood through the Capital Improvement Program’s (CIP) annual crack and slurry seal. Nearly every roadway in this neighborhood has received this maintenance/preservation treatment. Funston Avenue, from Presidio to Montecito Avenue, has been excluded from this maintenance activity due to the need for more extensive rehabilitation.

Using the FY20/21 SB1 allocation, the City will perform the needed rehabilitation activities on Funston Avenue. The PCI on this segment of roadway has degraded and is classified as “poor” with a PCI of 49. Although this segment of roadway is not a main arterial or collector, it is heavily trafficked due to its function as a main entrance to the Del Monte Park Neighborhood. Its heavy use and level of deterioration make this segment ideal for road rehabilitation and use of SB1 funding.

OPTIONS

1. Do not approve the SB1 Project List

FINANCIAL IMPACT:

Project Budget
The full anticipated cost of the Street Rehabilitation on Lower Lighthouse and Funston Avenue Project is $868,764. Approving the attached resolution and project list is a requirement to obtain the FY20/21 SB1 allocation of $268,764. As part of the FY20/21 Capital Improvement Program (CIP) process, staff will recommend the remaining project budget be derived from Measure X and the General Fund.

Project Funding

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>SB1</td>
<td>$268,764</td>
</tr>
<tr>
<td>General Fund</td>
<td>$300,000</td>
</tr>
<tr>
<td>Measure X</td>
<td>$300,000</td>
</tr>
<tr>
<td>Total</td>
<td>$868,764</td>
</tr>
</tbody>
</table>

Maintenance of Effort Requirement
In order to be eligible for continued SB1 allocations, the City must meet the $481,407 Maintenance of Effort (MOE) requirement. The City proposes to meet this requirement by allocating $500,00 from the General Fund towards street maintenance and rehabilitation as part of the FY20/21 CIP.
Proposed FY20/21 SB1 MOE General Funding Allocations

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Rehabilitation Lower Lighthouse &amp; Funston Avenue</td>
<td>$300,000</td>
</tr>
<tr>
<td>Crack and Slurry Seal Project</td>
<td>$200,000</td>
</tr>
</tbody>
</table>

The SB1 Project List approval has been extracted from the larger CIP approval process in order to meet the state mandated May 1, 2020 deadline. It is anticipated that the full CIP will be brought to the City Council in May.

GOAL ALIGNMENT: Complete Streets: Plan, design and implement streets, sidewalks and transportation networks.

Attachments

Attachment 1- Resolution
Exhibit A- FY20/21 SB1 Project List
RESOLUTION NO. 20-XXX

RESOLUTION OF THE CITY COUNCIL OF PACIFIC GROVE
ADOPTING THE FISCAL YEAR 2020/21 LIST OF PROJECTS FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT

FINDINGS

1. Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide.

2. SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year.

3. The City must adopt a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, by resolution. The project list must include a description and the location of each proposed project, a proposed schedule for the project’s completion, and the estimated useful life of the improvement.

4. The City will receive an estimated $257,361 in RMRA funding in Fiscal Year 2020/21 from SB 1.

5. This is the third year in which the City is receiving SB 1 funding which will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, and increased access and mobility options for the traveling public that would not have otherwise been possible without SB 1.

6. The City reviewed the existing street conditions, the 2019 Pavement Management Program, and maintenance logs to develop the FY20/21 SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community’s priorities for transportation investment.

7. The funding from SB 1 will help the City rehabilitate one major street and one residential road, by allowing for a road rehabilitation project on Lower Lighthouse Avenue and Funston Avenue this year, and hundreds of similar projects into the future.

8. The 2019 Pavement Management Program found that on average, City streets are in “fair” condition with a PCI of 55. This revenue will help the City increase the overall quality and condition of the road system over the next decade.
9. The SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE:

1. The Council determines that each of the Findings set forth above is true and correct, and by this reference incorporates those Findings as an integral part of this Resolution.

2. The Council authorizes adoption of the FY20/21 SB1 Project List.

3. The SB1 Project List is hereby approved as attached to this Resolution, which by this reference are incorporated as set forth in its entirety.

4. This Resolution shall become effective immediately following passage and adoption thereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this _____ day of ____________, ______, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

_______________________________
Bill Peake, Mayor

ATTEST:

_______________________________
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

_______________________________
DAVID C. LAREDO, City Attorney
Pacific Grove Public Works

FY 2020/21

Senate Bill 1 Project List

Street Rehabilitation on
Lower Lighthouse Avenue
&
Funston Avenue

California Transportation Commission
**General Information:**
City/County Name: City of Pacific Grove, Monterey County

**Project Lead and Department Contact Information:**
Pacific Grove Public Works Department
2100 Sunset Dr. Pacific Grove, CA 93950
Joyce Halabi, Deputy Public Works Director (831) 648-5722

**Legislative District(s):** California's 20th congressional district

**Jurisdiction’s Average Network PCI**: 55

**Year/date of measurement:** January 2019

**Estimated FY 20/21 Funding:** $268,764

**Supplementary Information:**

**Project Description: FY 20/21 Road Rehabilitation**
The Road Repair and Accountability Act of 2017 aims to address the significant multi-modal transportation funding shortfalls statewide and ensure basic road maintenance, rehabilitation and critical safety needs on local streets/road systems are addressed.

The City of Pacific Grove will use the FY20/21 SB1 allocation, in its entirety, to perform the Street Rehabilitation on Lower Lighthouse Avenue and Funston Avenue Project. This project will allow for pavement reconstruction on:

1. **Lower Lighthouse Avenue**, from Eardley Avenue to 13th Street
2. **Funston Avenue**, from Presidio Avenue to Montecito Avenue

In total the project will include 87,750 SF of road reconstruction on two segments of roadway that are in “poor” condition.

**How was the project identified as a priority?**
These segments were selected based on the City’s 2019 Pavement Management Program (PMP), public works maintenance logs, and existing pavement conditions. The selected road segments are characterized by aged and raveled pavements, cracks, low skid resistance, lack of aesthetic appeal, prevalence of potholes, and constant need for repair and maintenance.

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1 City of Pacific Grove Pavement Management Program (PMP) 2019, prepared Nichols Consulting Engineers, Chtd Engineering & Environmental Services.
Lower Lighthouse Avenue Road Rehabilitation

Lower Lighthouse Avenue, from Eardley Avenue to 13th Street, serves as a main arterial and an entryway into the City. This segment of roadway has been void of any formal maintenance or rehabilitation treatments in over 30 years. Heavy traffic volumes paired with insufficient surface water drainage have resulted in notable deterioration. As noted in the 2019 PMP inventory log, this segment of roadway is in “poor” condition with a PCI ranging from 32-45.

The level pavement deterioration and high-volume usage make Lower Lighthouse Avenue an ideal project location for road rehabilitation and use of SB1 funding.

Funston Avenue Road Rehabilitation

Over the last five years, the Public Works department has systematically addressed the road network in the Del Monte Park neighborhood through the Capital Improvement Program’s (CIP) annual crack and slurry seal. Nearly every roadway in this neighborhood has received this maintenance and preservation treatment. Funston Avenue, from Presidio to Montecito Avenue, and David Avenue, from Congress to city limit lines (near Pebble Beach jurisdiction), have been excluded from these maintenance activities due to the need for more extensive rehabilitation. David Avenue, from Kenet to Montecito, will be addressed as part of the FY19/20 CIP.

In FY20/21, a portion of the SB1 allocation will be used to perform street rehabilitation on Funston Avenue. The PCI on this segment of roadway has degraded and is classified as “poor” with a PCI of 49. Although this segment of roadway is not a main arterial or collector, it is heavily trafficked due to its function as a main entrance to the Del Monte Park Neighborhood.

Project Characteristics

<table>
<thead>
<tr>
<th>ID#</th>
<th>STREET NAME</th>
<th>LIMITS OF WORK</th>
<th>SQUARE FOOTAGE</th>
<th>TREATMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Lower Lighthouse Avenue</td>
<td>Eardley Avenue to 13th Street</td>
<td>~57,000 SF</td>
<td>Pavement Reconstruction</td>
</tr>
<tr>
<td>2</td>
<td>Funston Avenue</td>
<td>Presidio Avenue to Montecito Avenue</td>
<td>~30,750 SF</td>
<td>Pavement Reconstruction</td>
</tr>
</tbody>
</table>

Project Benefits

The roadway rehabilitation proposed in this application will produce long term benefits for residents of the City of Pacific Grove, as well as adjacent jurisdictions, by enhancing
a sustainable transportation network that promotes mobility, improves quality of life, and generates vast improvements in public safety.

**FUNDING**

*Amount of RMRA funds expended on the project and the total project cost.*

The City plans to use the entire FY20/21 SB1 allocation of $268,764 towards the FY20/21 Street Rehabilitation on Lower Lighthouse Avenue & Funston Avenue Project.

The total cost of this project is estimated at $868,764

*Amount and type of other funds expended on the project*

In addition to the FY20/21 SB1 allocation, the City will budget Measure X, and General Fund funding, as described below, to fund the project.

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>SB1</td>
<td>$268,764</td>
</tr>
<tr>
<td>City of Pacific Grove General Fund</td>
<td>$300,000</td>
</tr>
<tr>
<td>Measure X</td>
<td>$300,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$868,764</strong></td>
</tr>
</tbody>
</table>

**Completion Date:**

The City will complete this project by 06/30/2021.

**Estimated Useful Life:**

The average performance life of the project would be 15 to 20 years.
TO: Honorable Mayor and Members of the City Council  
FROM: Ben Harvey, City Manager  
MEETING DATE: April 15, 2020  
SUBJECT: California Joint Powers Insurance Authority Presentation  
CEQA: Does not constitute a “Project” per California Environmental Quality Act Guidelines Section 15378  

RECOMMENDATION  
Receive presentation.