



AGENDA

Tuesday, May 3, 2016

5:30 P.M. Closed Session

6:30 P.M. Open Session

REGULAR MEETING

CITY COUNCIL, AIRPORT COMMISSION, MARINA ABRAMS B NON-PROFIT CORPORATION, PRESTON PARK SUSTAINABLE COMMUNITY NON-PROFIT CORPORATION AND SUCCESSOR AGENCY OF THE FORMER MARINA REDEVELOPMENT AGENCY

Council Chambers
211 Hillcrest Avenue
Marina, California

VISION STATEMENT

Marina will grow and mature from a small town bedroom community to a small city which is diversified, vibrant and through positive relationships with regional agencies, self-sufficient. The City will develop in a way that insulates it from the negative impacts of urban sprawl to become a desirable residential and business community in a natural setting. **(Resolution No. 2006-112 - May 2, 2006)**

MISSION STATEMENT

The City Council will provide the leadership in protecting Marina's natural setting while developing the City in a way that provides a balance of housing, jobs and business opportunities that will result in a community characterized by a desirable quality of life, including recreation and cultural opportunities, a safe environment and an economic viability that supports a high level of municipal services and infrastructure. **(Resolution No. 2006-112 - May 2, 2006)**

1. CALL TO ORDER



2. ROLL CALL & ESTABLISHMENT OF QUORUM: (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, and Successor Agency of the Former Redevelopment Agency Members)

Nancy Amadeo, David W. Brown, Gail Morton, Mayor Pro-Tem/Vice Chair Frank O'Connell, Mayor/Chair Bruce C. Delgado

3. CLOSED SESSION: *As permitted by Government Code Section 54956 et seq., the (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, and Redevelopment Agency Members) may adjourn to a Closed or Executive Session to consider specific matters dealing with litigation, certain personnel matters, property negotiations or to confer with the City's Meyers-Milias-Brown Act representative.*

- a. Labor Negotiations
 - i. Marina Employee Association
 - ii. Marina Management Employees Association
 - iii. Marina Public Safety Officers Association
 - iv. Marina Public Safety Manager’s Association
 - v. Marina Professional Firefighters Association
 - vi. Department Directors
 - a. Community Development Director
 - b. Finance Director
 - c. Fire Chief
 - d. Police Chief
 - e. Recreation & Cultural Services Director

City Negotiators: Layne P. Long, City Manager and Employee Relations Officer

- b. Performance Evaluation, Unrepresented Employee – City Manager

6:30 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION

- 4. **MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE** (Please stand)

- 5. **SPECIAL PRESENTATIONS:**

- a. **Proclamations**
 - i. Poppy Month
 - ii. Public Service Recognition Week – May 1-7, 2016
- b. **Certificate of Recognition**
 - i. Rebecca Tyson, Middle Grades Principal of the Year
- c. **Recreation Announcements**
- d. **CSUMB Locke Paddon Water Quality Project Presentation**

- 6. **SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR:** *Any member of the Public or the City Council may make an announcement of special events or meetings of interest as information to Council and Public. Any member of the public may comment on any matter within the City Council’s jurisdiction which is not on the agenda. Please state your name for the record. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on a future agenda. City Council members or City staff may briefly respond to statements made or questions posed as permitted by Government Code Section 54954.2. In order that all interested parties have an opportunity to speak, please limit comments to a maximum of four (4) minutes. Any member of the public may comment on any matter listed on this agenda at the time the matter is being considered by the City Council*

- 7. **CONSENT AGENDA FOR THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY:** *Background information has been provided to the Successor Agency of the former Redevelopment Agency on all matters listed under the Consent Agenda, and these items are considered to be routine. All items under the Consent Agenda are normally approved by one motion. Prior to such a motion being made, any member of the public or the City Council may ask a question or make a comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda for Successor Agency to the former Marina Redevelopment Agency and placed at the end of Other Action Items Successor Agency to the former Marina Redevelopment Agency.*

8. CONSENT AGENDA: *Background information has been provided to the City Council, Airport Commission, Marina Abrams B Non-Profit Corporation, and Redevelopment Agency on all matters listed under the Consent Agenda, and these items are considered to be routine. All items under the Consent Agenda are normally approved by one motion. Prior to such a motion being made, any member of the public or the City Council may ask a question or make a comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda and placed at the end of Other Action Items.*

a. ACCOUNTS PAYABLE:

- (1) Accounts Payable Check Numbers 78510-786301, totaling \$189,719.09
Wire Transfers for March 2016 Checking and Payroll totaling \$469,162.00

b. MINUTES:

- (1) March 15, 2016, Regular City Council Meeting
- (2) April 19, 2016, Regular City Council Meeting

c. CLAIMS AGAINST THE CITY: None

d. AWARD OF BID: None

e. CALL FOR BIDS:

- (1) City Council consider adopting Resolution No. 2016-, approving advertising and call for bids for the Del Monte Blvd. and Beach Rd. Improvement Project.
- (2) City Council consider adopting Resolution No. 2016-, approving advertising and call for bids for the Interchange Improvements Project State Highway 1 Northbound & Southbound at Imjin Parkway.

f. ADOPTION OF RESOLUTIONS:

- (1) City Council consider adopting Resolution No. 2016-, fixing and levying a special tax for principal and interest payments and administrative costs on the 2015 General Obligation Refunding Bonds for fiscal year 2016-17; and consider adopting Resolution No. 2016-, certifying compliance with State Law (Proposition 218) with respect to special taxes for the 2015 General Obligation Refunding Bonds Levy for Fiscal Year 2016-17.
- (2) City Council consider adopting Resolution No. 2016-, declaring growing weeds, rubbish and/or refuse accumulations upon certain specified private property parcels to be public nuisances; authorize notice to abate such nuisances; set public hearing date of Tuesday, June 21, 2016, to receive objections to abate such weeds, rubbish and/or refuse; set public hearing for Wednesday, July 6, 2016, to confirm any assessment of costs for weed abatement to be levied against any parcel not in compliance, and; direct filing of such levy with Monterey County Assessor's Office.

g. APPROVAL OF AGREEMENTS:

- (1) City Council consider adopting Resolution No. 2016-, authorizing the Mayor to execute a Maintenance Agreement from the Transportation Agency for Monterey County (TAMC) for a portion of TAMC Right of Way near Engineers Station 307+90 of the Monterey Branch Line Project in furtherance of the City of Marina's Del Monte Blvd. and Beach Rd. Improvement Project, and; authorizing City Manager to Execute an Encroachment Permit on behalf of the City of Marina Subject to final review by the City Attorney. *Continued from April 19, 2016*
- (2) City Council consider adopting Resolution No, 2016-, authorizing agreement between the City of Marina and TechRX for information technology professional services, authorizing the City Manager to execute agreement on behalf of the City subject to final review and approval by the City Attorney, and authorize the Finance Director to make the necessary accounting and budgetary entries.

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE): None

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING): None

m. APPROVE APPOINTMENTS: None

9. PUBLIC HEARINGS: None

10. OTHER ACTIONS ITEMS OF THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY: *Action listed for each Agenda item is that which is requested by staff. The Successor Agency may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*

11. OTHER ACTION ITEMS: *Action listed for each Agenda item is that which is requested by staff. The City Council may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*

Note: No additional major projects or programs should be undertaken without review of the impacts on existing priorities (Resolution No. 2006-79 – April 4, 2006).

- a. City Council consider adopting Resolution No. 2016-, receiving informational presentation and setting public hearing for May 17, 2016, on proposed intention to amend Chapter 3.26 of the Marina Municipal Code regarding mitigation fees for new development within the City of Marina.
- b. City Council consider adopting Resolution No. 2016-, receiving information regarding Utility Users Tax for the City of Marina and to provide staff with further direction. *Continued from April 19, 2016.*

- c. City Council consider adopting Resolution No. 2016-, receiving Business License Tax information and provide staff with any further direction in the matter.
Continued from April 19, 2016

12. COUNCIL & STAFF INFORMATIONAL REPORTS:

- a. Monterey County Mayor's Association [Mayor Bruce Delgado]
- b. Council and staff opportunity to ask a question for clarification or make a brief report on his or her own activities as permitted by Government Code Section 54954.2.

13. ADJOURNMENT:

CERTIFICATION

I, Anita Sharp, Deputy City Clerk, of the City of Marina, do hereby certify that a copy of the foregoing agenda was posted at City Hall and Council Chambers Bulletin Board at 211 Hillcrest Avenue, Monterey County Library Marina Branch at 190 Seaside Circle, City Bulletin Board at the corner of Reservation Road and Del Monte Boulevard on or before 6:30 p.m., Friday, April 29, 2016.

ANITA SHARP, DEPUTY CITY CLERK

City Council, Airport Commission and Redevelopment Agency meetings are recorded on tape and available for public review and listening at the Office of the City Clerk, and kept for a period of 90 days after the formal approval of MINUTES.

City Council meetings may be viewed live on the meeting night and at 12:30 p.m. and 3:00 p.m. on Cable Channel 25 on the Sunday following the Regular City Council meeting date. In addition, Council meetings can be viewed at 6:30 p.m. every Monday, Tuesday and Wednesday. For more information about viewing the Council Meetings on Channel 25, you may contact Access Monterey Peninsula directly at 831-333-1267.

Agenda items and staff reports are public record and are available for public review on the City's website (www.ci.marina.ca.us), at the Monterey County Marina Library Branch at 190 Seaside Circle and at the Office of the City Clerk at 211 Hillcrest Avenue, Marina between the hours of 10:00 a.m. 5:00 p.m., on the Monday preceding the meeting.

Supplemental materials received after the close of the final agenda and through noon on the day of the scheduled meeting will be available for public review at the City Clerk's Office during regular office hours and in a 'Supplemental Binder' at the meeting.

Members of the public may receive the City Council, Airport Commission and Successor Agency of the Former Redevelopment Agency Agenda at a cost of \$55 per year or by providing a self-addressed, stamped envelope to the City Clerk. The Agenda is also available at no cost via email by notifying the City Clerk at marina@ci.marina.ca.us.

ALL MEETINGS ARE OPEN TO THE PUBLIC. THE CITY OF MARINA DOES NOT DISCRIMINATE AGAINST PERSONS WITH DISABILITIES. *Council Chambers are wheelchair accessible. meetings are broadcast on cable channel 25 and recordings of meetings can be provided upon request. to request assistive listening devices, sign language interpreters, readers, large print agendas or other accommodations, please call (831) 884-1278 or e-mail: marina@ci.marina.ca.us. requests must be made at least **48 hours** in advance of the meeting.*

Upcoming 2016 Meetings of the City Council, Airport Commission, Marina Abrams B Non-Profit Corporation, Preston Park Sustainable Community Nonprofit Corporation and Successor Agency of the Former Redevelopment Agency
Regular Meetings: 5:30 p.m. Closed Session;
6:30 p.m. Regular Open Sessions

Tuesday, May 17, 2016	** Wednesday, September 7, 2016 Tuesday, September 20, 2016
Tuesday, June 7, 2016	Tuesday, October 4, 2016
Tuesday, June 21, 2016	Tuesday, October 18, 2016
** Wednesday, July 6, 2016	Tuesday, November 1, 2016
Tuesday, July 19, 2016	Tuesday, November 15, 2016
*** Wednesday, August 3, 2016	Tuesday, December 6, 2016
Tuesday, August 16, 2016	Tuesday, December 20, 2016

** Regular Meeting rescheduled due to Monday Holiday

*** Regular Meeting rescheduled due to National Night Out Event

NOTE: Regular Meeting dates may be rescheduled by City Council only.

Special City Council Meetings

Tuesday, May 24, 2016 – Budget Session
Tuesday, June 14, 2016 – Budget Session
Tuesday, June 28, 2016 – Budget Session

C I T Y H A L L H O L I D A Y S
(City Hall Closed)

Memorial Day -----Monday, May 30, 2016
Independence Day (City Offices Closed) -----Monday, July 4, 2016
Labor Day -----Monday, September 5, 2016
Veterans Day -----Friday, November 11, 2016
Thanksgiving Day -----Thursday, November 24, 2016
Thanksgiving Break -----Friday, November 25, 2016
Winter Break -----Friday, December 23, 2016 –Monday, January 2, 2017

2016 COMMISSION DATES

Upcoming 2016 Meetings of Design Review Board
3rd Wednesday of every month. Meetings are held at the Council Chambers at 6:30 P.M.
 ** = Change in location due to conflict with Council meeting

May 18, 2016	August 17, 2016	November 16, 2016
June 15, 2016	September 21, 2016	December 21, 2016
July 20, 2016	October 19, 2016	

Upcoming 2016 Meetings of Economic Development Commission
1st Thursday of every month. Meetings are held at the Council Chambers at 6:30 P.M.

May 5, 2016	August 4, 2016	October 6, 2016
June 2, 2016	September 1, 2016	December 1, 2016

Upcoming 2016 Meetings of Planning Commission
2nd and 4th Thursday of every month. Meetings are held at the Council Chambers at 6:30 P.M.

May 12, 2016	August 11, 2016	October 13, 2016
May 26, 2016	August 25, 2016	October 27, 2016
June 9, 2016	September 8, 2016	November 10, 2016
June 23, 2016	September 22, 2016	November 24, 2016 (Cancelled)
July 14, 2016		December 8, 2016
July 28, 2016		December 22, 2016 (Cancelled)

Upcoming 2016 Meetings of Public Works Commission
3rd Thursday of every month. Meetings are held at the Council Chambers at 6:30 P.M.

May 19, 2016	August 18, 2016	November 17, 2016
June 16, 2102	September 15, 2016	December 15, 2016
July 21, 2016	October 20, 2016	

Upcoming 2016 Meetings of Recreation & Cultural Services Commission
1st Wednesday of every quarter month. Meetings are held at the Council Chambers at 6:30 P.M.

June 1, 2016	September 7, 2016	December 7, 2016
--------------	-------------------	------------------



Proclamation

Relative to Poppy Month

-000-

WHEREAS, America is the land of freedom preserved and protected willingly and freely by citizen soldiers; and

WHEREAS, Millions who have answered the call to arms have died on the field of battle; and

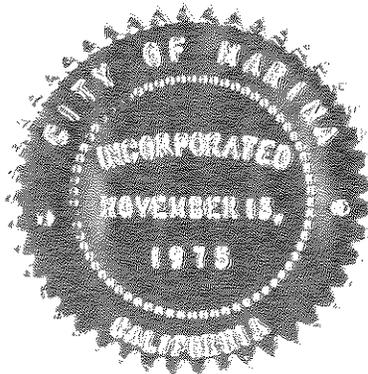
WHEREAS, the nation at peace must be reminded of the price of war and the debt owed to those who have died in war; and

WHEREAS, the red poppy has been designated as a symbol of sacrifice of lives in all wars; and

WHEREAS, The American Legion Auxiliary has pledged to remind Americans annually of this debt through the distribution of the memorial flower.

***NOW, THEREFORE BE IT RESOLVED,** that I, Mayor Bruce C. Delgado and the City Council of the City of Marina hereby proclaim **May** as **POPPY MONTH** and ask that all citizens pay tribute to those who made the ultimate sacrifice in the name of by wearing the Memorial Poppy.*

Dated this 3rd day of May 2016



Bruce C. Delgado, Mayor



Proclamation

PUBLIC SERVICE RECOGNITION WEEK May 1-7, 2016

In honor of the millions of public employees at the federal, state, county, and city levels:

Whereas: Americans are served every single day by public servants at the federal, state, county and city levels. These unsung heroes do the work that keeps our nation working, and;

Whereas: Public employees take not only jobs, but oaths, and;

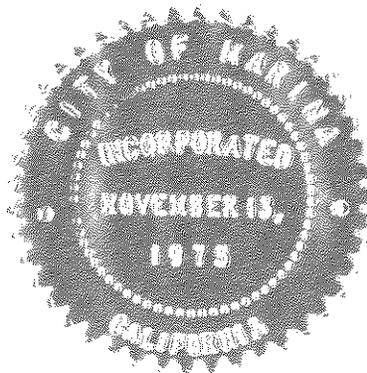
Whereas: Many public servants, including military personnel, police officers, firefighters, border patrol officers, embassy employees, health care professionals and others, risk their lives each day in service to the people of the United States and around the world, and;

Whereas: Public servants include teachers, doctors and scientists...train conductors and astronauts...nurses and safety inspectors...laborers, computer technicians and social workers... and countless other occupations. Day in and day out they provide the diverse services demanded by the American people of their government with efficiency and integrity; and

Whereas: Without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials, and;

Now, Therefore It Be Proclaimed: I, Bruce C. Delgado, Mayor of Marina, California, do hereby proclaim to all citizens and set seal hereto, that May 1-7, 2016, is **Public Service Recognition Week**. All citizens are encouraged to recognize the accomplishments and contributions of government employees at all levels - Federal, State, County and City.

Dated this 3rd day of May, 2016



Bruce Carlos Delgado, Mayor

City of Marina
Certificate of
Recognition

PRESENTED TO

Rebecca Tyson

Honored by Association of California School Administrators
Middle Grades Principal of the Year

PRESENTED BY

Bruce C. Delgado
Mayor

Frank O'Connell
Mayor Pro-Tem

Nancy Amadeo
Council Member

David W. Brown
Council Member

Gail Morton
Council Member



May 3, 2016

LIVE Marina, CA *LIVE*

AP Check Register 04-22-16

Bank Account: 024 - Accounts Payable ZBA
Batch Date: 04/22/2016

Agenda Item: 8a
City Council Meeting of
May 3, 2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: 024 - Accounts Payable ZBA					
Check	04/22/2016	78510 Accounts Payable	Ace Hardware		38.57
	Invoice	Date	Description		Amount
	058204	03/31/2016	Supplies - Cable 3/31/16		3.85
	058390	04/18/2016	Supplies - Battery 4/18/16		34.72
Check	04/22/2016	78511 Accounts Payable	Advantage Gear		708.55
	Invoice	Date	Description		Amount
	114500	04/04/2016	Uniform for Fire Dept.		708.55
Check	04/22/2016	78512 Accounts Payable	Air Cooled Engines, Inc.		214.88
	Invoice	Date	Description		Amount
	77768	04/12/2016	Veh - Maint & Repair		214.88
Check	04/22/2016	78513 Accounts Payable	American Floors		338.74
	Invoice	Date	Description		Amount
	14057	03/29/2016	New Carpet Tile		338.74
Check	04/22/2016	78514 Accounts Payable	Andon Laundrymat Service		60.35
	Invoice	Date	Description		Amount
	3	04/01/2016	Laundry Service Towels and Rags		60.35
Check	04/22/2016	78515 Accounts Payable	Avaya, Inc.		322.97
	Invoice	Date	Description		Amount
	2733655916	04/04/2016	CW - Phone System		322.97
Check	04/22/2016	78516 Accounts Payable	Barbara Trejo Arcos		200.00
	Invoice	Date	Description		Amount
	04-10-16 VD	04/10/2016	Deposit Refund		200.00
Check	04/22/2016	78517 Accounts Payable	Bogner Sheet Metal		280.00
	Invoice	Date	Description		Amount
	11631	04/13/2016	Bldg Maint & Repair		280.00
Check	04/22/2016	78518 Accounts Payable	Brezack & Associates Planning		4,527.50
	Invoice	Date	Description		Amount

LIVE Marina, CA *LIVE*

AP Check Register 04-22-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 04/22/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
		0000002408	03/08/2016	Water Supply/Demand for Veterans Transistion Center Project	3,602.50
		0000002412	04/06/2016	Water Supply Availability Veterans Transition Center Project	925.00
Check	04/22/2016	78519 Accounts Payable	Consolidated Electrical Distributors, Inc.		1,251.14
		Invoice	Date	Description	Amount
		4914 - 547859	03/10/2016	Bldg Maint & Repair	1,251.14
Check	04/22/2016	78520 Accounts Payable	CSC of Salinas		27.42
		Invoice	Date	Description	Amount
		000513395	04/14/2016	Veh - Maint & Repair	27.42
Check	04/22/2016	78521 Accounts Payable	CSG Consultants		210.00
		Invoice	Date	Description	Amount
		6407	03/25/2016	Development Meeting, Marina Beach Townhomes	210.00
Check	04/22/2016	78522 Accounts Payable	Dave's Repair Service		80.00
		Invoice	Date	Description	Amount
		23382	03/31/2016	Monthly Site Inspections	80.00
Check	04/22/2016	78523 Accounts Payable	Dianne Sadorra		60.00
		Invoice	Date	Description	Amount
		04-09-16 VD	04/09/2016	Deposit Refund	60.00
Check	04/22/2016	78524 Accounts Payable	Don's Lock & Key		147.50
		Invoice	Date	Description	Amount
		10949	04/04/2016	(2) Supra Key Box & (1) rekey 4/4/16	147.50
Check	04/22/2016	78525 Accounts Payable	Emergency Vehicle Specialists		183.85
		Invoice	Date	Description	Amount
		5358	04/18/2016	Antenna replacement	183.85
Check	04/22/2016	78526 Accounts Payable	L-3 Communications		53.24
		Invoice	Date	Description	Amount
		0238584-IN	04/05/2016	Flash Card-Troia 4/5/16	53.24
Check	04/22/2016	78527 Accounts Payable	Lexis Nexis Risk Solutions		50.00
		Invoice	Date	Description	Amount

LIVE Marina, CA *LIVE*

AP Check Register 04-22-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 04/22/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
		20160331	03/31/2016	Data Retrieval 3/1 - 3/31/16	50.00
Check	04/22/2016	78528 Accounts Payable	Lizbeth Quevedo		500.00
		Invoice	Date	Description	Amount
		09-17-16 CC	04/15/2016	Deposit Refund	500.00
Check	04/22/2016	78529 Accounts Payable	LP Packaging Products		305.74
		Invoice	Date	Description	Amount
		564528	04/08/2016	Evidence Supplies - 4/8/16	277.08
		564604	04/15/2016	Evidence Supplies 4/15/16	28.66
Check	04/22/2016	78530 Accounts Payable	Mbay IT		1,210.53
		Invoice	Date	Description	Amount
		1250	02/03/2016	Computer for Sports Desk	1,210.53
Check	04/22/2016	78531 Accounts Payable	Monterey Auto Supply		218.63
		Invoice	Date	Description	Amount
		414250	04/12/2016	Veh - Maint Parts & Supply	28.63
		414548	04/14/2016	Veh - Maint Parts & Supply	190.00
Check	04/22/2016	78532 Accounts Payable	Monterey Bay Systems		664.60
		Invoice	Date	Description	Amount
		270480	04/07/2016	Contract Invoice - C452 - Overage Jan-April 2016	321.98
		270481	04/07/2016	Contract Invoice - C452 - Maintenance Contract - April-July 2016	342.62
Check	04/22/2016	78533 Accounts Payable	Monterey County Convention & Visitors Bureau		13,233.50
		Invoice	Date	Description	Amount
		13011	04/01/2016	Jurisdiction Investment - April-June 2016	13,233.50
Check	04/22/2016	78534 Accounts Payable	Monterey County Herald		518.51
		Invoice	Date	Description	Amount
		0005665134	02/29/2016	Classified Advertisement - Executive Assistant to City Manager	518.51
Check	04/22/2016	78535 Accounts Payable	Monterey County Probation - Dept. Finance		36,240.16
		Invoice	Date	Description	Amount
		12-01-15	12/01/2015	1stQuarter FY 2016 PPE10-30-2015	29,753.56

LIVE Marina, CA *LIVE*

AP Check Register 04-22-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 04/22/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
	12-23-15		12/23/2015	1stQuarter FY 2016 PP11/1 thru 11/8/15	6,486.60
Check	04/22/2016	78536 Accounts Payable	MRWPCA		83.20
	Invoice		Date	Description	Amount
		12-000009 033116	03/31/2016	12-000009 - 208 Palm Ave (03/01/16 - 4/30/16)	83.20
Check	04/22/2016	78537 Accounts Payable	NSI-Systems, Inc.		380.00
	Invoice		Date	Description	Amount
		SO 3530	03/14/2016	Equipment maintenance 3/14/16	380.00
Check	04/22/2016	78538 Accounts Payable	Office Depot		87.65
	Invoice		Date	Description	Amount
		832797002001	04/06/2016	Office Supplies - Investigations 4/6/16	87.65
Check	04/22/2016	78539 Accounts Payable	Pacific Gas & Electric		5,050.49
	Invoice		Date	Description	Amount
		098-7.APR16	04/08/2016	PG&E - 6800558098-7	976.16
		415-6.APR16	04/08/2016	PG&E - 5972827415-6	51.46
		582-7.APR16	04/08/2016	PG&E - 8161432582-7	127.64
		347-0.APR16	04/08/2016	PG&E - 6258961347-0	206.99
		612-5.APR16	04/08/2016	PG&E - 3220008612-5	183.07
		943-2.APR16	04/08/2016	PG&E - 6150212943-2	62.38
		694-1.APR16	04/10/2016	PG&E - 7269284694-1	694.85
		608-2.APR16	04/10/2016	PG&E - 7383993608-2	345.08
		311-8.APR16	04/11/2016	PG&E - 6513132311-8	10.18
		085-2.APR16	04/10/2016	PG&E - 5434906085-2	93.26
		562-0.APR16	04/11/2016	PG&E - 4758891562-0	961.72
		290-2.APR16	04/10/2016	PG&E - 4300583290-2	9.36
		720-0.APR16	04/10/2016	PG&E - 0167505720-0	471.81
		202-3.APR16	04/10/2016	PG&E - 6594070202-3	80.27
		288-5.APR16	04/10/2016	PG&E - 7175660288-5	320.10
		535-3.APR16	04/13/2016	PG&E - 6161832535-3	343.76
		827-8.APR16	04/13/2016	PG&E - 0423929827-8	112.40
Check	04/22/2016	78540 Accounts Payable	Quill Corporation		198.03
	Invoice		Date	Description	Amount

LIVE Marina, CA *LIVE*

AP Check Register 04-22-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 04/22/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
		4523258	03/29/2016	Office Supplies - Records 3/29/16	9.77
		4485905	03/25/2016	Office Supplies - Records 3/25/16	166.55
		4487885	03/25/2016	Office Supplies - Records 3/25/16	21.71
Check	04/22/2016	78541 Accounts Payable	Rafaela Villa Barajas		500.00
		Invoice	Date	Description	Amount
		04-09-16 CC	04/09/2016	Deposit Refund	500.00
Check	04/22/2016	78542 Accounts Payable	Richard B. Standridge		3,600.00
		Invoice	Date	Description	Amount
		16-08	04/15/2016	Service 04-05-/04-14-16	3,600.00
Check	04/22/2016	78543 Accounts Payable	Rincon Consultants, Inc.		5,174.46
		Invoice	Date	Description	Amount
		25970	03/31/2016	Initial Study/NMD Veteran's Transisition Center Project	5,174.46
Check	04/22/2016	78544 Accounts Payable	Rocio Gonzales		250.00
		Invoice	Date	Description	Amount
		04-17-16 VD	04/17/2016	Rental Refunds	250.00
Check	04/22/2016	78545 Accounts Payable	Roy Hastings		4,000.00
		Invoice	Date	Description	Amount
		0040616-7	04/06/2016	Oversight of HOME Long-Term Monitoring - Rockrose Gardens - Marc	4,000.00
Check	04/22/2016	78546 Accounts Payable	Techno Lock Keys Trading LLC		182.00
		Invoice	Date	Description	Amount
		6521	03/30/2016	Locks & Keys (Dead Bolts)	182.00
Check	04/22/2016	78547 Accounts Payable	Toshiba Financial Services		809.01
		Invoice	Date	Description	Amount
		301926259	04/04/2016	Toshiba Copier Monthly Fees	353.51
		301512547	03/30/2016	Copier Maintenance-Patrol 3/30/16	455.50
Check	04/22/2016	78548 Accounts Payable	Traffic Safety Store - W.L. Snook & Associates		2,634.12
		Invoice	Date	Description	Amount
		000169819	02/02/2016	OTS Reimbursed DUI Supplies	2,634.12

LIVE Marina, CA *LIVE*

AP Check Register 04-22-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 04/22/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	04/22/2016	78549 Accounts Payable	Trucksis Enterprises		345.79
	Invoice		Date	Description	Amount
		8901	04/08/2016	Marina Police Bannter - 4/8/16	345.79
Check	04/22/2016	78550 Accounts Payable	United Site Services		182.07
	Invoice		Date	Description	Amount
		114 - 3902166	03/31/2016	Toilet Rentals - Corner Beach Rd - De Forest	182.07
Check	04/22/2016	78551 Accounts Payable	Verizon Wireless		980.72
	Invoice		Date	Description	Amount
		9762752053	03/25/2016	Mobile Phone Charges - Feb 26 - March 25 2016	358.73
		9763519715	04/10/2016	Monthly Verizon Bill-308174766	621.99
Check	04/22/2016	78552 Accounts Payable	West-Lite Supply		292.05
	Invoice		Date	Description	Amount
		59789H	04/14/2016	Bldg Maint & Repair	292.05
Check	04/22/2016	78553 Accounts Payable	AFLAC - Attn.:Remittance Process		2,500.11
	Invoice		Date	Description	Amount
		04-08-2016	04/08/2016	71 - AFLAC Cancer Post-Tax*	2,500.11
Check	04/22/2016	78554 Accounts Payable	Discovery Benefits, Inc.		344.62
	Invoice		Date	Description	Amount
		04-08-2016	04/08/2016	93 - Dependent Care FSA*	344.62
Check	04/22/2016	78555 Accounts Payable	Franchise Tax Board - State of CA		100.00
	Invoice		Date	Description	Amount
		04-08-2016	04/08/2016	551 - Garnishment (FTB) \$	100.00
Check	04/22/2016	78556 Accounts Payable	ICMA Retirement Trust		7,420.19
	Invoice		Date	Description	Amount
		04-08-2016	04/08/2016	12 - ICMA 457 %*	7,420.19
Check	04/22/2016	78557 Accounts Payable	Marina Employees Association		145.00
	Invoice		Date	Description	Amount
		04-08-2016	04/08/2016	24 - MEA Dues	145.00
Check	04/22/2016	78558 Accounts Payable	Marina Police Association-MPOA		250.00

AP Check Register 04-22-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 04/22/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
	Invoice		Date	Description	Amount
	04-08-2016		04/08/2016	23 - MPOA Dues	250.00
Check	04/22/2016	78559 Accounts Payable	Marina Professional Fire Fighters Association		200.00
	Invoice		Date	Description	Amount
	04-08-2016		04/08/2016	35 - MPFFA Dues	200.00
Check	04/22/2016	78560 Accounts Payable	Marina Public Safety Management Association		100.00
	Invoice		Date	Description	Amount
	04-08-2016		04/08/2016	19 - MPSMA Dues	100.00
Check	04/22/2016	78561 Accounts Payable	Nationwide Retirement		1,250.00
	Invoice		Date	Description	Amount
	04-08-2016		04/08/2016	11 - Nationwide 457 \$	1,250.00
Check	04/22/2016	78562 Accounts Payable	Police Officers Association - POA		1,350.00
	Invoice		Date	Description	Amount
	04-08-2016		04/08/2016	25 - POA Dues	1,350.00
Check	04/22/2016	78563 Accounts Payable	Pre-Paid Legal Services		26.90
	Invoice		Date	Description	Amount
	04-08-2016		04/08/2016	14 - Prepaid Legal \$	26.90
024 Accounts Payable ZBA Totals:			Transactions: 54		\$100,082.79
	Checks:	54		\$100,082.79	

AP Check Register 04-29-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 04/29/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: 024 - Accounts Payable ZBA					
Check	04/29/2016	78564 Accounts Payable	Abbott's Pro-Power		172.15
	Invoice	Date	Description		Amount
	91612	04/14/2016	Veh - Maint & Repair		94.96
	91944	04/21/2016	Veh - Maint & Repair		77.19
Check	04/29/2016	78565 Accounts Payable	Ace Hardware		22.21
	Invoice	Date	Description		Amount
	058256	04/06/2016	SCBA cleaning brushes & black paint		22.21
Check	04/29/2016	78566 Accounts Payable	Ace Hardware		26.93
	Invoice	Date	Description		Amount
	058361	04/14/2016	Playground Materials		7.39
	058454	04/22/2016	Rain Boots		19.54
Check	04/29/2016	78567 Accounts Payable	Anita Kerezski		1,750.00
	Invoice	Date	Description		Amount
	Marina 16-2	04/14/2016	FY 14-15 Mandate Cost Claims		1,750.00
Check	04/29/2016	78568 Accounts Payable	Applied Real Estate Inspections		1,225.00
	Invoice	Date	Description		Amount
	04-20-16	04/20/2016	Initial Mold Assessment @ City Hall		1,225.00
Check	04/29/2016	78569 Accounts Payable	Aramark Uniform Service		502.98
	Invoice	Date	Description		Amount
	757329860	04/18/2016	Uniform Service - Public Works Crew		73.61
	757329861	04/18/2016	Uniform Service - Public Works Crew		40.52
	757329862	04/18/2016	Uniform Service - Public Works Crew		36.15
	757329863	04/18/2016	Uniform Service - Public Works Crew		38.30
	757318212	04/11/2016	Uniform Service - Public Works Crew		42.23
	757318213	04/11/2016	Uniform Service - Public Works Crew		40.52
	757318214	04/11/2016	Uniform Service - Public Works Crew		36.15
	757318215	04/11/2016	Uniform Service - Public Works Crew		38.30
	757341458	04/25/2016	Uniform Service - Public Works Crew		36.15
	757341457	04/25/2016	Uniform Service - Public Works Crew		40.52
	757341459	04/25/2016	Uniform Service - Public Works Crew		38.30

