

RESOLUTION NO. 15-019

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE APPROVING AMENDMENT TO THE CENTRAL COAST REGIONAL AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE DISCHARGERS MONITORING PROGRAM MEMORANDUM OF AGREEMENT

WHEREAS, the Pacific Grove Area of Special Biological Significance (ASBS) is one of 34 ASBS areas along the California Coast. The Pacific Grove ASBS is 3.2 miles of coastline adjacent to the City of Pacific Grove; and

WHEREAS, on March 20, 2012, the State Water Resources Control Board (SWRCB) adopted a General Exception to the California Ocean Plan for ASBS Waste Discharge Prohibition for Storm Water and Nonpoint Source Discharges, with Special Protections; and

WHEREAS, the ASBS Special Protections can be summarized generally to eliminate dry weather runoff, ensure that wet weather runoff does not alter natural water quality in the ASBS, and that adequate monitoring be conducted to determine if natural water quality and the marine life beneficial use is protected; and

WHEREAS, on February 6, 2013, the Council adopted Resolution 13-006, authorizing the City Manager to enter into a Memorandum of Agreement (MOA) with the Monterey Regional Pollution Control Agency and the Dischargers to establish the Central Coast Areas of Special Biological Significance (ASBS) Dischargers Monitoring Program; and

WHEREAS, amending the end term of the MOA from June 30, 2015 to December 31, 2016 would allow continued monitoring and assist the City of Pacific Grove in meeting regulatory requirements for the SWRCB ASBS Special Protections, but does not authorize additional expenditures;

WHEREAS, this resolution qualifies for a Class 8 Categorical Exemption as it is a regulatory action for protection of the environment (Section 15309 of the California Environmental Quality Act (CEQA) Guidelines.

NOW, THEREFORE, the Member Agencies hereby agree to amend the Central Coast Areas of Special Biological Significance Dischargers Monitoring Program Memorandum of Agreement as follows:

1. Extension of Effective Date and Term
 - 1.1 Per Sections 3.2 and 9.1 of the AGREEMENT, the effective termination date of the AGREEMENT shall be extended to December 31, 2016.
 - 1.2 All terms and conditions of the AGREEMENT remain in effect and the same.
 - 1.3 This AMENDMENT does not approve additional budget expenditures above and beyond the adopted Program Budget of the AGREEMENT.

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

1. The Agreement is amended as set forth above. All other terms of the Agreement shall remain the same.
2. The City Manager is authorized to make minor changes in the agreement to respond to changing conditions or needs to better meet City objectives. The City Manager will promptly notify the City Council of any such changes.
3. This Resolution shall take effect immediately following passage and adoption thereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this day of April 1, 2015, by the following vote:

AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Huitt, Miller, Peake

NOES: None

ABSENT: Councilmember Lucius

APPROVED:

BILL KAMPE, Mayor

ATTEST:

Sandra Kandell, Deputy City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney