

RESOLUTION NO. 14-010

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
AUTHORIZING THE CITY MANAGER TO SIGN AND FILE, FOR AND ON BEHALF
OF THE CITY OF PACIFIC GROVE, A FINANCIAL ASSISTANCE APPLICATION
FOR A FINANCING AGREEMENT FROM THE STATE WATER RESOURCES
CONTROL BOARD FOR THE PLANNING, DESIGN, AND CONSTRUCTION OF THE
PACIFIC GROVE LOCAL WATER PROJECT**

FINDINGS

1. On October 1, 2012, the City of Pacific Grove submitted a public participation proposal to the California Public Utilities Commission (CPUC) for the Cal-Am MPWSP through the implementation of one or more small water projects, as authorized by the City Council in Resolution No. 12-067.
2. The Pacific Grove Local Water Project is a non-potable recycled water supply project of 125-500 acre-feet per year (AFY) to meet irrigation needs on the Pacific Grove Golf Links, El Carmelo Cemetery, and other uses, reducing potable water demands on the CalAm system.
3. Given the CPUC's schedule delays and other factors, CalAm does not expect to have its project in place within the timeframe of the SWRCB CDO.
4. Small projects like the PGLWP may help to avoid water rationing and other draconian measures that would be detrimental to public health and safety as well as severely impact the local economy.
5. The City has continued development of this project with the assistance of Brezack and Associates Planning (B&P) and funding from the SWRCB in the form of a Facilities Planning Grant (FPG). The FPG Plan of Study was approved by the SWRCB in March 2013, and the grant agreement executed in May 2013.
6. The City applied for and successfully obtained an additional \$100,000 in funding from the Monterey Peninsula Water Management District to support development of the LWP in FY 13/14.
7. The Draft FPR was submitted to the SWRCB on January 31, 2014. The FPR will be used as the backbone of the funding application.
8. B&P has initiated the required environmental review process called CEQA-Plus. The CEQA-Plus process includes requirements under National Environmental Protection Act (NEPA), to be prepared because the State Revolving Fund includes Federal funding.

9. The purpose of this amendment is to continue to move the project forward in an accelerated schedule, because B&P has completed its existing scope of work at a rate faster than originally projected. Additionally, B&P identified several additional work items that not previously anticipated, including:
 - Phase I Environmental Site Assessment
 - Pilot testing of the use of recycled water at the 14th and 15 Tee and Green
 - Additional coordination with the ASBS project for the evaluation of the use of several of the overlapping project sites and facilities.
 - Additional stakeholder coordination efforts for project participation.
 - Further design development in preparation of the Design-Build Procurement.
10. The FY 13/14 budget included \$100,000 for the LWP. An additional funding of \$100,000 from MPWMD was granted for FY 13/14. Funds in the amount of \$131,395 for the recommended contract amendment are available in the Public Works Stormwater Fund (44-512) due to other projects that were planned but have not occurred this year.

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 the City Manager to sign and file, for and on behalf of the City of Pacific Grove, a financial assistance application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the Pacific Grove Local Water Project. This City Manager, or his/her designee, is designated to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto.
3. In addition, the City Manager, or his/her designee, is designated to represent the City in carrying out the City's responsibilities under the financing agreement, including certifying disbursement requests on behalf of the City and compliance with applicable state and federal laws.
4. The Council also authorizes the Mayor to act as designee for the City Manager.
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 5th day of March, 2014, by the following vote:

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

NOES: None.

ABSENT: None.

APPROVED:

BILL KAMPE, Mayor

ATTEST:

DEBORA THOMSEN, Interim City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney