



CITY OF SEASIDE
CITY COUNCIL

AGENDA

REGULAR MEETING
COUNCIL CHAMBER
440 Harcourt Avenue
Thursday, April 5, 2018
7:00 PM

PLEASE TURN OFF YOUR CELL PHONES UPON ENTERING THE MEETING

1. **CALL TO ORDER**

2. **ROLL CALL – ESTABLISHMENT OF QUORUM**

Ralph Rubio	Mayor
Dennis Alexander	Mayor Pro Tem
Jason Campbell	Council Member
David R. Pacheco	Council Member
Kayla Jones	Council Member

3. **INVOCATION AND PLEDGE OF ALLEGIANCE**

4. **REVIEW OF AGENDA**

If there are any items that arose after the 72-hour posting deadline, this is the point in the meeting where a vote may be taken to add the item to the agenda. (A 2/3-majority vote is required).

5. **PUBLIC COMMENT**

Members of the public wishing to address the City Council on matters within the jurisdiction of the City of Seaside, but not on this agenda, or for comments made on presentations may do so during the Public Comment period for up to three minutes. Public Comments on specific agenda items are heard under that item. For the public record, please state your name.

6. **PUBLIC AGENCY COMMUNICATIONS**

This is a time specifically set aside for representatives of public agencies to make brief comments of general interest to the City Council and the community.

7. **PRESENTATIONS**

A. CITY OF SEASIDE AWARDS FOR 2017-2018 BUDGET AND THE JUNE 30, 2017 COMPREHENSIVE ANNUAL FINANCIAL REPORT

B. PRESENTATION OF CALIFORNIA ASSOCIATION FOR LOCAL ECONOMIC DEVELOPMENT AWARD OF MERIT FOR ECONOMIC DEVELOPMENT PROGRAMS-SEASTARS

8. CONSENT CALENDAR

The Consent Calendar includes routine items that can be approved with a single motion and vote. A member of the City Council or a member of the public may request that any time be pulled from the Consent Calendar for separate consideration.

A. APPROVE MINUTES OF MARCH 15, 2018

RECOMMENDATION: It is recommended that the minutes be reviewed and approved.

B. APPROVE AND FILE CITY CHECKS

PURPOSE & RECOMMENDATION: It is requested that the City Council approve and file the accounts payable and wired payments made during the period of March 3, 2018 through March 23, 2018. In addition, approval of the payroll and benefits checks, direct deposits and wired payments related to the period of March 15, 2018 is requested. Total Accounts Payable and Payroll for the above referenced period is \$2,133,406.34.

C. APPROVAL TO TEMPORARILY MODIFY THE POSITION ALLOCATION LIST TO OVER-HIRE THE FIREFIGHTER CLASSIFICATION BY ONE DUE TO AN UPCOMING RETIREMENT.

PURPOSE & RECOMMENDATION: It is requested that the City Council authorize a temporary modification of the Position Allocation List to allow the Fire Department to over-hire by one Firefighter position due to an upcoming retirement.

D. APPROVE TRAFFIC ADVISORY COMMITTEE (TAC) RECOMMENDATIONS.

PURPOSE & RECOMMENDATION: The purpose of this item is to consider the Traffic Advisory Committee (TAC) recommendations from their March 20, 2018 meeting.

9. BUSINESS ITEMS

A. CONSIDERATION OF COMMUNITY DEVELOPMENT ADVISORY COMMITTEE RECOMMENDATIONS FOR THE USE OF 2018-2019 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND PROVIDE STAFF DIRECTION FOR STAFF TO INCLUDE IN THE 2018-2019 ANNUAL ACTION PLAN REQUIRED TO BE SUBMITTED TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).

PURPOSE & RECOMMENDATION: The purpose of this item is for the City Council to consider the recommendations of the CDAC from the applications for subrecipient allocations of projected CDBG funds for fiscal year 2018-2019 and to provide direction to staff regarding the allocations for both Public Services and Projects to include in the Annual Action Plan using contingency provisions to adjust to actual funding levels when the federal allocation to the City of Seaside is announced.

B. DISCUSS AND CONSIDER A RESOLUTION REGARDING SUPPORT FOR EFFECTIVE GUN CONTROL

PURPOSE & RECOMMENDATION: To discuss, consider and provide direction regarding Council Member Jones' request to adopt a resolution demanding federal gun control action.

10. MAYOR, CITY COUNCIL, CITY MANAGER AND CITY ATTORNEY COMMENTS AND REPORTS ON COMMITTEE ASSIGNMENTS

This is a time specifically set aside for members of the City Council, the City Manager and City Attorney to make brief comments of general interest to the community, make requests that items be added to future City Council meeting agendas as necessary and report on committee assignments.

11. ADJOURNMENT

Next Regularly Scheduled Meeting:
April 19, 2018
7:00 PM

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, they are asked to contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. The City Council chamber is equipped with a portable microphone and assisted listening devices are available at all meetings.

City Council Meetings that are held in the City Council Chambers are broadcast live to all Seaside residents on Comcast Channel 25 and U-verse Channel 99. Meetings are also available through live streaming at:

<http://cyp.telvue.com/player?id=T01629&video=52314&noplaylists=1&width=400&height=300>

Videos of past meetings are available on demand through the City's website: <http://www.ci.seaside.ca.us>

Agenda-related writings or documents provided during public meetings are available for public inspection during the meeting or from the office of the City Clerk. This agenda is posted in compliance with California Government Code Section 54954.2(a) or Section 54956.



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 7.A.

TO: City Council

FROM: Craig Malin, City Manager

BY: Daphne Hodgson, Deputy City Manager Administrative Services

DATE: April 5, 2018

**SUBJECT: CITY OF SEASIDE AWARDS FOR 2017-2018 BUDGET AND THE
JUNE 30, 2017 COMPREHENSIVE ANNUAL FINANCIAL REPORT**

PURPOSE & RECOMMENDATION

The purpose of this item is to provide the City Council information regarding awards received by the City for the 2017-2018 Budget and the June 30, 2017 Comprehensive Annual Financial Report.

BACKGROUND

The City Council adopted the 2017-2018 Budget and the 2018-2019 Budget Preview on June 27, 2017. Staff submitted the Adopted Budget to the California Society of Municipal Finance Officers' (CSMFO) Budget Award program on September 28, 2017. On February 7, 2018, the City of Seaside was awarded the Operating Budget Excellence Award.

The City's Comprehensive Annual Financial Report was completed on December 22, 2017 and presented to the City Council on January 18, 2018. Staff submitted the City's Comprehensive Annual Financial Report to the California Society of Municipal Finance Officers' (CSMFO) Financial Award program on December 29, 2017. On January 31, 2018, the City of Seaside was awarded the Outstanding Financial Reporting Award. This is the first time the City has received this award.

FISCAL IMPACT

The cost of report preparation and award application fees is included in the budget.

ATTACHMENTS

1. City of Seaside Operating Budget Award Certificate_1
 2. FY2016-2017 CAFR Award Certificate
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

California Society of Municipal Finance Officers

Certificate of Award

Operating Budget Excellence Award Fiscal Year 2017-2018

Presented to the

City of Seaside

For meeting the criteria established to achieve the Operating Budget Excellence Award.

February 7, 2018



A handwritten signature in blue ink, reading "Drew Corbett".

Drew Corbett
CSMFO President

A handwritten signature in blue ink, reading "Craig Boyer".

Craig Boyer, Chair
Professional Standards and
Recognition Committee

Dedicated Excellence in Municipal Financial Reporting

California Society of Municipal Finance Officers

Certificate of Award

Outstanding Financial Reporting Award Fiscal Year 2016-2017

Presented to the

City of Seaside

For meeting the criteria established to achieve the Outstanding Financial Reporting Award.

January 31, 2018



A handwritten signature in blue ink, reading "Drew Corbett".

Drew Corbett
CSMFO President

A handwritten signature in blue ink, reading "Craig Boyer".

Craig Boyer, Chair
Professional Standards and
Recognition Committee

Dedicated Excellence in Municipal Financial Reporting



DRAFT MINUTES

CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
COUNCIL CHAMBER
Thursday, March 15, 2018
7:00 PM

1. **CALL TO ORDER**

Mayor Rubio called the meeting to order at 7:00 PM.

2. **ROLL CALL – ESTABLISHMENT OF QUORUM**

PRESENT: Alexander, Campbell, Jones, Pacheco, Rubio

ABSENT: None

3. **INVOCATION AND PLEDGE OF ALLEGIANCE**

Invocation led by Pastor Gaskins and the Pledge of Allegiance was led by Mayor Pro Tem Alexander.

4. **REVIEW OF AGENDA**

City Manager Malin requested to continue 9A to a future meeting.

Mayor Pro Tem Alexander addressed the Council and the public regarding recent incidents.

5. **PUBLIC COMMENT**

Mayor Rubio invited comments from the public.

- A resident expressed concern regarding the amount of vehicles for sale by owner on commercial streets and suggested to amend the Municipal Code 10.30.070 regarding advertising of vehicles for sale and enforce the regulations. He also suggested having a volunteer community services staff member to assist enforcement of minor violations.
- Cindy spoke representing seaside high school students. She spoke in support of Council Member Alexander citing his position at Seaside High as essential. She encouraged other students to speak in support. She spoke in support of being a mentor in her life. She showed a petition of over 500 signatures in support of Mr. Alexander to stay at Seaside High and part of the Seaside Family.
- Cleve spoke to being in the advance public safety class and that Mr. Alexander is the most respected and influential teacher on campus. Speaking on behalf of students who supports this cause, he noted they have been vocalizing their support by various methods. He expressed deep concern the media is portraying the situation as something it was not and that they are defaming him as someone who he is not.
- Pastor Britt, retired correctional officer, spoke in support of Mr. Alexander. We all make mistakes and everyone deserves another chance. He is fighting for you and keep your head up. He spoke to the Superintendent who was present, that he was in support of Mr. Alexander keeping his job.
- Many students, a Senior swimmer, a Criminal Justice class student, an alumni and Reverend Gaskins spoke to Mr. Alexander's strength of character, his impact on the community and them personally and in support of him maintaining his role at Seaside High.
- Sue Hawthorne spoke as a spouse of a teacher who has been very distressed with national politics. Thank you for allowing us to drive the national conversation in a more productive conversation. If trained individuals with guns can still cause harm, without intent, then those without can cause more harm. Speaking to the students in response to how offended

they are about the media portrayal of Mr. Alexander, she encouraged them to be discriminating about who they believe, what they read and what they hear and not everything in the media is of equal quality and voracity.

- Paul Wolf requested that students also don't make assumptions based on stereotypes. Speaking as a teacher, he explained the powers that be have to understand the difference between malicious negligence, an act of will or a mistake. Understand the nature of mistakes and separate the different categories of culpability. He spoke in support of Mr. Alexander.
- A student referred to Mr. Alexander as superman. Suit by day, saving lives at night. He spoke to the changes that he made to his brother who is now in the police academy. If you take him out of his seat, you are taking a super hero away from kids. He thanked Mr. Alexander for changing his brother's life.
- A student and club member spoke to Mr. Alexander's assistance with the American Red Cross after the Hurricanes and other natural disasters. He helps students with inner assaults, suicidal thoughts, fears of deportation and changes their lives, changes the community.
- A Student said that God gives his toughest battles to his strongest soldiers.
- A Student spoke to the reputation that Mr. Alexander has and the influence he makes on others, who then influence others. She spoke against media that is supposed to give us truths, but gives us lies. She stands with him.
- Seaside High Spanish Teacher said that the teachers are also standing by Mr. Alexander. High schools are a scary place right now. Mr. Alexander is needed on campus as he provides a sense of safety and security, even to the teachers.
- A resident spoke to being a mom, and speaking to Mr. Alexander she said after listening to the students comments of support, her perspective has changed a little however speaking as a mom she has a right to feel what she feels, that she never wants to be scared of losing her child or getting hurt due to a mistake. It's unfortunate that there is so much evil and hate but maybe Seaside can be the one to change the conversation.
- An alumni spoke to her reaction of hearing the incident. No one wants to look at the good that he has done, but she and others have attested that he changes lives.
- A student spoke to the test of character that students are speaking in support of Mr. Alexander. He spoke to the life lessons he received from attending his class.
- A resident who was watching from home came down and spoke to being Mr. Alexander's neighbor. She feels more positive about the future after witnessing the student's comments and urged them to go to the Board of Education meeting as they hold the faith of his teaching career. To teach well, is to touch a life forever. She spoke to her own personal testament of Mr. Alexander's assistance and thanked the Council for indulging the community.
- A student who was present when it occurred would like to see him back in the class teaching them to be safe. They forgive him for what ever happened. They wanted to have him back by the end of spring break.
- A former Student indicated she became pregnant at 15 and because of Mr. Alexander's influence on her life, now she is a registered nurse. She said he always can tell when people are in a bad place and we need people like that in our schools.
- Ian Oglesby spoke to Mr. Alexander's strength of character. He wanted the kids to know that there is community support. Everyone who knows him, knows it was an accident. He teaches our kids by day, he sets policy for the community on the city council in the evening, then puts on a uniform at night to protect us while we sleep and then on the weekends he helps people in need. Mr. Oglesby encouraged everyone to tell the school Board that they need to protect him. He should be able to teach until he is ready to leave on his own terms.
- A individual who declared she is a Canadian citizen said that the American price of freedom is too high, and she does not feel safe in this country. Things should change as other countries allow guns but have more gun regulations and they have less gun violence. Hopefully American can do something about it, in a similar fashion.

