

RESOLUTION NO. 16-009

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FALL CREEK ENGINEERING, INC. TO PREPARE THE PACIFIC GROVE AREA OF SPECIAL BIOLOGICAL SIGNIFICANCE COMPLIANCE PLAN UPDATE

FINDINGS

1. The City of Pacific Grove and City of Monterey received coverage under the California Ocean Plan Discharge Prohibition General Exception related to municipal separate storm sewer system (MS4) point-source discharges. The General Exception requires implementation of Special Protections for Areas of Special Biological Significance, Governing Point Source Discharges of Storm Water and Nonpoint Source Waste Discharges (Special Protections) for Beneficial Uses of ASBS and requires development of ASBS Compliance Plans.
2. In 2014, the Cities of Pacific Grove and Monterey developed and submitted a draft Pacific Grove ASBS Compliance Plan to the SWRCB; this document was subsequently updated by the Cities in 2015.
3. The Cities require an updated analysis of Pacific Grove ASBS data past and present in order to develop the final structural and nonstructural water quality protection strategies necessary to meet the regulatory requirements of the Special Protections by March 20, 2018, to maintain natural ocean water quality.
4. The SWRCB has granted an extension to submit and updated Compliance Plan by September 20, 2016
5. On November 30, 2015, the City issued a request for proposals to prepare an updated Compliance Plan. The deadline for submittals was December 30, 2015. Two proposals were received.
6. Fall Creek Engineering, Inc. was selected as the winning proposal based on understanding of project objectives and timeline; proposed project approach and design principles; ability to provide high-quality, cost-effective solutions; and comparable experience and staffing plan.
7. This action does not constitute a "Project" as that term is defined under the California Environmental Quality Act (CEQA), CEQA Guideline Section 15378, as approval of the

contract is an administrative activity that will not cause a physical change to the environment.

NOW, THEREFORE, BE IT RESOLVED, THAT 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 authorizing the City Manager to execute an agreement with Fall Creek Engineering, Inc. to prepare the updated Pacific Grove ASBS Compliance Plan, in an amount not to exceed \$80,915.
3. The Council authorizes authorizing the City Manager to execute an agreement with the City of Monterey for the reimbursement of \$30,915 towards the updated Pacific Grove ASBS Compliance Plan.
4. This Resolution shall take effect immediately following passage and adoption thereof.

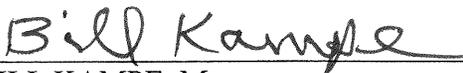
PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this 17th day of February, 2016, by the following vote:

AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Huitt, Lucius, Miller and Peake.

NOES: None.

ABSENT: None.

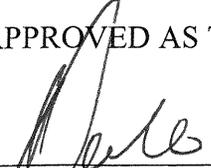
APPROVED:


BILL KAMPE, Mayor

ATTEST:


SANDRA KANDELL, Deputy City Clerk

APPROVED AS TO FORM:


DAVID C. LAREDO, City Attorney