



REGULAR MEETING

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

TUESDAY, AUGUST 1, 2023

5:30 PM

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

Regular Meeting - Tuesday, August 1, 2023
5:30 PM

THIS MEETING WILL BE HELD VIRTUALLY AND IN PERSON, IS COMPLIANT WITH ASSEMBLY BILL (“AB”) 2449, SIGNED INTO LAW ON SEPTEMBER 13, 2022, WHICH AMENDS GOVERNMENT CODE SECTION 54953 TO PROVIDE AUTHORITY FOR PUBLIC AGENCIES TO CONTINUE TO HOLD VIRTUAL MEETINGS AND REMAIN IN COMPLIANCE WITH THE BROWN ACT (GOV. CODE §§ 54950 ET SEQ.). TO PARTICIPATE IN THE ZOOM COUNCIL MEETING LIVE:

<https://us02web.zoom.us/j/4614728829>

Meeting ID: 461 472 8829

**To participate telephonically by calling the number below:
(669) 900-6833**

Meeting ID: 461 472 8829#

**If prompted to enter a participant ID, press #
TO PARTICIPATE IN PERSON:
City Hall Council Chamber
1 Pendergrass Way
Sand City, CA**

How to submit written Public Comments:

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

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

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

DURING EACH MEETING, members of the public may participate by calling and speaking live during the designated time(s), subject to time limits that may be imposed pursuant to the Brown Act at the number provided above. Please use the "raise your hand" option on Zoom,

and the City Clerk will call on your name.

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. INVOCATION

4. ANNOUNCEMENT BY MAYOR, CITY ATTORNEY, AND CITY MANAGER

5. COMMUNICATIONS

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

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

6. CONSENT CALENDAR

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

- 6A. Approve the City Council Special Closed Session and Regular Meeting Minutes for July 18, 2023

[Closed Session Minutes](#)

[Regular Meeting Minutes](#)

- 6B. Approve a Resolution Commending Kelly Morgan, Retired City Manager for Exemplary and Dedicated Service to the City of Sand City

[Resolution](#)

- 6C. Approve a Resolution Authorizing the City Manager to Enter Into a Master Funding Agreement Between the Transportation Agency for Monterey County and the City of Sand City for the Allocation of Certain State Funds for Transportation Projects

[Staff Report](#)

[Resolution](#)

[Exhibit A Agreement](#)

7. CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

8. PRESENTATION

- 8A. West End Celebration Update: Steve Vagnini

- 8B. Trucks and Taps Presentation: Amy Sheehan

9. NEW BUSINESS

- 9A. Discussion and Direction on a Draft Ordinance Amending Sand City Municipal Code Section 2.08.010 and Providing for an Increase in Salary of the Mayor

[Staff Report](#)

[Draft Ordinance](#)

- 9B. Comments by Councilmembers on Items of Interest to Sand City

10. CLOSED SESSION

11. ADJOURNMENT

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

If you have a request for a disability-related modification or accommodation, including auxiliary aids or services, which will allow you to participate in a Sand City public meeting, please call the City Clerk at (831) 394-3054 extension 220, or give your written request to the City Clerk at 1 Pendergrass Way, Sand City, CA 93955 at least 48 hours prior to the scheduled meeting to allow the City Clerk time to arrange for the requested modification or accommodation.

**AGENDA ITEM
6A.**

**Approve the City Council Special Closed
Session and Regular Meeting Minutes for
July 18, 2023**

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

Special Meeting - Tuesday, July 18, 2023 4:30 PM

As allowed by Assembly Bill AB2449, this meeting was conducted in person and by
teleconference

Mayor Carbone called the meeting to order at 4:33PM.

1. ROLL CALL

Present: Mayor Carbone

Vice Mayor Blackwelder

Councilmember Diaz

Councilmember Hawthorne

Councilmember Sofer

Staff:

City Manager Vibeke Norgaard

Interim City Attorney Adam Lindgren

City Clerk Kerry Lindstrom

2. COMMUNICATIONS

No public comment received.

3. CLOSED SESSION

3A. City Council/Successor Agency Board to Adjourn to Closed Session Regarding Conference with Legal Counsel - Anticipated Litigation: Significant Exposure to Litigation Government Code §549563.9(d)2. Number of Cases: One.

3B.

Re-adjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with California Government Code section 54957.1

Interim City Attorney Adam Lindgren reported out the Council received updates and there is no reportable action.

ADJOURNMENT

Council adjourned the meeting at approximately 5:30pm.

Kerry Lindstrom, City Clerk

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

Regular Meeting - Tuesday, July 18, 2023 5:30 PM

As allowed by Assembly Bill AB2449, this meeting was conducted in person and by
teleconference

Mayor Carbone called the meeting to order at 5:30 PM.

1. ROLL CALL

Present: Mayor Carbone
Vice Mayor Blackwelder
Councilmember Diaz
Councilmember Hawthorne
Councilmember Sofer

Staff: City Manager Vibeke Norgaard
Chief David Honda
Interim City Attorney Adam Lindgren
City Clerk Kerry Lindstrom
Interim City Planner Zane Mortensen

2. PLEDGE OF ALLEGIANCE

Chief David Honda led the pledge of allegiance.

3. INVOCATION

No invocation was made.

4. ANNOUNCEMENT BY MAYOR, CITY ATTORNEY, AND CITY MANAGER

Mayor Carbone announced the Mayor's Report was available by copy if needed. The Mayor commented that she has received complaints from residents about people coming into the community garden and disturbing the gardens of others and taking fruits and vegetables that do not belong to them.

City Manager Vibeke Norgaard announced that over the July 4th holiday the City only received one call in regards to fireworks. The installation of air conditioning in the server room at City Hall is now complete. Desal facility update, June production was 24.79 acre feet. HCD visited and went on a tour of the City for the housing element. HCD is impressed with the direction Sand City is moving regarding the housing element. EMC and the City Engineer Leon Gomez pulled together a grant application to the Air Resources District for projects that reduce VMTs. Calabrese Park is moving forward and on track for completion by the end of summer. West Bay Platform project is on hold due to the discovery of snowy plover nests. The City has received a lot of complaints about homeless encampments on the bike trail. A meeting is being set up by Assemblymember Addis' office with various stakeholders to discuss what can be done. The Sandbox is

setting up a series of panel discussions, the Perils and Possibilities of Artificial Intelligence. The Sand City Criterium is on Sunday, July 23, 2023.

5. COMMUNICATIONS

No public comment received.

6. CONSENT CALENDAR

No public comment received.

Upon motion by Councilmember Hawthorne and seconded by Vice Mayor Blackwelder, Council voted to approve the Consent Calendar.

Motion carried 5-0, by the following vote:

AYES: Mayor Carbone, Vice Mayor Blackwelder, Councilmembers Diaz, Hawthorne, and Sofer.

NOES: None.

ABSENT: None.

ABSTAIN: None.

6A. Approved the City Council Special Closed Session and Regular Meeting Minutes for June 6, 2023.

6B. Designated Mayor Carbone as Voting Delegate and Councilmember Diaz as Alternate for the 2023 League of California Cities Annual Conference.

6C. Approved Resolution SC 23-35 approving the City's Fiscal Year 2023-2024 General Employees Salary Schedule.

6D. Approved Resolution SC 23-36 authorizing the City Manager to execute a fourth amendment to the professional services agreement with EMC Planning Group, Inc. for the West End Parking Plan.

7. CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

8. PRESENTATION

8A. Received presentation of West End Parking Plan and Parking Plan CEQA Document (Informational Item-no action): Michael Groves

8B. Received South of Tioga Update: Tom Jacobson

9. PUBLIC HEARING

- 9A. Approve a Resolution Approving Conditional Use Permit (CUP 23-002) for the Cryogenic Project Authorizing a Vehicle Showroom & Office at 540 California Avenue

No public comment received.

Upon motion by Councilmember Hawthorne and seconded by Vice Mayor Blackwelder, Council voted to approve Resolution SC 23-37 approving Conditional Use Permit (CUP 23-002) for the Cryogenic Project Authorizing a Vehicle Showroom & Office at 540 California Avenue.

Motion carried 5-0, by the following vote:

AYES: Mayor Carbone, Vice Mayor Blackwelder, Councilmembers Diaz, Hawthorne, and Sofer.
NOES: None.
ABSENT: None.
ABSTAIN: None.

- 9B. Approve a Resolution to Approve Conditional Use Permit CUP 23-003 to Establish a Single-Family Residential Unit in the Existing Commercial Building at 1745 Hickory Street

Public comment received from Gloria Kalisher.

Upon motion by Vice Mayor Blackwelder and seconded by Councilmember Diaz, Council voted to approve Resolution SC 23-38 approving Conditional Use Permit CUP 23-003 to Establish a Single-Family Residential Unit in the Existing Commercial Building at 1745 Hickory Street.

Motion carried 5-0, by the following vote:

AYES: Mayor Carbone, Vice Mayor Blackwelder, Councilmembers Diaz, Hawthorne, and Sofer.
NOES: None.
ABSENT: None.
ABSTAIN: None.

10. NEW BUSINESS

- 10A. Approve a Resolution Authorizing the City Manager to Execute an Amendment to the Management and Administrative Services Agreement with Regional Government Services (RGS) in an Amount Not to Exceed \$220,700 and Extend the Term of the Agreement to June 30, 2024

No public comment received.

Upon motion by Councilmember Sofer and seconded by Councilmember Hawthorne, Council voted to approve Resolution SC 23-39 authorizing the City Manager to execute an amendment to the management and administrative services agreement with Regional Government Services (RGS) in an amount not to exceed \$220,700 and extend the term of the agreement to June 30, 2024.

Motion carried 5-0, by the following vote:

AYES: Mayor Carbone, Vice Mayor Blackwelder, Councilmembers Diaz, Hawthorne, and Sofer.

NOES: None.

ABSENT: None.

ABSTAIN: None.

- 10B. Comments by Councilmembers on Items of Interest to Sand City
No comments made.

ADJOURNMENT

Council adjourned the meeting at approximately 7:18 PM.

Kerry Lindstrom, City Clerk

**AGENDA ITEM
6B.**

**Approve a Resolution Commending Kelly
Morgan, Retired City Manager for
Exemplary and Dedicated Service to the
City of Sand City**

**CITY OF SAND CITY
RESOLUTION SC ___, 2023**

RESOLUTION OF THE CITY COUNCIL OF SAND CITY COMMENDING KELLY MORGAN, RETIRED CITY MANAGER FOR EXEMPLARY AND DEDICATED SERVICE TO THE CITY OF SAND CITY

WHEREAS, Kelly Morgan was an employee of Sand City for 20 years, having been hired in 1990 as a City Planner, and promoted to City Manager in 1994 a position that he held until 2008; and

WHEREAS, during those years of service, Mr. Morgan was the City Manager during the time of creation of the West End Celebration and was for many years an ardent supporter of said festival; and

WHEREAS, during many of those years, Mr. Morgan and his significant other Libby Sofer hosted live music and art displays at their Corner Gallery at the intersection of Ortiz and Contra Costa and the main entry to the festival.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Sand City does hereby acknowledge Mr. Kelly Morgan's contributions to the West End Celebration and the support of the arts in general in Sand City.

PASSED AND ADOPTED by the City Council of the City of Sand City this ___, day of _____, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Mary Ann Carbone, Mayor

ATTEST:

DATED: _____

Kerry Lindstrom, City Clerk

**AGENDA ITEM
6C.**

Approve a Resolution Authorizing the City Manager to Enter Into a Master Funding Agreement Between the Transportation Agency for Monterey County and the City of Sand City for the Allocation of Certain State Funds for Transportation Projects



City of Sand City

STAFF REPORT

TO: Honorable Mayor and City Council
FROM: Leon Gomez, City Engineer
SUBJECT: 2023 Transportation Agency for Monterey County (TAMC) Master Funding Agreement
DATE: July 25, 2023

BACKGROUND/DISCUSSION:

In February 2017, the City of Sand City (City) approved a resolution to enter into a Master Funding Agreement (Agreement) with the Transportation Agency for Monterey County (TAMC) for the allocation of certain state funds related to transportation projects. On May 2, 2017, the Agreement was amended and approved by the City for a three-year period. On August 18, 2020, the Agreement was approved by the City for a three-year period which has expired, and it is now time for the City to enter into a new Agreement.

TAMC is the state-designated Regional Transportation Planning Agency for Monterey County. As authorized by section 182.6(g) of the Streets and Highway Code, TAMC has entered into a separate agreement with the State of California, through the department of Transportation (Caltrans), to assign a defined portion of its annual federal Surface Transportation Block Grant Program (STBGP) apportionment to Caltrans in exchange for state funds for certain, specified fiscal year(s). TAMC is authorized to use these exchanged funds, referred to as Regional Surface Transportation Program (RSTP) exchange funds, to assist local agencies to promote projects which otherwise qualify for STBGP funds.

RSTP funding is eligible for a wide variety of transportation projects and each jurisdiction receiving RSTP funds must execute a Local Agency Funding Agreement with TAMC prior to receiving reimbursement of any RSTP funds. The Local Agency Funding Agreement is designed to comply with a State requirement that TAMC enter into contracts with its member agencies for the reimbursement of RSTP funds.

As authorized by Chapter 2, Title 21, Rule 6640 of the Transportation Development Act, one of the duties of TAMC is to administer the provisions of the Transportation Development Act in apportioning Local Transportation Funds (LTF) for the Transportation Development Act 2% (TDA 2%) program for bicycle and pedestrian projects pursuant to Article 3 of that law, and to the Cities, County, and Monterey-Salinas Transit.

As authorized by the Joint Powers Agreement for the Monterey County Regional Development Impact Fee Agency, TAMC is designated to administer and allocate regional development impact fee revenues (RDIF) to projects identified in the approved Strategic Expenditure Plan.

TAMC has historically distributed RSTP funding through fair-share programs. Monterey County and the cities receive their fair-share allocation based on their urbanized populations. As of March 2023, the City has an unprogrammed balance of \$18,111.65 in funds. City staff will work to identify a project that meets the program requirements and the City's goals and priorities, in order to apply these funds.

The TAMC Board of Directors has approved the allocation of funds toward the projects listed in the Agreement (shown in Exhibit A).

In order for the City to continue to receive certain state funds for transportation projects, it must enter into a new Agreement with TAMC for a three-year period.

CEQA:

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

FISCAL IMPACT:

The TAMC Board has approved the allocation of funds to a yet to be determined project (Unprogrammed balance) in the amount of \$18,111.65.

RECOMMENDATION:

Staff recommends approval of the resolution authorizing the City Manager to enter into a Master Funding Agreement with TAMC for the allocation of certain state funding.

ATTACHMENTS:

1. Resolution
2. Exhibit A Master Funding Agreement

**CITY OF SAND CITY
RESOLUTION SC ___, 2023**

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY AUTHORIZING THE CITY
MANAGER TO ENTER INTO A MASTER FUNDING AGREEMENT BETWEEN THE
TRANSPORTATION AGENCY FOR MONTEREY COUNTY AND THE CITY OF SAND
CITY FOR THE ALLOCATION OF CERTAIN STATE FUNDS FOR
TRANSPORTATION PROJECTS**

WHEREAS, in February 2017, the City of Sand City (City) approved a resolution to enter into a Master Funding Agreement (Agreement) with the Transportation Agency for Monterey County (TAMC) for the allocation of certain state funds related to transportation projects; and

WHEREAS, on May 2, 2017, the Agreement was amended and approved by the City for a three-year period; and

WHEREAS, on August 18, 2020, the Agreement was approved by the City for a three-year period; and

WHEREAS, in order for the City to continue to receive certain state funds for transportation projects, it must enter into a new Agreement with TAMC, a copy of which is shown in Exhibit A, for a three-year period; and

WHEREAS, TAMC is the state-designated Regional Transportation Planning Agency for Monterey County; and

WHEREAS, as authorized by section 182.6(g) of the Streets and Highway Code, TAMC has entered into a separate agreement with the State of California, through the department of Transportation (Caltrans), to assign a defined portion of its annual federal Surface Transportation Block Grant Program (STBGP) apportionment to Caltrans in exchange for state funds for certain, specified fiscal year(s); and

WHEREAS, TAMC is authorized to use these exchanged funds, referred to as Regional Surface Transportation Program (RSTP) exchange funds, to assist local agencies to promote projects which otherwise qualify for STBGP funds; and

WHEREAS, RSTP funding is eligible for a wide variety of transportation projects and each jurisdiction receiving RSTP funds must execute a Local Agency Funding Agreement with TAMC prior to receiving reimbursement of any RSTP funds; and

WHEREAS, as authorized by Chapter 2, Title 21, Rule 6640 of the Transportation Development Act, one of the duties of TAMC is to administer the provisions of the Transportation Development Act in apportioning Local Transportation Funds (LTF) for the Transportation Development Act 2% (TDA 2%) program for bicycle and pedestrian projects pursuant to Article 3 of that law, and to the Cities, County, and Monterey-Salinas Transit; and

WHEREAS, as authorized by the Joint Powers Agreement for the Monterey County Regional Development Impact Fee Agency, TAMC is designated to administer and allocate regional development impact fee revenues (RDIF) to projects identified in the approved Strategic Expenditure Plan; and

WHEREAS, the TAMC Board of Directors has approved the allocation of funds toward the projects listed in Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sand City hereby authorizes and directs the City Manager, on behalf of the City, to enter into a Master Funding Agreement with the Transportation Agency for Monterey County for the allocation of certain state funds for transportation projects, attached hereto, and incorporated herein by this reference.

PASSED AND ADOPTED by the City Council of the City of Sand City this ____, day of August, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Mary Ann Carbone, Mayor

ATTEST:

Kerry Lindstrom, City Clerk

Exhibit A
**AGREEMENT BETWEEN THE
TRANSPORTATION AGENCY FOR MONTEREY COUNTY
AND THE CITY OF SAND
FOR THE ALLOCATION OF FUNDING APPROVED BY
THE TRANSPORTATION AGENCY BOARD OF DIRECTORS**

This agreement is made on _____ by and between the City of Sand, a public body, hereinafter referred to as “Recipient,” and the Transportation Agency for Monterey County, hereinafter referred to as “TAMC.”

WHEREAS, TAMC is the state-designated Regional Transportation Planning Agency for Monterey County; and

WHEREAS, as authorized by section 182.6(g) of the Streets and Highways Code, TAMC has entered into a separate agreement with the State of California, through the Department of Transportation (Caltrans), to assign a defined portion of its annual federal Surface Transportation Block Grant Program (STBGP) apportionment to Caltrans in exchange for state funds for specified fiscal year(s); and

WHEREAS, TAMC is authorized to use these exchanged funds (hereinafter referred to as “RSTP Exchange Funds”) to assist local agencies to promote projects which otherwise qualify for STBGP funds; and

WHEREAS, as authorized by Chapter 2, Title 21, Rule 6640 of the Transportation Development Act, one of the duties of TAMC is to administer the provisions of the Transportation Development Act in apportioning Local Transportation Funds (LTF) for the Transportation Development Act 2% (TDA 2%) program for bicycle and pedestrian projects pursuant to Article 3 of that law, and to the Cities, County, and Monterey-Salinas Transit;

WHEREAS, as authorized by the Joint Powers Agreement for the Monterey County Regional Development Impact Fee Agency, TAMC is designated to administer and allocate regional development impact fee revenues (RDIF) to projects identified in the approved Strategic Expenditure Plan; and

WHEREAS, the TAMC Board of Directors has approved the allocation of funds toward the projects listed in Exhibit A; and

WHEREAS, it is contemplated by TAMC and the Recipient that the amount of funding and the projects designated in Exhibit A may change from time to time as set forth below; and

WHEREAS, TAMC has requested the Monterey County Auditor-Controller to establish a separate fund for the Federal Apportionment Exchange Program and such a separate fund has been established.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, THE PARTIES HERETO AGREE AS FOLLOWS:

1. RULES FOR RSTP EXCHANGE FUNDS

- A. TAMC agrees to allocate RSTP Exchange Funds paid by Caltrans under the Federal Apportionment Exchange Program only for projects as authorized under sections 133(b) and 133 (c) of Title 23, United States Code and Article XIX of the California State Constitution.
- B. The Recipient agrees to use RSTP Exchange Funds only for the RSTP Exchange eligible project(s) described in Exhibit A, as approved by the TAMC Board of Directors, for the amounts awarded for each project.

2. RULES FOR TDA 2%

- A. TAMC agrees to allocate TDA 2% funds under the Transportation Development Act only for projects as authorized under the Transportation Development Act Section 99234 Claims for Pedestrian and Bicycle Facilities.
- B. The Recipient agrees to use TDA 2% funds only for TDA 2% eligible project(s) described in Exhibit A, as approved by the TAMC Board of Directors, for the amounts awarded for each project.

3. RULES FOR RDIF

- A. TAMC agrees to allocate RDIF funds under the Joint Powers Agreement only for projects as authorized by the TAMC Board of Directors in the approved Strategic Expenditure Plan.
- B. The Recipient agrees to use RDIF funds only for RDIF eligible project(s) described in Exhibit A, as approved by the TAMC Board of Directors, for the amounts awarded for each project.

4. ADMINISTRATIVE POLICIES

- A. The projects described in Exhibit A, and the amounts allocated therefore, may be amended from time to time without changing the rest of this Master Agreement, by means of approval by the TAMC Board of Directors of a revised Exhibit A, which shall be designated by a date and number (e.g., "Exhibit A-1 (DATE)").
- B. The Recipient agrees to submit an annual report to TAMC by April 30 describing the progress towards completion for all projects listed in Exhibit A.
- C. The Recipient agrees to mention TAMC's role in funding the project in any press releases or media events held by the Recipient to promote a funded project.
- D. TAMC agrees to reimburse the Recipient within 30 days of receipt of a completed claim form (Exhibit B) from the Recipient.
- E. The Recipient agrees to cause the completion of the project(s) within three years from the date funds were awarded by the TAMC Board of Directors, as recorded in Exhibit A. Failure to complete the project(s) in a timely basis shall allow TAMC to refuse reimbursement and to reprogram such funds for other purposes.

5. COST PRINCIPLES

- A. Recipient agrees to comply with Office of Management and Budget Circular A-87, Cost Principles for State and Local Government, and 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements.
- B. Recipient agrees to:
 - (a) use Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., to determine the allowability of individual project cost items; and
 - (b) comply with Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements, Costs Principles and Audit Requirements.

Every sub-recipient receiving funds as a contractor or sub-contractor under this AGREEMENT shall comply with Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements, Costs Principles and Audit Requirements.

6. THIRD PARTY CONTRACTING

- A. Recipient shall not award a construction contract over \$10,000 or other contracts over \$25,000 on the basis of a noncompetitive negotiation for work to be performed using Funds without the prior written approval of Caltrans. This provision shall not apply to professional service contracts of the type which are required to be procured in accordance with Government Code Sections 4525 (d), (e), and (f).
- B. Recipient agrees that travel and per diem reimbursements and third-party contract reimbursements to subcontractors will be allowable as project costs only after those costs are incurred and paid for by the subcontractors and only if consistent with Paragraph 10, below.
- C. In addition to the above, the pre-award requirements of third party contractor/consultants with Recipient shall be consistent with Local Program Procedures as published by Caltrans.

7. ACCOUNTING SYSTEM

Recipient, its contractors and subcontractors, shall establish and maintain an accounting system and records that properly accumulate and segregate expenditures by line item. The accounting system of Recipient, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP), enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment claims.

8. RIGHT TO AUDIT

For the purpose of determining compliance with Public Contract Code 10115, et seq. and Title 21, California Code of Regulations, Chapter 21, Section 2500 et seq., when applicable and other matters connected with the performance of the Agreement pursuant to Government Code 8546.7, Recipient shall maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of the Agreement, including but not limited to, the costs of administering the Agreement. All parties shall make such materials available at their respective offices at all reasonable times during the Agreement period and for three years from the date of final payment under the Agreement. The state, State Auditor, TAMC, FHWA, or any duly authorized representative of the Federal Government shall have access to any books, records, and documents of Consultant and its certified public accountants (CPA) work papers that are pertinent to the Agreement and indirect cost rates (ICR) for audit, examinations, excerpts, and transactions, and copies thereof shall be furnished if requested. Subcontracts in excess of \$25,000 shall contain this provision.

9. TRAVEL AND SUBSISTENCE

Payments to Recipient for travel and subsistence expenses of Recipient forces and/or its contractors or subcontractors, claimed for reimbursement or applied as local match credit, shall not exceed rates authorized to be paid exempt non-represented State employees under current State Department of Personnel Administration (DPA) rules. If the rates invoiced are in excess of those authorized DPA rates, then Recipient is responsible for the cost difference and any overpayments shall be reimbursed to the TAMC on demand.

10. PROJECT COMPLETION

Recipient agrees to provide to the TAMC a short report summarizing total project costs and milestones, including before and after photos of the project, for each project within sixty (60) days of completion.

11. GOVERNING LAWS

This Agreement shall be construed and enforced according to the laws of the State of California, and the parties hereby agree that the County of Monterey shall be the proper venue for any dispute arising hereunder.

12. CONFLICT OF INTEREST

Recipient warrants that it presently has no interest and shall not acquire any interest during the term of this Agreement, which would directly or indirectly conflict in any manner or to any degree with its full and complete performance of all services under this Agreement.

13. CONSTRUCTION OF AGREEMENT

The parties agree that each party has fully participated in the review and revision of this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any exhibit or amendment. To that end, it is understood and agreed that this Agreement has been arrived at through negotiation, and that neither party is to be deemed the party which prepared this Agreement within the meaning of Civil Code Section 1654. Section and paragraph headings appearing herein are for convenience only and shall not be used to interpret the terms of this Agreement.

14. WAIVER

Any waiver of any term or condition hereof must be in writing. No such waiver shall be construed as a waiver of any other term or condition herein.

15. SUCCESSORS AND ASSIGNS

This Agreement and all rights, privileges, duties and obligations hereunder, to the extent assignable or delegable, shall be binding upon and inure to the benefit of the parties and their respective successors, permitted assigns and heirs.

16. TIME IS OF THE ESSENCE

The parties mutually acknowledge and agree that time is of the essence with respect to every provision hereof in which time is an element. No extension of time for performance of any obligation or act shall be deemed an extension of time for performance of any other obligation or act, nor shall any such extension create a precedent for any further or future extension.

17. EXECUTION OF AGREEMENT

Any individual executing this Agreement on behalf of an entity represents and warrants that he or she has the requisite authority to enter into this Agreement on behalf of such entity and to bind the entity to the terms and conditions hereof. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.

18. ENTIRE AGREEMENT

This document, including all exhibits hereto, constitutes the entire agreement between the parties, and supersedes any and all prior written or oral negotiations and representations between the parties concerning all matters relating to the subject of this Agreement.

19. TERMINATION DATE

This Agreement shall remain in effect for a period of three (3) years from the date of this Agreement.

IN WITNESS WHEREOF, TAMC and Recipient execute this Agreement as follows:

TRANSPORTATION AGENCY FOR MONTEREY COUNTY

Todd Muck
Executive Director

Date

Recipient:
CITY OF SAND

Vibeke Norgaard, City Manager

Date

Approved as to Form:

Robert Brayer
TAMC Counsel

Date

City Attorney
City of Sand

Date

Transportation Agency for Monterey County
Master State and Federal Funding Agreement
Exhibit A

City of Sand City

Agency	Board Approval Date	Fund Expiration Date	Type	Active Projects	Budget	Paid	Balance Outstanding
Sand City	3/22/2023	3/21/2026	RSTP Fair Share	Unprogrammed balance	\$ 18,111.65	\$ -	\$ 18,111.65
					\$ 18,111.65	\$ -	\$ 18,111.65

Agency	Board Approval Date	Fund Expiration Date	Type	Completed Projects	Budget	Paid	Balance Outstanding
Sand City	3/26/2014	Completed	RSTP Fair Share	Hickory Street Improvement Project	\$ 116,406.57	\$ 116,406.57	\$ -
					\$ 116,406.57	\$ 116,406.57	\$ -

Last Revised: 3/22/2023

Approved by: *Todd Muck*
 Todd Muck, Executive Director

**AGENDA ITEM
8A.**

**West End Celebration Update: Steve
Vagnini**

**AGENDA ITEM
8B.**

**Trucks and Taps Presentation: Amy
Sheehan**

**AGENDA ITEM
9A.**

**Discussion and Direction on a Draft
Ordinance Amending Sand City Municipal
Code Section 2.08.010 and Providing for
an Increase in Salary of the Mayor**



City of Sand City

STAFF REPORT

TO: Honorable Mayor and City Council
FROM: Vibeke Norgaard, City Manager
SUBJECT: Discussion and Direction on Draft Ordinance Amending Sand City Municipal Code Sections 2.08.010 and Providing for an Increase in Salary of the Mayor
DATE: August 1, 2023

BACKGROUND/DISCUSSION:

On July 18, 2023, Council directed staff to prepare a draft ordinance to increase the Mayor's salary for its consideration. Section 2.08.010 of the Sand City Municipal Code establishes the salaries for City Councilmembers and the Mayor. The City Council last adjusted salaries for City Councilmembers and the Mayor in August 1985. Sand City Municipal Code Section 2.08.010 sets the Mayor's current salary at \$300 per month, the same as Council Members.

In addition to salary received as a Council Member, Government Code Section 36516.1 allows the Mayor to receive additional compensation as established by Council ordinance. The amount of this compensation is not regulated by the Government Code, and an increase may be enacted at any time, including mid-term of office.

Mayors often receive additional compensation due to the substantial workload and time commitment. In Sand City, the duties and commitments of the Mayor are substantially greater than those of City Council members.

Staff collected data from eight cities in Monterey County:

City	CC Members	Mayor
Del Rey Oaks	\$75	\$75
Carmel-by-the-Sea	\$200	\$250
Marina	\$200	\$250
King City	\$375	\$562
Seaside	\$400	\$400
Pacific Grove	\$420	\$700
Monterey	\$500	\$700
Salinas	\$600	\$800

Of the eight cities, six pay the mayor more than they pay city council members. In those six cities, the mayor is paid between \$50 and \$280 more than council members per month.

A newly enacted State law will further allow cities statewide that have populations in the same range as Sand City to increase city council salaries to up to \$950 per month, and will allow higher salaries for council members in larger cities. Based on the new state law, it is anticipated that cities in Monterey County and around the state will consider increasing city council compensation in 2024. The City Council of Sand City has given direction to the City Manager and City Attorney to prepare an ordinance for consideration by the Council in January 2024 that, if adopted, could substantially increase City Council salaries consistent with the new law.

CEQA:

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

FISCAL IMPACT:

The proposed increase in the Mayor's salary will result in a fiscal impact to be determined by the City Council direction on the amount of the increase.

RECOMMENDATION:

Review the attached draft ordinance, provide the City Manager direction on the salary Council wishes the Mayor to receive, and provide direction to return with the Ordinance Amending Sand City Municipal Code Section 2.08.010 to increase the Salary for the Mayor for introduction at the next regularly scheduled City Council meeting.

ATTACHMENTS:

1. Ordinance

5417282.1

CITY OF SAND CITY

ORDINANCE NO. ___, 2023

**AN ORDINANCE AMENDING SAND CITY MUNICIPAL CODE SECTION 2.08.010
PROVIDING FOR AN INCREASE IN THE SALARY OF THE MAYOR**

WHEREAS, Ordinance No. 82-09 established salaries for the Mayor of Sand City, as amended by Ordinance No. 85-05; and

WHEREAS, Sand City Municipal Code section 2.08.010 provides that “The monthly salary for each City Councilmember shall be three hundred dollars (\$300.00) per month and the monthly salary for the mayor shall be three hundred dollars (\$300.00) a month”; and

WHEREAS, Government Code Section 36516.1 provides that a directly elected Mayor may be compensated in addition to that compensation received as a Councilmember; and

WHEREAS, The salary paid to the Mayor has not been increased since 1985; and

WHEREAS, The City Council wishes to increase the Mayor’s salary to compare with salaries in nearby jurisdictions and in consideration of the substantial demands of the job.

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

SECTION 1: Amendment of Municipal Code.

Chapter 2.08.010 of the Sand City Municipal Code is hereby amended to read in its entirety as follows:

“The monthly salary for each Council member shall be \$300 per month. The monthly salary for the Mayor shall be the same monthly salary paid to each Council member plus an additional \$___ each month.”

SECTION 2: Effective Date.

Within fifteen (15) days after adoption, this Ordinance shall be published in full in a newspaper of general circulation printed and published in Monterey County and circulated in Sand City, in accordance with Government Code section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED AND ADOPTED, by the City Council of Sand City, this X day of [MONTH], 2023 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Kerry Lindstrom, City Clerk

APPROVED:

Mary Ann Carbone, Mayor

**AGENDA ITEM
9B.**

**Comments by Councilmembers on Items
of Interest to Sand City**