- Gabriel Boyes a former student said Mr. Alexander tutored him in math, and ended up a mentor. Because Mr. Alexander took time from his personal lunch to tutor him, he graduated, joined the military, and just bought a house. Because of him, he accomplished more than he ever would have. He was in a gang, and his life would have been different.
- Georgiana Lopez, Registrar at Seaside High cited to working with Mr. Alexander for almost 20 years and she is proud to stand up and speak with the voices. Seaside high is an amazing school and the students are angry because the school is being tarnished by social media. Please remember that when you are posting on social media about people, please remember the impact it can have on other's lives. You have her support.
- Helen Rucker spoke with pride of the voices of youth standing here this time of night to support a man because of something they believe in. The next MPUSD is April 10th at 540 Canyon Del Rey. You need to be heard by your elected officials, of the MPUSD because they and the Superintendent will make any decisions about Mr. Alexander's future. Be heard their also. She is impressed with Mr. Alexander and her husband was the founder of the JROTC unit at that school.

6. **PUBLIC AGENCY COMMUNICATIONS**

Mayor Rubio adjourned the meeting for a five minute break.

Mayor Rubio opened public comment again from the public for those who didn't get to speak.

- Peter Keiser said that justice should be fair and evenly distributed. He spoke to attending the Mayor's faith breakfast in Salinas and hopes we continue to have a Seaside version where the faith community supports the city. It's important to be able to have protection in side the schools. He also said he does not want to promote the sale of drugs in Seaside.
- River Navai spoke in support of the students using the City Council meeting as a platform of support due to the impacts the incident has had to their lives and it's a great example of why teachers should not have weapons in schools and they should not be asked to carry one. She disagreed with Mr. Keiser that janitors should be armed as marksman. If someone who is highly trained as Mr. Alexander has accidents, the same thing would happen or far worse.

Mayor Rubio suggested that the City Council consider sending a letter of support for Council Member Alexander to the School District prior to the Board meeting to be part of the deliberations. Council Member Pacheco said that letters should be sent sooner is better. City Manager Malin affirmed the general consensus from the Council was that a letter be sent in support prior to the next Council Meeting.

Under Public Agency Communications Neighborhood Improvement Program Chair Alex Miller announced the extension of the Gateway Portal Design Competition to the 30th of March. Public Affairs Officer/City Clerk Milton announced that the Seastars were meeting at Highland-Otis park on March 17th at 10:00 am and invited anyone interested to participate.

7. **PRESENTATIONS**

A. **PRESENTATION OF THE MARCH 2018 HOUSE OF THE MONTH**

Neighborhood Improvement Program Commission Chair Alex Miller presented the House of the Month for March 2018 and explained why they were chosen for their efforts.

B. **PROCLAMATION ACKNOWLEDGING THE SEASIDE HIGH SCHOOL DRAMATIC ARTS PROGRAM**

Mayor Rubio presented a proclamation acknowledging Seaside High School Dramatic Arts

Program. River Navai thanked the City of Seaside for their support and appreciated being recognized as an vital part of the community in both the high school and the City itself.

C. COMMUNITY UPDATE PRESENTATION FROM MONTEREY SALINAS TRANSIT

This item was continued to the next meeting.

8. CONSENT AGENDA

Mayor Rubio invited comments from the Council and the public.

Council member Pacheco requested clarification for 8D to ensure that the address was 840 Broadway to which staff affirmed. There was no request to pull any item from the agenda. City Attorney Freeman asked if it was ok to make non substantive changes into the agreements if necessary.

On motion by Mayor Pro Tem Dennis Alexander and seconded by Council Member Dave Pacheco and passed by the following vote the City Council approved the Consent Agenda as presented and authorized staff to make non-substantive changes to agreements as necessary.

RESULT:	Approved
MOVER:	Mayor Pro Tem Dennis Alexander
SECONDER:	Council Member Dave Pacheco
AYES:	None
NOES:	None
ABSENT:	None

A. APPROVE MINUTES OF MARCH 1, 2018

Action: Approved

B. APPROVE AND FILE CITY CHECKS

Action: Approved

C. APPROVE CO-SPONSORSHIP AND WAIVE ALL FEES RELATED TO THE 2018 SUSTAINABLE SEASIDE 7TH ANNUAL SEASIDE EARTH DAY CELEBRATION AT SEASIDE CITY HALL LAWN IN APRIL 2018

Action: Approved

D. ADOPT RESOLUTIONS APPROVING THE DEVELOPMENT/OPERATING AGREEMENT FOR PHSL, LLC. DBA SUGAR LEAF TRADING CO., A CANNABIS DISPENSARY, LOCATED AT 840 W. BROADWAY AVENUE, Suite B3.

Action: Approved and passed Resolution 18-11

E. ADOPT A USE PERMIT PERMITTING A CANNABIS DISPENSARY OPERATED BY SUGARLEAF, LLC., LOCATED AT 840 B-3 BROADWAY AVE.

Action: Approved and passed Resolution 18-12

F. ADOPT A USE PERMIT PERMITTING A CANNABIS DISPENSARY LOCATED AT 575 BROADWAY AVE., OPERATED BY RARE EARTH, LLC.

Action: Approved & Passed Resolution 18-13

G. ADOPT RESOLUTIONS APPROVING THE DEVELOPMENT/OPERATING AGREEMENT FOR RARE EARTH, LLC., A CANNABIS DISPENSARY, LOCATED AT 575 W. BROADWAY AVENUE.

Action: Approved & Passed Resolution 18-14

H. ADOPT RESOLUTIONS APPROVING THE DEVELOPMENT/OPERATING AGREEMENT FOR CANOPY, LLC., A CANNABIS DISPENSARY, LOCATED AT 1900 FREMONT BLVD.

Action: Approved & Passed Resolution 18-15

I. ADOPT RESOLUTIONS APPROVING THE DEVELOPMENT/OPERATING AGREEMENT FOR HIGHER LEVEL OF CARE, LLC., A CANNABIS DISPENSARY, LOCATED AT 310 W. AMADOR AVENUE.

Action: Approved & Passed Resolution 18-16

J. ADOPT RESOLUTIONS APPROVING THE DEVELOPMENT/OPERATING AGREEMENT FOR CANNATOPIA, LLC., A CANNABIS DISPENSARY, LOCATED AT 680 W. BROADWAY AVENUE.

Action: Approved & Passed Resolution 18-17

K. ADOPT RESOLUTIONS APPROVING THE DEVELOPMENT/OPERATING AGREEMENT FOR PLANTACEA, LLC., A CANNABIS DISPENSARY, LOCATED AT 1717 FREMONT BLVD.

Action: Approved & Passed Resolution 18-18

9. PUBLIC HEARING

A. REAFFIRMING CONSISTENCY OF THE COMPREHENSIVE UPDATES TO THE ZONING CODE, AMENDING TITLE 17 OF THE SEASIDE MUNICIPAL CODE, WITH THE FORT ORD REUSE PLAN.

Action: Continued

B. CONSIDERATION OF APPLICATION FOR USE PERMIT AND LICENSE TO DISPENSE ADULT USE AND MEDICAL CANNABIS A COMMERCIALY ZONED LOCATIONS IN THE CITY OF SEASIDE AT 1717 FREMONT STREET TO BE OPERATED BY PLANTACEA LLC.

Senior Planner Rick Medina detailed the item explaining the City Council granted the applicant a use permit on December 28th with the condition that they were required to find an alternate site. The City Council granted a permit to another applicant at their originally proposed address. Mr. Medina explained that the site meets the minimum distance requirements and the applicants has submitted an adequate security plan and neighborhood compatibility has been met for the location. Mr. Medina detailed the site plan and layout and answered questions from the Council.

Mayor Rubio opened the public hearing and had no requests to speak.

On motion by Mayor Pro Tem Dennis Alexander and seconded by Council Member Dave Pacheco and passed by the following vote the City Council Approved Resolution 18-19 approving issuance of a Use Permit and License to Plantacea LLC to dispense adult use and medical cannabis at 1717 Fremont Street.

RESULT:	Adopted
MOVER:	Mayor Pro Tem Dennis Alexander
SECONDER:	Council Member Dave Pacheco
AYES:	None
NOES:	None
ABSENT:	None

10. BUSINESS ITEMS

A. DISCUSS AND APPROVE RESOLUTION ADOPTING AN UPDATED RECORD MANAGEMENT POLICY AND RECORD RETENTION SCHEDULE

Public Affairs Officer/City Clerk Milton-Rerig presented the report noting the updates that were included since previously adopted in 2014. The largest change to the handbook included adoption of a process of collecting records for Public Records Act requests from private email accounts of employees, in compliance with the recent court ruling. Ms. Milton-Rerig answered questions from

the Council.

Mayor Rubio invited comments from the public and had no requests to speak.

On motion by Mayor Pro Tem Dennis Alexander and seconded by Kayla Jones and passed by the following vote the City Council Approved

Adopted Resolution 18-20 adopting the revised Record Retention Policy and Record Retention Schedule as presented.

RESULT: **Approved**

MOVER: Mayor Pro Tem Dennis Alexander

SECONDER: Kayla Jones

AYES: Ralph Rubio, Dennis Alexander, Jason Campbell, Dave Pacheco, Kayla Jones

NOES: None

ABSENT: None

11. MAYOR, CITY COUNCIL, CITY MANAGER AND CITY ATTORNEY COMMENTS AND REPORTS ON COMMITTEE ASSIGNMENTS

City Manager Malin thanked staff for all their help opening the Seaside Creates Economic Development and Planning office on Broadway Avenue. City Attorney Freeman reported he joined Building Official Little and Code Enforcement Officer Soto for a presentation with MCAR Board of Realtors of Monterey County to discuss real property inspections and how the organizations can work together for health and safety issues in Seaside. Council Member Pacheco requested that a proposal be brought forward for the expenditure of the funds budgeted for homeless services as soon as possible. Council Member Jones requested a resolution taking a position on effective gun control be placed on the agenda of the first meeting in April. Also requested that no City department schedule events during City Council meetings.

12. ADJOURNMENT

Having no further business, the meeting was adjourned.

Respectfully submitted,

Lesley Milton-Rerig, City Clerk

Ralph Rubio, Mayor



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.B.

TO: City Council

FROM: Craig Malin, City Manager

BY: Daphne Hodgson, Deputy City Manager Administrative Services

DATE: April 5, 2018

SUBJECT: APPROVE AND FILE CITY CHECKS

PURPOSE & RECOMMENDATION

It is requested that the City Council approve and file the accounts payable and wired payments made during the period of March 3, 2018 through March 23, 2018. In addition, approval of the payroll and benefits checks, direct deposits and wired payments related to the period of March 15, 2018 is requested. Total Accounts Payable and Payroll for the above referenced period is \$2,133,406.34.

BACKGROUND

In accordance with Government Code Section 37208, at each City Council meeting the Council is provided a listing of the payroll and general checks issued since the last report so that it can inspect and confirm these checks. Each purchase has been reviewed and approved by the department making the purchase at the time of procurement. The invoice has been reviewed by the Finance Department prior to payment to ensure that it conforms to the approved budget.

Therefore, in accordance with Government Code Section 37208, the above referenced, and linked list of checks conforms to the approved budget and has been paid. These checks are submitted to the City Council for inspection and confirmation.

A description of the checks and wires exceeding \$10,000 are as follows:

- \$11,749.88 to Access Monterey Peninsula, Inc. for quarter ending 12/31/2017 services.
- \$15,116.00 to Bear Electrical Solutions, Inc. for traffic signal maintenance (response and routine) for December, 2017 and January, 2018; video detect installation at Fremont/Broadway.
- \$10,337.77 to California-American Water for water consumption for various City addresses during February, 2018.

- \$173,550.84 to MNS Engineers, Inc. for WBUV services November, 2017 - January, 2018.
- \$77,603.50 to Monterey Regional Water Pollution Control Agency for 2017-18 invoice for MRSWMP.
- \$12,500 to Pyro Spectaculars North, Inc. for deposit toward 4th of July fireworks.
- \$15,042.06 to Monterey Co. Convention/Visitor's Bureau for Tourism Improvement District (TID) for January, 2018.
- \$347,541.30 to Monterey Peninsula Engineering for WBUV pay estimate #8.
- \$42,592.51 to PG&E for City of Seaside collective accounts' gas/electric consumption - February, 2018.
- \$14,728.62 to PNC Equipment Finance for leased computer equipment 12/19/17 through 3/18/18.
- \$35,307.86 to U.S. Bank - Calcard for City of Seaside employee credit card transactions for February, 2018 billing period.
- \$45,493.58 to Verde Design, Inc. for Cutino Park improvements work 1/26/18 - 2/25/18.
- \$10,246.01 to Wallace Group for LAFCO application; RV Park sewer analysis.

The remaining checks, totaling \$182,251.40 include payments to vendors for operating expenditures.

The Checks report is available on the City's website here:

<http://www.ci.seaside.ca.us/194/Check-Draft-Register>

FISCAL IMPACT

The checks and wires have been budgeted.

ATTACHMENTS

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.C.

TO: City Council

FROM: Craig Malin, City Manager

BY: Brian Dempsey, Fire Chief

DATE: April 5, 2018

**SUBJECT: APPROVAL TO TEMPORARILY MODIFY THE POSITION
ALLOCATION LIST TO OVER-HIRE THE FIREFIGHTER
CLASSIFICATION BY ONE DUE TO AN UPCOMING RETIREMENT.**

PURPOSE & RECOMMENDATION

It is requested that the City Council authorize a temporary modification of the Position Allocation List to allow the Fire Department to over-hire by one Firefighter position due to an upcoming retirement.

BACKGROUND

Due to a vacancy that occurred in October 2017, the Fire Department conducted an internal recruitment for the position of Firefighter and the Department plans to fill this vacancy immediately. It is also anticipated that a Firefighter will be retiring in mid-May of this year. As a result, the Department is requesting authorization to over-hire by one Firefighter position in order to start the hiring process for this anticipated vacancy as the background and medical examination process can take a number of weeks to complete. This will allow the Department to remain fully staffed once the retirement becomes official.

The additional Firefighter position will be eliminated from the Position Allocation List when the anticipated retirement occurs.

FISCAL IMPACT

It is not anticipated that this request will have a significant fiscal impact.

ATTACHMENTS

1. resolution.add FF overhire
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO. 18-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

**APPROVING THE TEMPORARY MODIFICATION OF THE CITY'S POSITION
ALLOCATION LIST TO OVER-HIRE THE FIREFIGHTER CLASSIFICATION BY ONE**

WHEREAS, the City's Classification Plan of positions may be amended on recommendation of the City Manager and approval by the City Council; and

WHEREAS, there is a need to temporarily add one Firefighter position in order to expedite the hiring process to fill an anticipated vacancy; and

WHEREAS, the Firefighter will be filled through an internal recruitment process which has already been conducted; and

WHEREAS, with this change, the Fire Department will be allocated 10 Firefighters and as soon as a Firefighter vacancy occurs, the additional Firefighter position will be eliminated; and

WHEREAS, the Finance Division is authorized to make any budget adjustments that are necessary as a result of this change.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Seaside hereby approves the temporary addition of one Firefighter position to the Position Allocation List.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 5th day of April by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

Ralph Rubio, Mayor

ATTEST:

Lesley Milton-Rerig, City Clerk



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.D.

TO: City Council

BY: Rick Riedl, City Engineer
Leslie Llantero, Assistant Engineer
Kristin Rice, Administrative Assistant

DATE: April 5, 2018

**SUBJECT: APPROVE TRAFFIC ADVISORY COMMITTEE (TAC)
RECOMMENDATIONS.**

PURPOSE

The purpose of this item is to consider the Traffic Advisory Committee (TAC) recommendations from their March 20, 2018 meeting.

RECOMMENDATION

It is recommended that the City Council approve the TAC recommendations from their March 20, 2018 regular meeting as follows:

Item 1: Approve to designate 80 ft for 2-HR parking along the south side of Broadway west of 1066 Broadway Avenue.

Item 2: Approve to place 20 ft of red curb along the south side of Playa Ave west of the driveway approach at the Monterey Adult School and remove 120 ft of red curb along the south side of Playa Ave at the west end of the Adult School property.

Item 3: Approve to stripe a red 1ft by 30 ft section of asphalt and install a No Parking sign in front of the designated ADA entrance at the southwest corner of Durant Park.

BACKGROUND

The Traffic Advisory Committee acts as an advisory board to the City Council per Chapter 2.37 of the Municipal Code. Recommendations made by the TAC are to be ratified by the City Council prior to implementation. The TAC reviews all requests for traffic safety, regulatory or control devices, signs and marking, and conducts studies as well as offers recommendations to the City Council, Planning Commission or appropriate City Department.

The Traffic Advisory Committee reviewed and provided a recommendation for three requests at

their March 20, 2018 regular meeting briefly described below.

STAFF ANALYSIS

Item 1

Mr. Orlando Bonilla is requesting 2 Hour parking designation in front of his business, El Migueleno, located at 1066 Broadway Ave. He has experienced cars other than his customers parking in front of his business all day resulting in the loss of patrons due to the unavailable parking.

The 1000 block of Broadway is bordered by residential to the east and south, and commercial to the north and west. The posted speed limit for this section of Broadway Avenue is 30 miles per hour. Broadway Avenue is measured 60 feet from face of curb to face of curb with a majority of the parking permitted on both sides of the street. Sidewalks measuring approximately 10 feet wide are provided on both sides of the street and there are two bus stops located within this section. There are four lanes of traffic, two lanes in either direction and parking is permitted along both sides of the street. There are approximately 7 vehicle parking spaces available in front of El Migueleno. The business adjacent to El Migueleno is Sunset Salon & Tanning Center. In discussion with the owner of this business, the 2 hour parking would not be conducive for clients that have long appointments.

Recommendation

The Traffic Advisory Committee recommends the placement of the 2 Hour parking signs beginning at the vacant lot and extending 80 ft west of 1066 Broadway Ave to the next driveway approach. This would designate approximately 4 parking spaces for 2 hour parking and leave 3 spaces for longer term parking as shown in attachment 1. This section of Broadway falls within the business district which allows 2 hour parking signs (Section 10.32.020).

Item 2

Ms. Josephine Beeson on behalf of the Monterey Adult School has requested additional red curb along the south side of Playa Ave where vehicles exit the school onto Playa Ave. The Monterey Adult School (Adult School) is bordered by La Salle Ave, Noche Buena St and Playa Ave and was formerly the Juan Cabrillo Elementary School. Playa Ave is classified as a residential street which measures 36 ft from face of curb to face of curb, allows for one lane of traffic in the east and west bound direction, and provides parking on both sides of the street. The speed limit on this street is 25 mph. The neighborhood on Playa Ave consists of the Monterey Adult School on the south, and apartment complexes and single family residences to the north.

There are approximately 200 students and staff onsite at various times during the morning and evenings, along with several minibus trips dropping off and picking up students from areas outside of the MPUSD. Attachment 2 illustrates the limited site distance when the cars parked along the west side of the driveway approach obstructing the view of oncoming traffic driving east.

Site Visit

Staff conducted several site visits during the morning and afternoon hours. The site visit found

that the street is very congested with vehicles parked along both sides of the street . There is currently only 10 ft of red curb located west of the driveway approach to the Adult School. It was also noted that there is also approximately 120 ft of red curb along the southwest sidewalk of Playa Ave that was previously used by school buses when the elementary school occupied the site. This location is no longer in use.

Collision History

Collision history was reviewed from the last five years and no accidents were recorded.

Recommendation

The Traffic Advisory Committee recommends to approve the request to place 20 ft of red curb along the south side of Playa Ave west of the driveway approach at the Monterey Adult School and remove 120 ft of red curb along the south side of Playa Ave at the west end of the Adult School property.

Item 3

Friends of Seaside Parks Association (FOSPA) representative, Ms. Patty Kennedy, has requested that the city designate no parking be designated at the southwest entrance of Durant Park. Durant Park is bordered by St. James to the north, Vallejo St to the east, and Darwin St to the west. It measures just under a half acre of land. In 2014, improvements were made to the park that included an accessible entrance at the southwest corner of the park on Darwin St. The absence of a curb and gutter along the park length on Darwin St has allowed vehicles to park vehicles on the dirt and over the accessible entryway as shown in attachment 3.

Recommendation

The Traffic Advisory Committee recommends the placement of a red stripe 1 ft wide by 30 ft long on the pavement with the lettering "NO PARKING" in white adjacent to the entrance to the Durant Park, in addition to a "No Parking" sign for better visibility.

FISCAL IMPACT

The fiscal impact associated which each item is as follows:

Item 1: The cost of installation of two, 2HR Parking Signs is \$768. The applicant is responsible to pay for the material and installation.

Item 2: The cost of painting 20ft of red curb is \$384. The cost of removing approximately 120ft of red curb is \$1,920 from the Streets Maintenance Fund.

Item 3: The cost of painting the strip and installation of one No Parking Sign is \$768 from the Streets Maintenance Fund.

ATTACHMENTS

1. 2 Hr Parking Request & Site Location Map
 2. Red Curb Request & Location Map
 3. No Parking Request and Location Map
-



\$54 Application Fee

Traffic Advisory Committee Request Application

RECEIVED BY
CITY OF SEASIDE

JAN 26 2018

The following information is required to process all Traffic Advisory Committee requests. This information will be used to contact the applicant should staff have questions or needs clarification on the request. This information will also appear in the staff report presented to the Traffic Advisory Committee and/or City Council.

COMMUNITY
DEVELOPMENT

The Traffic Advisory Committee meets the 3rd Tuesday of every month at 5:00 PM in the City of Seaside's City Hall Conference room. This meeting is open to the public and applicants are encouraged to attend.

Name: Orlando Bonilla Date: 1/25/2018

Address: 1066 Broadway ave Seaside CA 93955 Phone: (831) 899-2199

Type of Request (check all that apply):

- ☒ Parking Designations ☐ Crosswalk ☐ Curb Markings (White, Yellow, etc.)
☐ Disabled Parking* ☐ Warning Sign ☐ Traffic Signal/Stop Sign
☐ Other _____ ☐ Signing/Striping

*A copy of DMV issued disabled placard must accompany requests for disabled parking spaces.

FEES WILL APPLY FOR PARKING AND CURB MARKING REQUESTS

Request: I would like to request parking designation
in front of my business. Because of the lack of
parking space my business is losing money. People
try to park in front to get food, but parking is not
available. Sometimes people drive around trying to
find parking but they end leave when they cant
find any.

Request Procedures are outlined on the back of this form. For any questions regarding the Traffic Advisory Committee (TAC) please contact 899-6825.

Rec # 00239206

TAC REQUEST PROCEDURE

The Traffic Advisory Committee (TAC) acts as an advisory board to the City Council per Chapter 2.37 of the Municipal Code. Recommendations made by the TAC are to be ratified by the City Council prior to implementation. The TAC consists of five members: a Council Member; Director of Public Works; Chief of Police; Director of Community Development; and the Fire Chief. The TAC reviews all requests for traffic safety regulatory or control devices, signs and markings, and conducts studies as well as offers recommendations to the City Council, Planning Commission or appropriate City department.

Upon submittal of a request, staff will place the request on the TAC agenda for the next scheduled meeting. All TAC's action will be forwarded for City Council consideration at their next scheduled meeting.

Fees

Fees will be collected prior to installation of any approved requests that directly benefits the applicant, such as limited timed parking, white zones, etc. Prior to any required maintenance of the improvement, the same fee will apply and be billed to the applicant. The following fees have been determined based upon the cost of staff time and material for installation:

Description	Fee*
Marking curb – per curb (20' maximum length)	\$384
Installation of one sign	\$384

* Fees subject to change per City Council approved fee schedule. Fee determined by date of application.

PLEASE COMPLETE FOR PARKING AND CURB MARKING REQUESTS

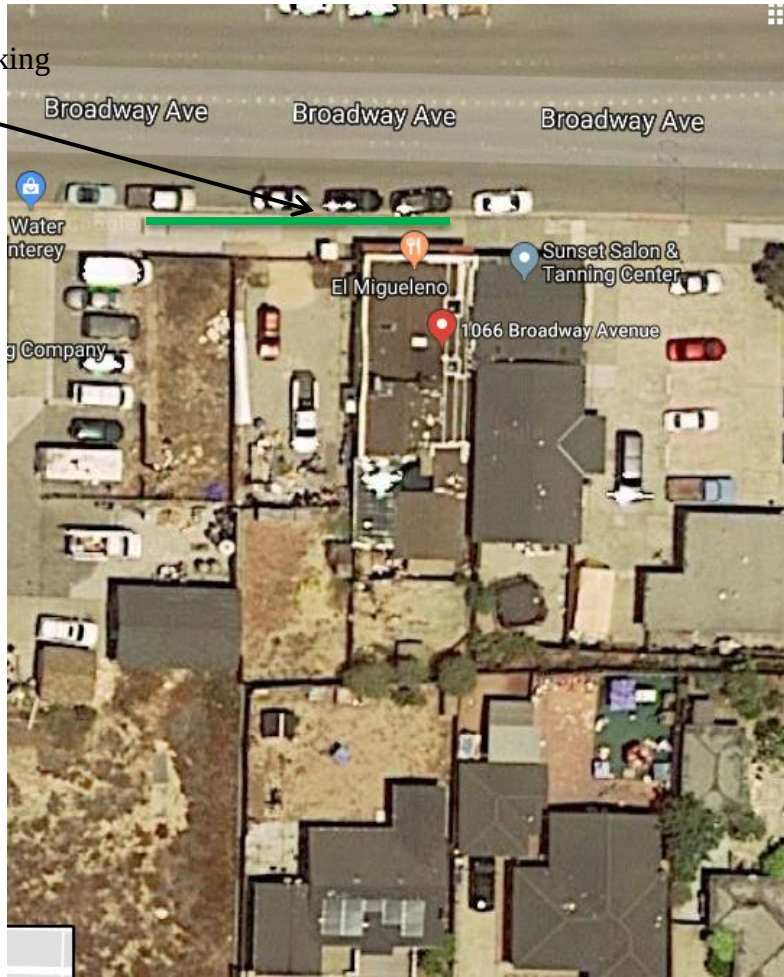
TAC REQUEST ACKNOWLEDGEMENT STATEMENT

I, Orlando Bonilla understand that should my request be approved by the Traffic Advisory Committee and City Council, I will be responsible for the fee prior to the installation of my request. I also understand that if approved by City Council the improvements will be reviewed annually or whenever deemed appropriate by the Public Works Department for any required maintenance and I will be charged the corresponding fee.


Applicant Signature

11/25/15
Date

Requested 2 Hour Parking



MUTCD Sign R32 (A)
modified to show 8am
according to Municipal Code
Section 10.32.020

Figure 1 – Aerial View (Above)

Figure 2- Street View (Below)



Area to be Designated as 2-HR Parking



Traffic Advisory Committee Request Application

The following information is required to process all Traffic Advisory Committee requests. This information will be used to contact the applicant should staff have questions or needs clarification on the request. This information will also appear in the staff report presented to the Traffic Advisory Committee and/or City Council.

The Traffic Advisory Committee meets the 3rd Tuesday of every month at 5:00 PM in the City of Seaside's City Hall Conference room. This meeting is open to the public and applicants are encouraged to attend.

Name: Josephine Beeson - Admissions/Programs Spec. Date: Feb. 12, 2018

Address: Monterey Adult School
1295 La Salle Ave. Phone: (831) 392-3565
Seaside, CA 93955

Type of Request (check all that apply):

E-mail: jbeeson@mpusd.k12.ca.us

- | | | |
|---|---|--|
| ☐ Parking Designations | ☐ Crosswalk | ☒ Curb Markings (White, Yellow, etc.) <u>Extend Red Curb marking</u> |
| ☐ Disabled Parking* | ☒ Warning Sign <u>School - Slow Speed</u> | ☐ Traffic Signal/Stop Sign |
| ☐ Other _____ | ☐ Signing/Striping | |

*A copy of DMV issued disabled placard must accompany requests for disabled parking spaces.

FEES WILL APPLY FOR PARKING AND CURB MARKING REQUESTS

Request: Extend current red curb marking to 25 feet that is adjacent to the Cabrillo School site driveway off of Playa Ave. Install School Warning Signs --- Slow Speed signs on Playa Ave. There is limited visibility for vehicles when exiting school driveway which equals a traffic safety hazard. The majority of vehicles are making left turns on to Playa Ave. to reach Fremont Blvd.

The former Juan Cabrillo School site is now an adult school --- Monterey Adult School. The school is in full operation day and night. Classes in ESL, High School Diploma & GED, Citizenship, Basic Computer, Spanish Conversation, Hospitality, and Certified Nursing Assistant are offered. The Adults with Disability Program is also on site which serves students from other school districts in Monterey County. These students are transported to the campus by mini busses. On a regular school day, there are approximately 200 students and staff on campus (AM & PM total). There is a high volume of vehicular traffic using the school driveway. Therefore, there is a need to increase visibility for drivers exiting on to Playa Ave.

Request Procedures are outlined on the back of this form. For any questions regarding the Traffic Advisory Committee (TAC) please contact 899-6825.

TAC REQUEST PROCEDURE

The Traffic Advisory Committee (TAC) acts as an advisory board to the City Council per Chapter 2.37 of the Municipal Code. Recommendations made by the TAC are to be ratified by the City Council prior to implementation. The TAC consists of five members: a Council Member; Director of Public Works; Chief of Police; Director of Community Development; and the Fire Chief. The TAC reviews all requests for traffic safety regulatory or control devices, signs and markings, and conducts studies as well as offers recommendations to the City Council, Planning Commission or appropriate City department.

Upon submittal of a request, staff will place the request on the TAC agenda for the next scheduled meeting. All TAC's action will be forwarded for City Council consideration at their next scheduled meeting.

Fees

Fees will be collected prior to installation of any approved requests that directly benefits the applicant, such as limited timed parking, white zones, etc. Prior to any required maintenance of the improvement, the same fee will apply and be billed to the applicant. The following fees have been determined based upon the cost of staff time and material for installation:

Description	Fee*
Marking curb – per curb (20' maximum length)	\$384
Installation of one sign	\$384

* Fees subject to change per City Council approved fee schedule. Fee determined by date of application.

PLEASE COMPLETE FOR PARKING AND CURB MARKING REQUESTS

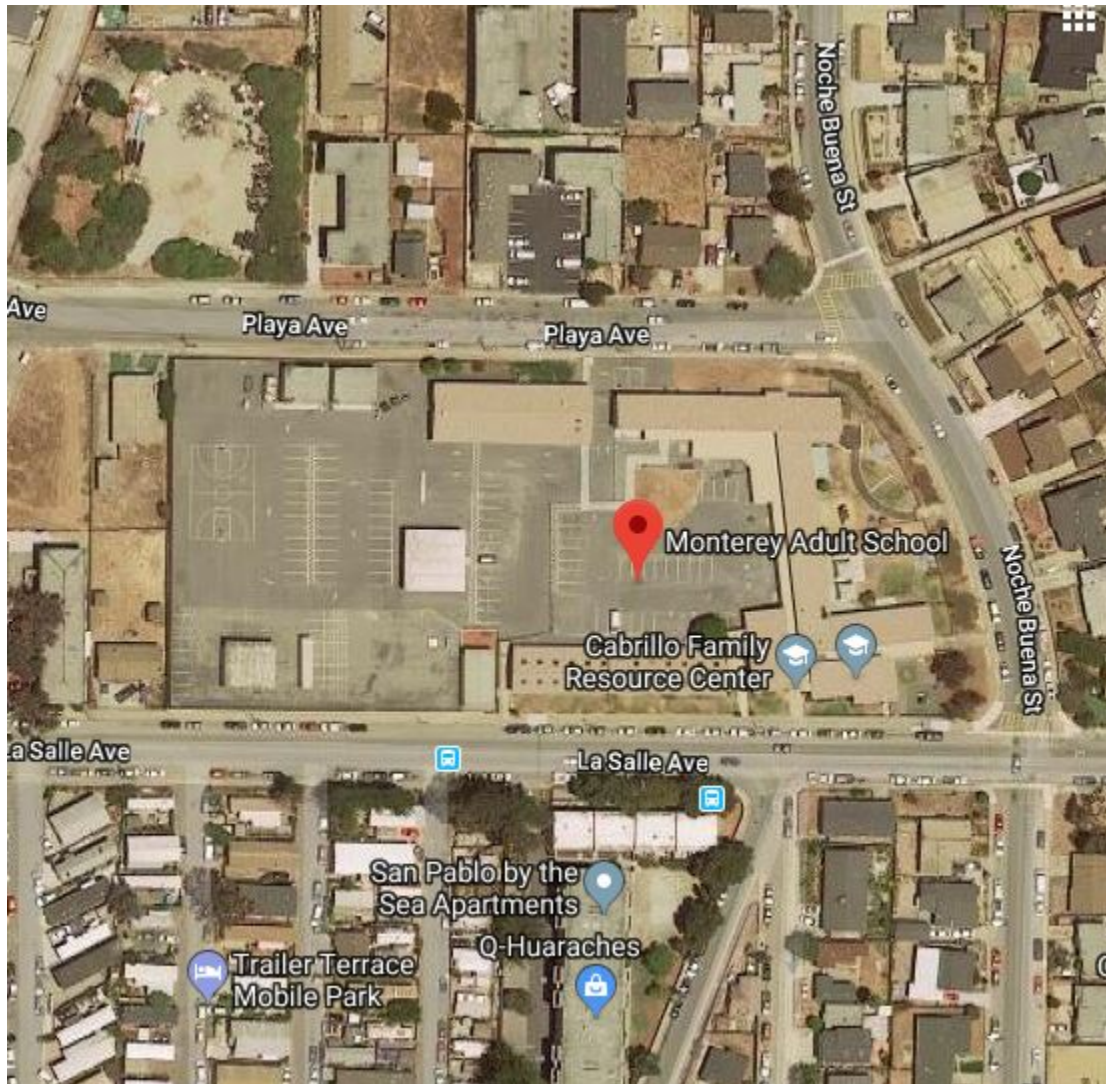
TAC REQUEST ACKNOWLEDGEMENT STATEMENT

I, Josephine Beeson understand that should my request be approved by the Traffic Advisory Committee and City Council, I will be responsible for the fee prior to the installation of my request. I also understand that if approved by City Council the improvements will be reviewed annually or whenever deemed appropriate by the Public Works Department for any required maintenance and I will be charged the corresponding fee.

Josephine Beeson
Applicant Signature

Feb. 12, 2018
Date

Aerial Photo



Minibuses



MINI BUSSES - ADULT TRANSITION PROGRAM



Above: Eastbound vehicle view obstructed by parked vehicles.



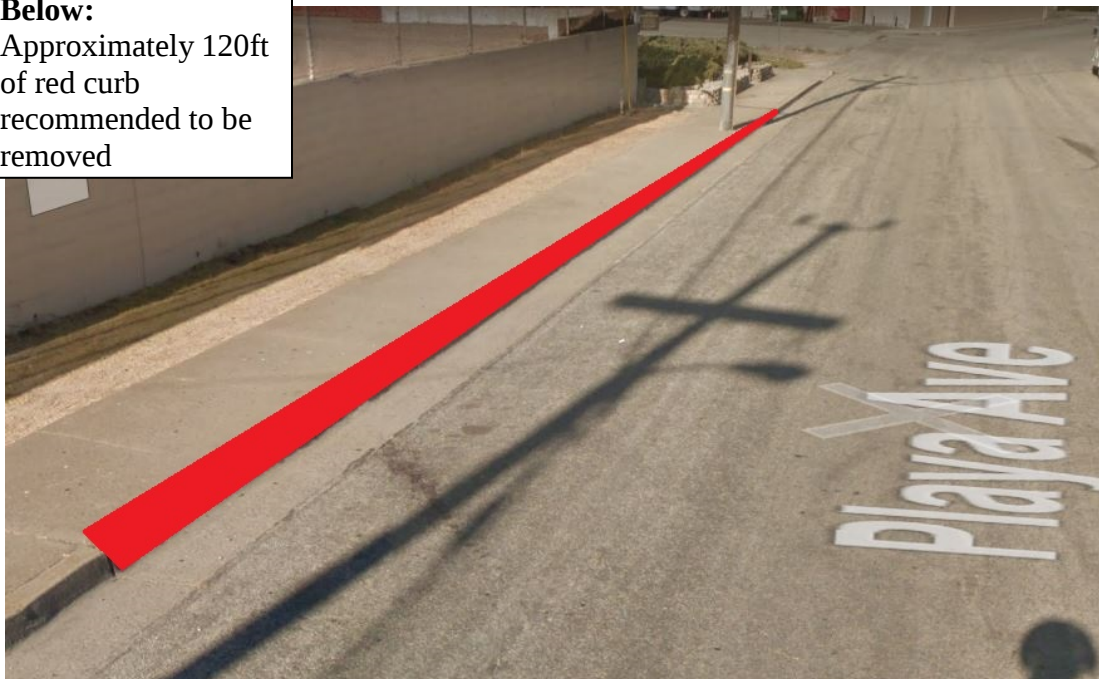
Above: Car has to drive out into the roadway to view oncoming traffic resulting in a traffic safety hazard.

Below: View of existing red curb





Below:
Approximately 120ft
of red curb
recommended to be
removed



From: Patty Kennedy <pkennedy1950@gmail.com>
To: <DFortune@ci.seaside.ca.us>
Date: 2/22/2018 7:36 AM
Subject: "No Parking"
Attachments: IMG_6803.JPG; Part.002

Good morning Dave!

We're having an issue frequently at Durant Park with people parking on top of the southwestern entrance. David Little suggested having an area directly in front of the yellow bumpy entrance(sorry, I don't remember the official name) painted red with white "no parking" in top of the red. The red area would be 12-18" high and extend 10-12" past each end of the yellow. Could this happen?

This is an official ADA entrance per Leslie. We are planning to put a couple of boulders about where the back of the white truck in the picture is.

Thanks for the new wood chips!

Patty Kennedy

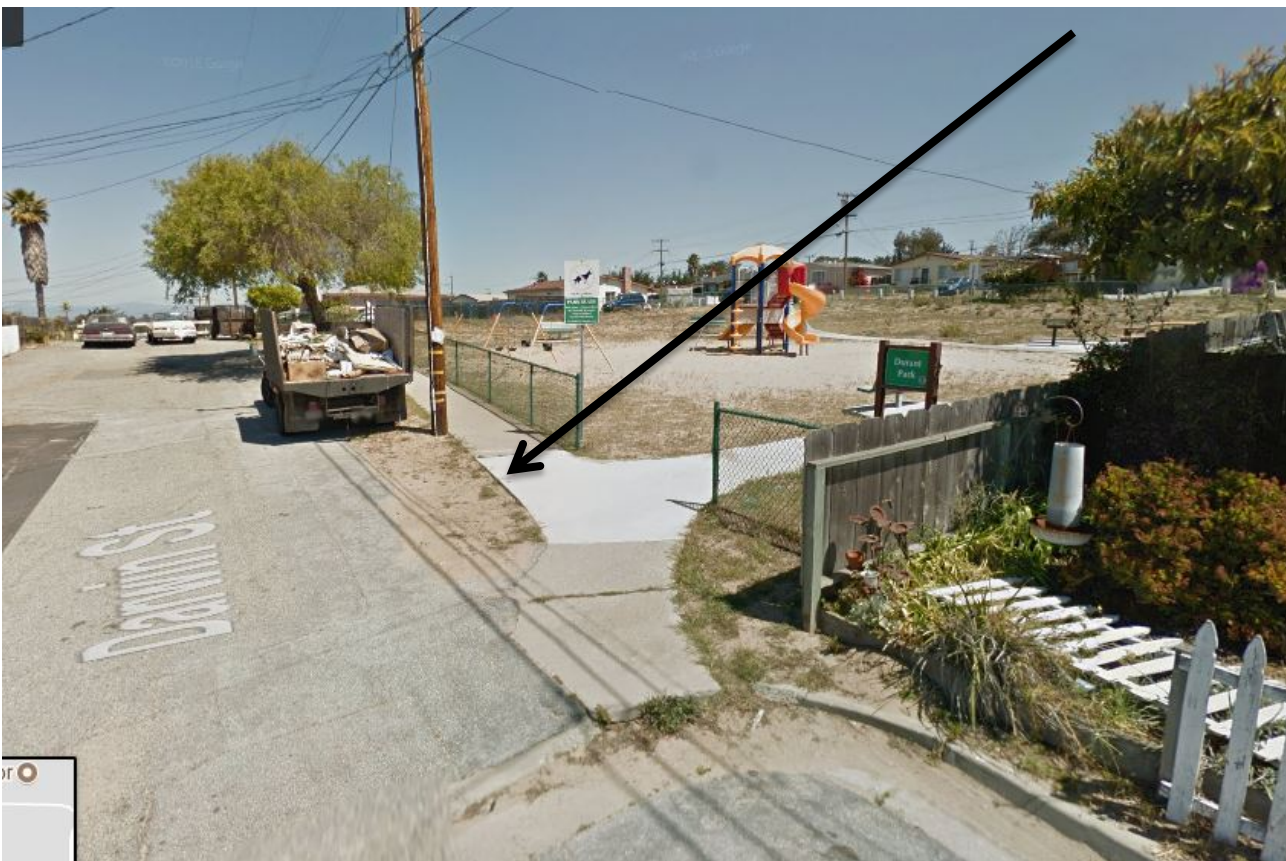
Aerial View





Left: White Pick Up truck parked on top of the truncated dome pad for the ADA entrance at the southwest corner of the Durant Park on Darwin St.

Below: Absence of curb and gutter on west side of the park's sidewalk on Darwin St.







CITY OF SEASIDE STAFF REPORT

Item No.: 9.A.

TO: City Council

FROM: Craig Malin, City Manager

BY: Sharon Mikesell, Administrative Analyst

DATE: April 5, 2018

SUBJECT: **CONSIDERATION OF COMMUNITY DEVELOPMENT ADVISORY COMMITTEE RECOMMENDATIONS FOR THE USE OF 2018-2019 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND PROVIDE STAFF DIRECTION FOR STAFF TO INCLUDE IN THE 2018-2019 ANNUAL ACTION PLAN REQUIRED TO BE SUBMITTED TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).**

PURPOSE & RECOMMENDATION

The purpose of this item is for the City Council to consider the recommendations of the CDAC from the applications for subrecipient allocations of projected CDBG funds for fiscal year 2018-2019 and to provide direction to staff regarding the allocations for both Public Services and Projects to include in the Annual Action Plan using contingency provisions to adjust to actual funding levels when the federal allocation to the City of Seaside is announced.

BACKGROUND

The City of Seaside is a CDBG entitlement community. The overall goal of the CDBG program is to develop viable urban communities by providing decent housing, providing a suitable living environment, and expanding economic opportunities. Anticipated available funding is attached to this report. HUD has not yet announced the entitlement allocations for 2018-2019 and has recommended procedures to prepare Annual Action Plans (AAP) with projections and use contingency language to adjust the AAP to reflect actual amounts available when announced for submission to HUD within 60 days of the allocation notice, or August 16, 2018 (whichever is earlier). HUD's memo is attached to this report.

Funds coming to the City under the CDBG program are restricted to activities that primarily benefit low income persons, address slums or blight or meet a particularly urgent community development need. Each year an Annual Action plan is prepared along with recommendations

for use of CDBG funds for public services and eligible projects.

Seaside has a two year application cycle for subrecipients. Activities since filing the last AAP :

August 31, 2017 Annual Planning & Community Workshop Notice in ***Monterey County Weekly*** published in English and Spanish

September 20, 2017 Community Development Advisory Committee (CDAC) hosts Annual Community Needs Assessment workshop.

November 2, 2017, City Council receives a presentation of the needs identified at the September workshop

November 15, 2017 CDAC hosted a mandatory proposal workshop for the two year cycle of applications for FY 2018-19 and 2019-20.

January 12, 2018 Project and Public Service Applications due for the FY 2018-19 and 2019-20 cycles. The City received ten (10) Public Services Applications requesting \$199,445 and eight (8) project applications requesting \$560,635 for 2018-2019. It is anticipated that CDBG funding allocations will be available for \$69,450 for public services and \$300,950 for projects for 2018-2019.

January 17, 2018 Boxes containing binders with the proposals distributed to CDAC to start review (applications also posted online)

February 21, 2018 CDAC began conducting reviews of the applications. Several Public Service applications were determined to require additional information and further discussion regarding recommendations and was tabled to March. The CDAC also reviewed projects during the February meeting. The CDAC determined that the DelMonte Manor security proposal must be reduced to eliminate guards, and with that elimination and by rescheduling of the VTC project to 2019-2020, the other projects would be recommended to be funded in the years and amounts applied with estimated funding and contingency language to adjust for actual grant and determined a recommendation for Council at the February meeting.

March 21, 2018 CDAC continued Public Service reviews for recommendation during their regularly scheduled meeting. Two public service applications (Del Monte Manor after school program and Food Bank of Monterey County) were withdrawn during the meeting by representatives of the applicants. The CDAC discussed many funding scenarios and decided to recommend two options to Council (attached to this report).

The Council is asked to consider all applications posted at <https://www.ci.seaside.ca.us/160/Community-Development-Advisory-Committee> and the CDAC recommendations and provide direction to staff for the Public Service and Project recommendations for use of potential CDBG funding with contingency provisions for the 2018-2019 fiscal year.

FISCAL IMPACT

The CDBG fund is separate from the General Fund. Funding for the CDBG program is provided through the Federal Government and is dependent on its funding of the program. Funding the City's Community Human Services JPA \$30,000 annual obligation with CDBG funds avoids an impact for that commitment through the General Fund.

ATTACHMENTS

1. Summary of Estimated Available CDBG Funding
 2. Summary of Applications Received
 3. Public Service Recommendations for City Council by CDAC
 4. Capital Projects Recommendations by CDAC
 5. CPD Notice -Guidance on Submitting Consolidated Plans and An
-

Reviewed for Submission to the
City Council by:

A handwritten signature in blue ink, appearing to read 'Craig Malin', is written over a horizontal line.

Craig Malin, City Manager

2018-2019 ANTICIPATED CDBG FUNDING (as well as likely 2019-2020 funding)

The City is anticipating that it will receive a 2018-2019 CDBG award of approximately \$360,000. The City also expects to have received \$103,000 in program income during the 2017-2018 program year and will do so again in 2018-2019. Annual allocations of CDBG funds are made by the federal government after the federal budget is approved. The actual amount of funding available under this application will be revised once the City receives an award notification from US Department of Housing and Urban Development (HUD). For planning purposes, the funding is expected to be similar for 2019-2020.

Please note that 20 percent of the annual funds are available to program administration, and only 15 percent of the annual award plus the prior year's program income is allowed to be available for public services. After program administration, the City is anticipating a total of \$370,400 will be available under this application, and \$69,450 of that will be available for public service programs.

Estimated 2018-2019 award		\$ 360,000.00
<u>Anticipated 2017-2018 income</u>		<u>103,000.00</u>
Total new funding		463,000.00
Program administration	20.0%	\$ (92,600.00)
Total available to allocate		370,400.00
Estimated 2018-2019 award		\$ 360,000.00
<u>Anticipated 2017-2018 income</u>		<u>103,000.00</u>
Total public services cap basis		\$463,000.00
Anticipated 2018-2019 public service cap	15.0%	\$69,450.00
Total Anticipated funds		\$463,000.00
Less allowable program administration		-\$92,600.00
Less public service cap		- \$69,450.00
Estimated available for projects		\$300,950.00

All figures are ESTIMATES.

Public Service Requests

Organization	2018-2019	2019-2020
Action Council (Palenke)	\$ 15,000.00	\$ 15,000.00
CPY	\$ 15,000.00	\$ 15,000.00
Del Monte Manor-after school	\$ 52,380.00	\$ -
ECHO	\$ 7,065.00	\$ 7,065.00
Food Bank for Monterey County	\$ 25,000.00	\$ 25,000.00
Girls Inc of Central Coast	\$ 10,000.00	\$ 10,000.00
Greater Victory Temple-Computer Pgm	\$ 30,000.00	\$ 30,000.00
Legal Services for Seniors	\$ 15,000.00	\$ 15,000.00
Meals on Wheels of the Monterey Peninsula	\$ 10,000.00	\$ 10,000.00
The Village Project	\$ 20,000.00	\$ 20,000.00
Subtotal	\$ 199,445.00	\$ 147,065.00
Estimated Available for Public Services	\$ 69,450.00	\$ 69,450.00
Requested difference	\$ (129,995.00)	\$ (77,615.00)

Capital Projects Requests

Organization	2018-2019	2019-2020
Boys and Girls	\$ 71,507.00	\$ 22,000.00
Community Human Svcs	\$ 30,000.00	\$ 30,000.00
Del Monte Manor-Playground	\$ 16,000.00	
Del Monte Manor-Security	\$ 93,128.00	
Veterans' Transition Renovations	\$ 200,000.00	
Seaside Engineering-Cutino Equipment	\$ 65,000.00	
Seaside Econ Dev-Microbusiness Assist	\$ 25,000.00	\$ 25,000.00
Seaside Engineering- Wanda Sidewalk	\$ 60,000.00	
Subtotal	\$ 560,635.00	\$ 77,000.00
Estimated available for Capital Projects	\$ 300,950.00	\$ 300,950.00
Estimated difference	\$ (259,685.00)	\$ 223,950.00

CDBG Applications Received January 12, 2018

Public Service Requests

Organization	2018-2019	2019-2020
Action Council (Palenke)	\$ 15,000.00	\$ 15,000.00
CPY	\$ 15,000.00	\$ 15,000.00
Del Monte Manor-after school	\$ 52,380.00	\$ -
ECHO	\$ 7,065.00	\$ 7,065.00
Food Bank for Monterey County	\$ 25,000.00	\$ 25,000.00
Girls Inc of Central Coast	\$ 10,000.00	\$ 10,000.00
Greater Victory Temple-Computer Pgm	\$ 30,000.00	\$ 30,000.00
Legal Services for Seniors	\$ 15,000.00	\$ 15,000.00
Meals on Wheels of the Monterey Peni	\$ 10,000.00	\$ 10,000.00
The Village Project	\$ 20,000.00	\$ 20,000.00
Subtotal	\$ 199,445.00	\$ 147,065.00
Estimated Available for Public Services	\$ 69,450.00	\$ 69,450.00
Requested difference	\$ (129,995.00)	\$ (77,615.00)

Capital Projects Requests

Organization	2018-2019	2019-2020
Boys and Girls	\$ 71,507.00	\$ 22,000.00
Community Human Svcs	\$ 30,000.00	\$ 30,000.00
Del Monte Manor-Playground	\$ 16,000.00	
Del Monte Manor-Security	\$ 93,128.00	
Veterans' Transition Renovations	\$ 200,000.00	
Seaside Engineering-Cutino Equipment	\$ 65,000.00	
Seaside Econ Dev-Microbusiness Assist	\$ 25,000.00	\$ 25,000.00
Seaside Engineering- Wanda Sidewalk	\$ 60,000.00	
Subtotal	\$ 560,635.00	\$ 77,000.00
Estimated available for Capital Projects	\$ 300,950.00	\$ 300,950.00
Estimated difference	\$ (259,685.00)	\$ 223,950.00

CDAC's Public Services Recommendations to City Council

DelMonte Manor and Food Bank of Monterey County withdrew their applications from conseration.

CDAC imposed a cap on the remaining applications of \$15,000

Option A

Fully fund ECHO at \$7, 065

Divide the remaining estimated available funding by 7 and fund all equally

Organization	2018-2019 Request	2018-2019 recommended by CDAC
Action Council (Palenke)	\$ 15,000.00	\$ 8,912.14
CPY	\$ 15,000.00	\$ 8,912.14
ECHO	\$ 7,065.00	\$ 7,065.00
Girls Inc of Central Coast	\$ 10,000.00	\$ 8,912.14
Greater Victory Temple-Community Computer Pgm	\$ 30,000.00	\$ 8,912.14
Legal Services for Seniors	\$ 15,000.00	\$ 8,912.14
Meals on Wheels of the Monterey Peninsula	\$ 10,000.00	\$ 8,912.14
The Village Project	\$ 20,000.00	\$ 8,912.14
Subtotal	\$ 122,065.00	\$ 69,450.00
Requested difference	\$ (52,615.00)	\$ -
Estimated Available for Public Service	\$ 69,450.00	
ECHO fully funded, all others divided equally by funds available.		
Continengcy=all applicants adjusted equally by difference of available funds.		
DelMonte Manor and Food Bank of Monterey County withdrew their applications		

Option B

Each applicant to get an equal percentage of their total capped request per estimated funding available.

Organization	2018-2019 Request	2018-2019 Request Capped at \$15,000	% of total requests capped	\$ of % of overage	Total capped minus overage	Percentage of Capped Request
Action Council (Palenke)	\$ 15,000.00	15,000	15%	\$ 4,793.27	\$10,206.73	68%
CPY	\$ 15,000.00	15,000	15%	\$ 4,793.27	\$10,206.73	68%
ECHO	\$ 7,065.00	7,065	7%	\$ 2,257.63	\$ 4,807.37	68%
Girls Inc of Central Coast	\$ 10,000.00	10,000	10%	\$ 3,195.51	\$ 6,804.49	68%
Greater Victory Temple-Computer Pgm	\$ 30,000.00	15,000	15%	\$ 4,793.27	\$10,206.73	68%
Legal Services for Seniors	\$ 15,000.00	15,000	15%	\$ 4,793.27	\$10,206.73	68%
Meals on Wheels of the Monterey Peninsula	\$ 10,000.00	10,000	10%	\$ 3,195.51	\$ 6,804.49	68%
The Village Project	\$ 20,000.00	15,000	15%	\$ 4,793.27	\$10,206.73	68%
Subtotal	\$ 122,065.00	102,065			\$69,450.00	
Requested difference	\$ (52,615.00)	\$(32,615.00)				
Estimated Available for Public Services	\$ 69,450.00					
Contingency=all applicants adjusted equally by difference of available funds to a limit of the capped request column.						
DelMonte Manor and Food Bank of Monterey County withdrew their applications						

NOTE: In both options, adjust the amounts when actual funding is announced.

Organization	2018-2019 REQUESTED	2018-2019 Recommended by CDAC		2019-2020 REQUESTED	2019-2020 Recommended by CDAC
Boys and Girls-Clubhouse Improvements	\$ 71,507.00	\$ 71,507.00		\$ 22,000.00	\$ 22,000.00
Community Human Svcs-Genesis House Improvements	\$ 30,000.00	\$ 30,000.00		\$ 30,000.00	\$ 30,000.00
Del Monte Manor-Playground	\$ 16,000.00	\$ 16,000.00			
Del Monte Manor-Security	\$ 93,128.00	\$ 15,000.00			
Veterans' Transition Renovations	\$ 200,000.00				\$ 200,000.00
Seaside Engineering-Cutino Equipment	\$ 65,000.00	\$ 65,000.00			
Seaside Econ Dev-Microbusiness Assistance	\$ 25,000.00	\$ 25,000.00		\$ 25,000.00	\$ 25,000.00
Seaside Engineering- Wanda Sidewalk	\$ 60,000.00	\$ 60,000.00			
Subtotal	\$ 560,635.00	\$ 282,507.00		\$ 77,000.00	\$ 277,000.00
Estimated available for Capital Projects	\$ 300,950.00	\$ 300,950.00		\$ 300,950.00	\$ 300,950.00
Estimated difference	\$ (259,685.00)	\$ 18,443.00		\$ 223,950.00	\$ 23,950.00

Per HUD SF field office: Security GUARDS are not a CDBG qualified Capital projects expense. Purchase of security equipment IS a CDBG qualified capital projects expense. \$15,000 of the proposal is allowable for consideration.

CHS has a Joint Powers Authority agreement with the City of Seaside to be funded \$30,000 per year. Traditionally, this has been through CDBG funds to avoid an impact to the General Fund.

The CDAC has recommended that should the Estimated CDBG funding available for Capital projects differ from the subtotal of recommended amounts, all projects should be adjusted by an equal dollar amount. Since there is a positive estimated difference in the recommendations for each phase of the cycle, significant federal funding reductions could occur before the recommended projects are negatively impacted.



OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

Special Attention of:

All CPD Division Directors
HUD Field Offices
HUD Regional Offices
All CDBG Grantees
All HOME Participating Jurisdictions
All HTF Grantees
All ESG -Grantees
All HOPWA - Grantees

NOTICE: CPD-18-01

Issued: January 24, 2018
Expires: September 30, 2018

Cross Reference: 24 CFR Part 91

Subject: Guidance on Submitting Consolidated Plans and Annual Action Plans
for Fiscal Year (FY) 2018

Purpose:

The purpose of this Notice is to instruct all Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Housing Trust Fund (HTF), Emergency Solutions Grants (ESG) and Housing Opportunities for Persons with AIDS (HOPWA) grantees on the timing of submission of FY 2018 consolidated plans and action plans. This Notice provides instructions to grantees/participating jurisdictions under each of these programs regarding costs incurred prior to execution of a grant agreement. This Notice further informs Entitlement CDBG grantees and HOME participating jurisdictions of waivers being made available to certain grantees/participating jurisdictions to assist in the implementation of the pre-award costs instructions. These procedures apply equally to grantees' 3-5-year consolidated plans as well as to annual action plans (either as a stand-alone document or as a component of the overall consolidated plan submission).

Notes regarding applicability:

This Notice uses the term "grantee" generically, to also include HOME participating jurisdictions, except where the term appears in discussions explicitly limited to one of the other covered funding programs. Provisions of this Notice covering the Entitlement CDBG program also apply to Insular Areas grantees and CDBG nonentitlement county grantees in Hawaii, as the Entitlement CDBG program regulations also apply to their CDBG funds.

Background:

Pursuant to 24 CFR 91.15(a)(1), each jurisdiction should submit its consolidated plan to HUD at least 45 days before the start of its program year. The earliest date on which HUD will accept a consolidated plan or action plan submission is November 15, 2017; and the latest submission deadline is August 16, 2018. However, in most years, HUD does not receive its annual funding appropriation until several months into the federal fiscal year (rarely earlier than December,

and sometimes as late as April). Once a fiscal year's appropriation is enacted, HUD needs time to compute grantees' allocation amounts for the programs covered by the consolidated plan.

According to 24 CFR 91.500(a), a plan will be deemed approved 45 days after HUD receives the plan, unless HUD notifies the jurisdiction before that date that the plan is disapproved. In past years, HUD typically did not disapprove a plan solely because it was based on estimated allocation amounts. As a result, a plan submitted by a grantee before its allocation amounts are announced typically received automatic approval, even though the plan did not list the grantee's actual allocation amounts.

This practice resulted in significant additional work for both HUD and grantees. After the actual allocation amounts were announced, a grantee had to submit a revised, re-signed SF-424 form listing the actual allocation amounts for each of its grants. In many cases, the grantee had to make additional changes to amend its plan to reflect its actual allocation amounts. This may have constituted a substantial amendment under 24 CFR 91.505, which is subject to the grantee's citizen participation plan process. For FY 2018, HUD will not execute a grant agreement with a grantee until HUD has received a plan (or an amended plan) which incorporates the actual allocation amounts a grantee is to receive for FY 2018.

Revised Procedures for Submission of FY 2018 Consolidated Plans and Action Plans by Grantees with Early Program Year Start Dates:

HUD is issuing the following revised procedures to govern the submission and review of consolidated plans and action plans for FY 2018 funding prior to computation of FY 2018 allocation amounts. These procedures will apply to any grantee whose normal consolidated plan/action plan submission deadline (45 days before the start of the program year) falls either before, or less than 60 days after, the date HUD announces FY 2018 allocation amounts for CDBG, ESG, HOME and HOPWA funding. (See Section II. for a discussion of the timing of Housing Trust Fund allocations.)

Congress has not completed the appropriations process for HUD's FY2018 appropriation. At this time, HUD cannot predict when its FY 2018 appropriations bill will be enacted and when it will be able to announce FY 2018 allocation amounts. Thus, HUD cannot say how many grantees – or which program year start dates – will be subject to these revised procedures. Similarly, HUD cannot provide estimated FY 2018 allocation amounts for grantees to use for planning purposes in developing annual action plans.

Note: These procedures will not apply to grantees whose normal consolidated plan/action plan submission deadline is more than 60 days after HUD announcement of FY 2018 allocation amounts; those grantees should have sufficient time to revise their plans to match actual allocation amounts prior to the due date for their plan.

I. Revised Submission Dates for FY 2018 Action Plans for CDBG, ESG, HOME, HOPWA

Grantees are advised not to submit their consolidated plan/action plan until after the FY 2018 allocations have been announced. Grantees due to submit a new 3-5-year consolidated plan in FY 2018 should refrain from submitting the overall consolidated plan as well as the FY 2018 action plan contained within the overall document. HUD cannot complete its review of the overall consolidated plan components independent of the current year's action plan component. Once HUD informs grantees of their FY 2018 funding allocation amounts, each grantee should, prior to submission, ensure that the actual FY 2018 allocation amounts are reflected in the form SF-424, in the description of resources and objectives, and in the description of activities to be undertaken (or, for states, the method of distribution). It may be necessary for a grantee to revise its action plan before submission to HUD.

An affected grantee may delay submission of its consolidated plan or action plan to HUD until 60 days after the date allocations are announced, or until August 16, 2018 (whichever comes first). This delay will give a grantee time to revise its action plan to incorporate actual allocation amounts, and to conduct any additional citizen participation, if necessary.

For example, if HUD were to announce the FY 2018 allocation amounts to grantees on April 27, 2018:

- For grantees with January 1 – June 1 program year start dates, their normal plan submission date would have been before the date that HUD announced allocation amounts. These grantees would be able to postpone submission of their consolidated plan/action plan until June 26, 2018.
- For grantees with July 1 and August 1 program year start dates, their normal plan submission date would be less than 60 days after HUD's announcement of allocation amounts. These grantees would also be able to postpone submission of their consolidated plan/action plan until June 26, 2018.
- Grantees with September 1 and October 1 program year start dates would have more than 60 days between the date of announcement of allocations and the normal submission deadline for their consolidated plan/action plan. These grantees would be expected to submit their plan on time.

However, in no case may a consolidated plan/action plan be submitted to HUD later than August 16, 2018. Failure to submit an action plan for FY 2018 by August 16, 2018, will result in the automatic loss of FY 2018 CDBG funds to the grantee. This requirement is established by statute, and HUD cannot waive the August 16 submission deadline. Funding under other CPD formula programs are not subject to this deadline but, since virtually all CPD formula grantees receive CDBG funding, the CDBG submission requirement effectively establishes the deadline for submission of action plans.

The regulations, at 24 CFR 91.15(a)(1), state that “...each jurisdiction should submit its consolidated plan at least 45 days before the start of its program year.” HUD has determined that it is not necessary to waive this provision in order to implement the procedures in this Notice for FY 2018 action plans. This provision does not prohibit a grantee from submitting a plan in the eCon Planning Suite after that time. It is not necessary for an affected grantee to request an exception to its normal action plan submission date under 24 CFR 91.15(a)(1), nor is it necessary for a field office to grant an exception to the action plan submission deadlines, under 24 CFR 91.20, in order to implement the procedures in this Notice.

II. Submission Process for the HTF Program

HTF is an affordable housing production program to increase and preserve the supply of decent, safe, and sanitary affordable housing for extremely low-income and very low-income families. HTF is a formula grant program for states.

The HTF regulation at 24 CFR 93.100 requires each state to include its HTF allocation plan in its annual action plan as described at 24 CFR 91.320(k)(5). The HTF allocation plan describes the method for the distribution of funds, and establishes the application requirements and criteria for selecting applications. The rule also requires a local jurisdiction that receives a subgrant of HTF funds from the state to include a HTF allocation plan (24 CFR 91.220(l)(5)) in its annual action plan, but due to the timing of the publication of HTF allocations, the local jurisdiction may need to amend its annual action plan to include HTF.

The timing of the HTF allocations is different from other CPD formula programs (CDBG, HOME, HOPWA, and ESG) because the source of funding is the mandatory assessments on Fannie Mae and Freddie Mac rather than Federal appropriations. The earliest HUD expects to publish the HTF allocations is April 2018. If HTF allocations are not published before a state submits its consolidated plan/action plan, a state may submit its consolidated plan/action plan for the other CPD formula programs, then submit its HTF allocation plan as a substantial amendment to its annual action plan, after the HTF allocations are published.

III. HUD Review of Action Plans

HUD will review a consolidated plan/action plan in accordance with 24 CFR 91.500(b). The 45-day review period will begin whenever the eCon Planning Suite submission or original executed SF-424, certifications and applicable assurances are received by the field office, whichever is later. HUD will disapprove as substantially incomplete any consolidated plan or action plan covering FY 2018 funding that does not reflect actual CDBG, HOME, ESG and HOPWA allocation amounts on the form SF-424(s), in the description of resources and objectives, and in the description of activities to be undertaken (or, for states, the method of distribution). The HTF allocation must be included if the HTF allocations are published before the state submits its consolidated plan or action plan. (See Section II.) A grantee whose action plan is disapproved for this reason is advised to not resubmit a revised plan until HUD has announced the actual FY 2018 allocation amounts, and until the grantee has incorporated the actual allocation amounts into its plan.

24 CFR 91.500(b) states HUD may disapprove a plan or a portion of a plan if it is inconsistent with the purpose of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12703), if it is substantially incomplete, or, in the case of a CDBG certification under §91.225(a) and (b) or §91.325(a) and (b), if it is not satisfactory to the Secretary in accordance with §570.304, §570.429(g), or §570.485(c). The following are examples provided in §91.500(b) of substantially incomplete plans:

- (1) A plan developed without the required citizen participation or the required consultation;
- (2) A plan fails to satisfy all the required elements in 24 CFR Part 91, as reflected in the eCon Planning Suite. This includes when the grantee has not provided a final statement of community development objectives and the projected use of funds;
- (3) A plan for which a certification is rejected by HUD as inaccurate, after HUD has inspected the evidence and provided due notice and opportunity for comment; and
- (4) A plan without a description of the manner in which the unit of general local government or state will provide financial or other assistance to a public housing agency if the public housing agency is designated as “troubled” by HUD.

24 CFR 91.500(d) states that “(t)he jurisdiction may revise or resubmit a plan within 45 days after the first notification of disapproval.” HUD has determined that it is not necessary to waive this provision in order to implement the procedures in this Notice for FY 2018 consolidated plans/action plans. This provision does not prohibit a grantee from re-submitting a plan after that time period.

24 CFR 91.105(c), 91.115(c) and 91.505 require a grantee to comply with citizen participation requirements when it undertakes a substantial amendment to an approved plan. A plan that has been disapproved by HUD is, by definition, not an approved plan. When a grantee’s plan is disapproved by HUD, the consolidated plan regulations do not necessarily require a grantee to undertake further citizen participation on the changes the grantee makes before re-submitting it. (A major exception to this, however, would be if the reason for disapproval involved the grantee’s failure to fulfill citizen participation requirements to begin with.) However, as noted in this Notice, there are circumstances in which a grantee may need to make major revisions to a disapproved plan, which could trigger further citizen participation efforts. A grantee with a disapproved plan should review its citizen participation plan and local policies to determine whether it will need to conduct further citizen participation as a result of the changes it makes to incorporate actual allocation amounts into its plan, prior to re-submission of the revised plan.

IV. Development of Proposed Action Plans and Citizen Participation During the Interim

A grantee has several options regarding fulfilling its citizen participation obligations while waiting for HUD to announce FY 2018 allocation amounts:

- a. A grantee may conduct citizen participation on its draft plan (with estimated funding amounts) according to its normal timetable and citizen participation procedures. (Grantees are cautioned, though, that they should not submit their plan until allocation amounts are

known.) A grantee doing so should make clear that the funding levels shown are estimated amounts. In addition, the grantee should include “contingency provision” language in its action plan which explains how it will adjust its proposed plan to match its actual allocation amounts, once actual amounts become known. By including such contingency language, a grantee can avoid the need to make significant revisions to its plan (beyond incorporating the final allocation amounts into the plan and the SF-424 form). The grantee may also avoid the potential need to conduct additional citizen participation on a plan that has to be significantly revised in order to reflect actual allocation amounts.

Examples of contingency provisions include:

- A plan could state that all proposed activities’ budgets will be proportionally increased or decreased from the estimated funding levels to match actual allocation amounts.
- A grantee could express its budget in terms of percentages of the allocation to be budgeted to each planned activity, along with the grantee’s current estimate of how many dollars that equates to for each activity. [For example, regardless of what the final allocation amounts are, the United Interfaith Street Outreach Program will receive 22% (currently estimated to be approximately \$38,000) of the grantee’s total ESG allocation, and the Tenant-Based Rental Assistance activity will receive 10% (currently estimated to be about \$68,750) of the HOME allocation.]
- A plan could state that any increase or decrease in funding to match actual allocation amounts will be applied to one or more specific activities (e.g., any increase or decrease relative to the grantee’s estimated allocation amount will be applied to the single-family housing rehabilitation grant program).
- A plan could list its proposed activities in priority order and indicate that the East Side Sidewalk Replacement activity listed in the plan is a “backup” activity that will be funded only if sufficient CDBG funding exists; or conversely, if the grantee’s actual allocation is less than estimated, the East Side Sidewalk Replacement activity will not be funded in FY 2018.
- A plan could state that, should the actual allocation amount exceed the grantee’s estimate, the grantee will increase the Uptown Sewer Separation activity budget and will extend the service area block-by-block along the 600-900 blocks of Cherry Street, based on the amount of additional funding available.

A grantee may include these or other comparable provisions singly or in any combination to meet its needs. A grantee may adopt a different contingency approach for each of the programs covered by this Notice (CDBG, ESG, HOME, HOPWA and HTF).

- b. Alternatively, a grantee may prepare a proposed action plan according to its normal timetable, but wait until actual allocation amounts are known before undertaking citizen participation actions. Once allocation amounts are announced by HUD, the grantee will need to update relevant sections of its plan (such as the listings of resources and

objectives, and the description of activities or the state's method of distribution) to reflect actual allocation amounts before conducting citizen participation. All grantees intending to incur pre-award costs under the programs covered by this Notice should be aware that this option will not be available to them, as citizen participation requirements must be met before pre-award costs are incurred. (See Section V. below.)

HUD has developed these procedures to minimize disruption to grantees and to minimize duplication of effort on grantees' part. A grantee that does not follow either option a. or b. above (i.e., the grantee undertakes citizen participation according to its normal timetable, based solely on estimated funding levels, and the plan does not contain any contingency language on how the final plan will be adjusted to match actual allocation amounts) runs the risk of increasing its own work obligations and costs. The grantee will still be required to update its plan to incorporate actual allocation amounts before submission to HUD. The grantee may need to undertake additional publication and citizen participation processes, depending on the difference between its actual allocation amounts and the estimated amounts in its proposed action plan, and how the grantee plans to adjust its proposed activities in order to match its actual allocation amounts. Local policies and procedures may also require the grantee to obtain re-approval of the revised plan from its legislative body or authorizing officials.

A plan that has not yet been submitted to HUD is also not an approved plan, and is not subject to the citizen participation requirements of a substantial amendment. However, a grantee that delays its plan submission should review its citizen participation plan and local policies to determine whether it will need to conduct further citizen participation as a result of the changes it makes to incorporate actual allocation amounts into its plan, prior to its submission.

V. Pre-Award Costs

A. General Provisions applicable to all Consolidated Plan programs

Special attention must be paid to situations in which a grantee wishes to incur costs prior to grant award. For example, under certain programs, a grantee may want to execute annual renewals of agreements with social service providers in order to prevent interruption of social services. The annual performance cycle of these agreements might normally begin after the grantee's official program year start date but, under this Notice the grantee cannot even submit its Action Plan until after the date that the agreements need to be executed. Thus, the timing instructions in this Notice may cause some program costs to be classified as pre-award costs where they would otherwise not have been.

The government-wide Uniform Administrative Requirements, Cost Principles and Audit Requirements regulation, at 2 CFR Part 200, contains language concerning agency approval of pre-award costs. The language at 2 CFR 200.458 applies to any program that does not have its own separate provisions concerning authorization of pre-award costs:

§ 200.458. Pre-award costs. Pre-award costs are those incurred prior to the effective date of the Federal award directly pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award and only with the written approval of the Federal awarding agency.

The ESG, HOPWA and HTF program regulations do not contain program-specific language establishing pre-award cost requirements for those programs; the CDBG and HOME program regulations do contain pre-award cost requirements unique to those programs. (However, the HOME requirements apply only to certain types of pre-award costs.) The following guidance applies to all five programs. Additionally, guidance unique to each separate program is provided below.

The Part 91 consolidated plan regulations make distinctions between a “proposed plan” and “a plan”. Most notably, 24 CFR 91.105(b) and 91.115(b) describe the citizen participation requirements for a grantee’s proposed plan. For purposes of this Notice regarding pre-award costs, HUD considers a grantee’s plan to have moved from being “a proposed plan” to being “a plan” once a grantee has completed the publication, public hearing and public comment requirements at 24 CFR 91.105(b)(2), (3) and (4) or 91.115(b)(2), (3) and (4), and has developed its written summary of comments received pursuant to 24 CFR 91.105(b)(5) or 91.115(b)(5).

To minimize additional workload on grantees and HUD field offices, this Notice establishes the following procedures implementing the 2 CFR 200.458 requirements cited above. This Notice provides HUD approval to incur pre-award costs if and when the grantee completes the following documentation in its local files:

1. The grantee documents that the costs incurred prior to grant award are necessary for efficient and timely performance of the activity in question.
2. The grantee documents that the costs are for eligible activities under the regulations for the applicable funding program;
3. The grantee documents that the grantee has complied with all other requirements for pre-award costs under the regulations for the applicable funding program or as described below;
4. The activity for which costs will be incurred is included in a consolidated plan/action plan;
5. The grantee documents completion of its citizen participation process by including in its files a written, dated summary of citizen participation comments received on its plan, pursuant to 24 CFR 91.105(b)(5) or 91.115(b)(5) as applicable.

If the grantee’s files contain all other necessary documentation supporting the costs (described below for each program), the date of HUD approval for pre-award costs is the date of the written summary of citizen participation comments, or the grantee’s program year start date, whichever is later.

B. Additional Provisions: Entitlement CDBG Program

The Entitlement CDBG program regulations specify, at 24 CFR 570.200(h), the situations under which a grantee may incur costs prior to the effective date of its grant agreement. The provisions of this Notice will affect how grantees comply with the pre-award cost reimbursement requirements.

1. 24 CFR 570.200(h) defines the effective date of a grantee's agreement as the grantee's program year start date or the date that the consolidated plan/action plan is received by HUD (whichever is later). Under the provisions of this Notice, a grantee's action plan may not be submitted to (and thus received by) HUD until several months after the grantee's program year start date. This may negatively affect grantees' ability to incur pre-award costs.
2. Therefore, HUD has issued a waiver of 24 CFR 570.200(h) to the extent necessary to implement the following requirement: the effective date of a grantee's FY 2018 grant agreement will be considered to be the earlier of the grantee's program year start date or the date that the consolidated plan/action plan (with actual allocation amounts) is received by HUD. Attachment A contains the HUD memorandum authorizing this waiver. This waiver is applicable to any Entitlement CDBG grantee seeking to incur pre-award costs, whose action plan submission is delayed past the normal submission date because of delayed enactment of FY 2018 appropriations for the Department. An affected community applying this waiver shall document in writing the conditions giving rise to the need to use this waiver, and maintain the documentation for HUD's review. Grantees' authority to make use of this waiver is only in effect until August 16, 2018, as that is the last date that a grantee may submit its FY 2018 action plan.
3. 24 CFR 570.200(h)(1)(i) requires that the activity for which the costs are being incurred must be included in a consolidated plan/action plan prior to the costs being incurred; grantee compliance with steps 4 and 5 under the general pre-award cost provisions above will meet that requirement. However, grantees must also comply with §570.200(h)(1)(ii), which further specifies that the plan must advise citizens of the extent to which the pre-award costs will affect future grants. CDBG grantees intending to incur pre-award costs are cautioned that option b. described in Section IV above is not likely to be a feasible alternative for them. HUD advises any Entitlement CDBG grantee intending to incur pre-award costs to follow the process described in Section IV. a. above; in doing so, the grantee will need to ensure that it has met the citizen participation and notification requirements above.
4. Pursuant to § 570.200(h)(1)(iii) and § 570.604, the costs and corresponding activities must comply with the environmental review requirements at 24 CFR Part 58.

C. Additional Provisions: HOME Program

The HOME regulations specify situations under which a grantee may incur costs prior to the effective date of its grant agreement. The provisions of this Notice will affect how grantees comply with the pre-award cost reimbursement requirements.

1. 24 CFR 92.212(b) defines the effective date for incurring administrative and planning costs to be charged to the HOME allocation as the beginning of the participating jurisdiction's consolidated program year or the date that the consolidated plan is received by HUD (whichever is later). Under the provisions of this Notice, a participating jurisdiction's action plan may not be submitted to (and thus received by) HUD until several months after the PJ's program year start date. This may negatively affect a participating jurisdiction's ability to incur planning and administrative pre-award costs. Therefore, HUD has issued a waiver of 24 CFR 92.212(b) to the extent necessary to implement an alternative requirement: the effective date of a grantee's FY 2018 grant agreement will be considered to be the earlier of the participating jurisdiction's program year start date or the date that the consolidated plan/action plan (with actual allocation amounts) is received by HUD.
2. Attachment A contains the HUD memorandum authorizing this waiver. This waiver is applicable to any HOME participating jurisdiction seeking to incur pre-award administrative and planning costs, whose action plan submission is delayed past the normal submission date because of delayed enactment of FY 2018 appropriations for the Department. An affected participating jurisdiction applying this waiver shall document in writing the conditions giving rise to the need to use this waiver, and maintain the documentation for HUD's review. A participating jurisdiction's authority to make use of this waiver is only in effect until August 16, 2018, as that is the last date that a grantee may submit its FY 2018 action plan.

D. Additional Provisions: ESG Program

An ESG grantee is permitted to incur pre-award costs against its FY 2018 grant, provided that the grantee has met the general conditions described above, plus the following conditions:

1. The costs and corresponding activities must comply with the Emergency Solutions Grants (ESG) Program regulations at 24 CFR Part 576.
2. The costs and corresponding activities must comply with environmental review requirements. The "Moving Ahead for Progress in the 21st Century Act" (MAP-21), (Public Law 112-141) made several changes to HUD's homeless assistance programs, including authorization to permit recipients and other responsible entities to assume HUD environmental review responsibilities in accordance with 24 CFR Part 58. Initially, for FY 2012 ESG funds, ESG projects were subject to the environmental review procedures under 24 CFR Part 50, which assigns HUD all environmental review responsibilities due to the HEARTH Act's repeal of Section 443 of the McKinney-Vento Homeless Assistance Act. Now, recipients or other Responsible Entities assume environmental review responsibilities under 24 CFR Part 58.

E. Additional Provisions: HOPWA Program

A HOPWA grantee is permitted to incur pre-award costs against its FY 2018 grant, provided that the grantee has met the general conditions described above, plus the following conditions:

1. The costs are incurred for eligible activities undertaken in accordance with HOPWA program regulations at 24 CFR Part 574.
2. The costs and corresponding activities must comply with environmental review requirements at 24 CFR 574.510.

F. Additional Provisions: HTF Program

HUD is authorizing HTF grantees to incur pre-award costs permitted under 24 CFR 200.458 for planning activities and preparation of the HTF allocation plan. Eligible pre-award costs may include the cost of public hearings, consultations, and publication of public notices, as well as developing program guidelines. Pre-award costs may not exceed 5% of the minimum allocation amount of \$3 million. This is one half of the grant amount that the state may use for administration and planning in accordance with 24 CFR 93.202, based on receiving a minimum grant amount. The costs and corresponding activities must comply with the environmental review requirements at 24 CFR 93.301(f).

VI. Applicability of This Notice to Future Years

This Notice only applies to consolidated plans/action plans submitted for FY 2018 funding on or before August 16, 2018, or 60 days after HUD announcement of the FY 2018 allocation amounts for CDBG, ESG, HOME, and HOPWA funding (whichever is earlier). HUD anticipates revising the Consolidated Plan regulations (and other related regulations) to explicitly include, as a basis for disapproval of a plan, that a plan does not contain and reflect a grantee's actual allocation amounts. For further information on potential rulemaking in this area, see HUD's June 3, 2015, Federal Register Notice (80 FR 31538). That document solicited public comments on possible amendments to the Consolidated Plan regulations and the CDBG Entitlement regulations to effect such a change. See in particular Sections II.B.1., II.B.2 and II.B.7 of the Notice, pages 31544 and 31546. (Please note, however, that the public comment period for that Federal Register Notice has closed.)

For further information:

Grantees with questions concerning this Notice should direct their inquiries to their local HUD Field Office Community Planning and Development Division. Field Offices should direct their questions to the following Headquarters program offices as applicable:

Office of Block Grant Assistance at (202) 708-1577 for the Entitlement CDBG program or (202) 708-1322 for the State CDBG program
 Office of Affordable Housing Programs at (202) 708-2684
 Office of Special Needs Assistance Programs at (202) 708-4300
 Office of HIV/AIDS Housing at (202) 708-1934 or at hopwa@hud.gov

ATTACHMENT A



ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

DEC 12 2017

MEMORANDUM FOR: All Community Planning and Development Field Office
Division Directors

FROM: Neal Rackleff, Assistant Secretary, D 

SUBJECT: Availability of Waivers of Community Planning and Development
Grant Program Requirements to Facilitate the Ability to Incur
Pre-Award Costs in FY 2018

PURPOSE:

This memorandum explains the availability of waivers of certain statutory and regulatory requirements associated with two Community Planning and Development (CPD) grant programs to facilitate the continuation of eligible activities and ongoing planning and administrative costs due to a delay by HUD in the receipt of annual appropriations for FY 2018. This memorandum covers the following CPD programs:

- Community Development Block Grant (CDBG), and
- HOME Investment Partnerships (HOME)

BACKGROUND:

HUD is issuing procedures to govern the submission and review of action plans for FY 2018 funding prior to the enactment of a FY 2018 appropriation bill. Grantees are advised to not submit a consolidated plan or action plan until the FY 2018 formula allocations have been announced. However, an action plan must be submitted to HUD no later than August 16, 2018.

The likelihood of delays in the receipt of annual appropriations by HUD and implementation of these procedures for FY 2018 may have negative consequences for CDBG and HOME grantees that intend to incur eligible costs prior to the award of FY 2018 funding. Some activities might otherwise be interrupted, and grantees might not otherwise be able to use CDBG or HOME funds for planning and administrative costs of administering their programs.

NOTIFICATION PROCESS:

This waiver will apply to any Entitlement, Insular or Hawaii nonentitlement CDBG grantee and to any HOME participating jurisdiction whose program year start date for FY 2018 funding occurs during the period starting October 1, 2017, and ending August 16, 2018 or 60 days after HUD announcement of FY 2018 allocation amounts for formula program funding (whichever comes first). This waiver is available for use by any applicable CDBG grantee or HOME participating jurisdiction whose action plan submission is delayed past the normal submission date because of delayed enactment of FY 2018 appropriations for the Department.

www.hud.gov

espanol.hud.gov

Any affected grantee taking advantage of this waiver shall document in writing the conditions giving rise to the need to use this waiver, and shall maintain such documentation for HUD's review. This waiver authority is only in effect until August 16, 2018.

WAIVER AUTHORITY:

Without this waiver, some activities might be interrupted while implementing these procedures. In addition, grantees might not otherwise be able to use CDBG and HOME funds for ongoing planning and administrative costs of administering their programs. To address communities' needs and to ensure that programs can continue without disturbance, I find that good cause exists pursuant to 24 CFR 5.110 to waive the CPD program regulatory requirements set forth below.

WAIVER AVAILABILITY:

1. Pre-award Costs

Requirement: The effective date of the grant agreement is the program year start date or the date that the consolidated plan is received by HUD. These dates determine when a grantee may incur pre-award costs.

Citations: 24 CFR 570.200(h) (Entitlement CDBG program, the Insular Areas CDBG program, and for grants to nonentitlement counties in Hawaii) and 24 CFR 92.212(b) (HOME participating jurisdictions)

Explanation: This waiver will allow a grantee or participating jurisdiction to treat the effective date of the grant agreement as the program year start date or the date that the consolidated plan/action plan (with actual allocation amounts) is received by HUD, whichever is *earlier*.

Justification: HUD recognizes that some activities may be interrupted, and grantees might not otherwise be able to use CDBG and HOME funds for ongoing planning and administrative costs.

Applicability: This authority is in effect until August 16, 2018.



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 9.B.

TO: City Council

FROM: Craig Malin, City Manager

BY: Lesley Milton-Rerig, City Clerk

DATE: April 5, 2018

**SUBJECT: DISCUSS AND CONSIDER A RESOLUTION REGARDING SUPPORT
FOR EFFECTIVE GUN CONTROL**

PURPOSE & RECOMMENDATION

To discuss, consider and provide direction regarding Council Member Jones' request to adopt a resolution demanding federal gun control action.

BACKGROUND

During the March 1, 2018 City Council meeting Council Member Jones requested to agendize a resolution adopting a position of support for effective federal gun control regulations.

Ms. Jones has indicted that the following jurisdictions have introduced the same or a similar Resolution before their governing bodies:

- Monterey Peninsula Unified School District, introduced by Wendy Askew
- Marina City Council, introduced by Nancy Amadeo
- Monterey County Board of Supervisors, introduced by Jane Parker
- Gonzales Unified, introduced by Liz Modena
- Greenfield Unified, introduced by Myra Perez-Diaz

The City Council is requested to consider her request to adopt the attached resolution as drafted.

FISCAL IMPACT

There is no fiscal impact associated with this item.

ATTACHMENTS

1. Draft Resolution

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO. 18-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

DEMANDING FEDERAL GUN CONTROL ACTION TO PREVENT DEATH AND INJURY.

WHEREAS, Gun violence in the United States, resulting in over 30,000 deaths annually and 80,000 non-fatal injuries, including homicides, suicides, and accidental shootings, is unacceptable and demands immediate attention and action; and

WHEREAS, Senseless and tragic mass shootings at places such as schools, colleges, and universities; movie theatres; music festivals; hospitals and medical clinics; shopping malls; and religious institutions have highlighted the dangers of and clearly demonstrates that gun-related violence can occur any place at any time; and

WHEREAS, Community violence, which is often gun violence that occurs in a community but does not directly impact a child, still negatively impacts learning, health, and behavior, interfering with the ability of students to succeed in school and in life;

WHEREAS, The crisis of gun violence in our country necessitates a sustained, coordinated, and collaborative effort involving entire communities, elected officials at every level of government, law enforcement, and the entire criminal justice system; and

WHEREAS, Monterey County consistently (2009, 2010, 2012, 2013) has the highest rate of homicide of young people in California, with as many as 22 youth aged 10-24 murdered every single year, the majority killed by guns, and many more injured as a result of gun violence; and

WHEREAS, We strive to use data to make informed decisions about public policy and must also look to the evidence about gun violence to make rational choices about the gun control policies needed to protect our children and their safety; and

WHEREAS, Elected officials must commit to closing gaps in the current patchwork of regulation, including those gaps that enable felons, people convicted of domestic violence, children, those found to be a danger to themselves or others, and other prohibited persons to access firearms, and those that allow the trafficking of illegal guns; and

WHEREAS, Since the Sandy Hook Massacre in 2012, where twenty 6- and 7-year-old children and six members of the school's staff were murdered by a single gunman using a semi-automatic handgun and semi-automatic rifle, there have been more than 200 school shootings nationwide with 138 people killed and another 300 people injured, shattering communities and leaving emotional scars;

NOW THEREFORE BE IT RESOLVED, That the City Council demands action from our State and Federal Representatives to adopt stricter controls governing the sale, transfer, possession,

manufacturing, and distribution of all firearms, dangerous weapons, and ammunition; and be it further

BE IT FURTHER RESOLVED, That those stricter controls include not only comprehensive and thorough background checks of all purchases of firearms, those purchased through the internet and at gun shows; but also, an outright ban on semi-automatic firearms and high-capacity magazines, except with regard to law enforcement, as well as armor-piercing ammunition, bump stocks, and any other equipment, alteration, or modification that would increase a firearm's capacity for ammunition or rate of fire; as well as reasonable waiting periods and mandated training in the safe use of guns; and

BE IT FURTHER RESOLVED, That we support the elimination of the Dickey Amendment and any other restrictions on the collection and compiling of data related to violence perpetrated with firearms, including research into the causes and consequences of gun violence, such as that research that was begun by the Centers for Disease Control and Prevention but abruptly halted in 1996 when the Dickey Amendment was enacted; and

BE IT FURTHER RESOLVED, That the City Council supports organized student and adult ally action to amplify students' voices and work toward creating a future where children are no longer murdered in schools, including such activities as walkouts, sit-ins, civics training, voter registration campaigns, and other acts of civil disobedience and peaceful protest; and

BE IT FURTHER RESOLVED, That the City Council transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the President pro tempore of the United States Senate, the Attorney General of the United States, the Secretary of Health and Human Services, the Secretary of Education, the Secretary of the Department of Homeland Security, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate, the Majority Leader of the House of Representatives, the Minority Leader of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, and that we demand those officials take immediate action to enact meaningful gun control legislation and prevent even one more child being harmed by gunfire.

PASSED AND ADOPTED at a meeting of the City Council duly held on the ____ day of ____ 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

COUNCIL MEMBERS:
COUNCIL MEMBERS:
COUNCIL MEMBERS:
COUNCIL MEMBERS:

APPROVED:

Ralph Rubio, Mayor

ATTEST:

Lesley Milton-Rerig, City Clerk