LIVE Marina, CA *LIVE*

AP Check Register 04-29-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 04/29/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
		757341456	04/25/2016	Uniform Service - Public Works Crew	42.23
Check	04/29/2016	78570 Accounts Payable	AMBAG		4,004.00
		Invoice	Date	Description	Amount
		041516	04/15/2016	AMBAG MOU for Orthoimagery	4,004.00
Check	04/29/2016	78571 Accounts Payable	AT & T		277.13
		Invoice	Date	Description	Amount
		000007954373	04/15/2016	CALNET3-9391023480 (883-9669)	66.38
		000007954382	04/15/2016	CALNET3-9391023491 (884-9654)	78.27
		000007948191	04/13/2016	CALNET3-9391023436 (239-461-6578)	70.05
		000007954377	04/15/2016	CALNET3-9391023486 (884-9153)	19.27
		000007954405	04/15/2016	CALNET3-9391023435 (237-267-6922)	43.16
Check	04/29/2016	78572 Accounts Payable	Branch's Janitorial		1,960.00
		Invoice	Date	Description	Amount
		225687	03/23/2016	Janitorial Service-Police/Fire/Airport March 2016	1,960.00
Check	04/29/2016	78573 Accounts Payable	California Department of Justice		320.00
		Invoice	Date	Description	Amount
		156477	04/06/2016	Live Scan Results-Police/Fire March 2016	320.00
Check	04/29/2016	78574 Accounts Payable	California Department of Transportation		75.00
		Invoice	Date	Description	Amount
		SL160813	04/13/2016	Singals & Lighting (Reservation Road)	75.00
Check	04/29/2016	78575 Accounts Payable	California State Controller's Office		1,570.09
		Invoice	Date	Description	Amount
		FAUD-00000312	03/10/2016	FY14-15 Street Report	1,570.09
Check	04/29/2016	78576 Accounts Payable	Cintas Corporation		58.04
		Invoice	Date	Description	Amount
		630105188	04/18/2016	Mat Service-Police/Fire 4/18/16	58.04
Check	04/29/2016	78577 Accounts Payable	Comcast		44.88
		Invoice	Date	Description	Amount
		04-10-16	04/10/2016	Cable service for Fire Dept	44.88

LIVE Marina, CA *LIVE*

AP Check Register 04-29-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 04/29/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	04/29/2016	78578 Accounts Payable	Jeff Crechriou		275.72
	Invoice	Date	Description		Amount
	04-20-16	04/18/2016	Per Diem/Transportation		275.72
Check	04/29/2016	78579 Accounts Payable	El Gabilan Tree Service		850.00
	Invoice	Date	Description		Amount
	04-11-16	04/11/2016	Tree Service @ 3200 Del Monte Blvd		850.00
Check	04/29/2016	78580 Accounts Payable	Emergency Vehicle Specialists		386.71
	Invoice	Date	Description		Amount
	5377	04/20/2016	Gun Lock Mount		50.51
	5378	04/20/2016	Antenna connection 898		71.20
	5328	04/11/2016	Used CDM1250 Radio Replaced & programmed alerting station		265.00
Check	04/29/2016	78581 Accounts Payable	Enviro-Temp, Inc.		2,285.13
	Invoice	Date	Description		Amount
	0000023450	04/05/2016	Repair Space Heating Boiler		229.00
	0000023449	04/05/2016	Munchkin Space Heating Boiler Inspection		2,056.13
Check	04/29/2016	78582 Accounts Payable	Farmer Brothers Co.		71.01
	Invoice	Date	Description		Amount
	63866668 SO	04/21/2016	Coffee Supplies for City Hall Break Room		71.01
Check	04/29/2016	78583 Accounts Payable	FedEx		25.77
	Invoice	Date	Description		Amount
	5-386-37288	04/15/2016	Postage/Shipping 4/15/16		25.77
Check	04/29/2016	78584 Accounts Payable	Ferguson Enterprise, Inc. # 1423		10.80
	Invoice	Date	Description		Amount
	4706635	04/13/2016	Bldg Maint & Repair - Wax Ring		10.80
Check	04/29/2016	78585 Accounts Payable	First Alarm		375.62
	Invoice	Date	Description		Amount
	914826	04/06/2016	Service Call - PD Storage 4/5/16		35.00
	911495	03/15/2016	Burg/Fire Alarm-Station 2 Police/Fire 4/1/16-6/30/16		115.68
	917097	04/15/2016	City Hall Burglar Alarm Monitoring - May-July 2016		109.26

LIVE Marina, CA *LIVE*

AP Check Register 04-29-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 04/29/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
		916838	04/15/2016	327 Reindollar Ave Burglar Alarm Monitoring - May-July 2016	115.68
Check	04/29/2016	78586 Accounts Payable	Fort Ord Reuse Authority		2,232.77
		Invoice	Date	Description	Amount
		2016-00001906	04/07/2016	Las Animas 50% Shared Rent	2,232.77
Check	04/29/2016	78587 Accounts Payable	Golden State Overnight Delivery Service		16.64
		Invoice	Date	Description	Amount
		3051475	04/15/2016	Shipping charges to CSG in Sacramento	8.29
		3016327	04/25/2016	Shipping charges to CSG in Sacramento	8.35
Check	04/29/2016	78588 Accounts Payable	Hinderliter, Dellamas & Associates		982.87
		Invoice	Date	Description	Amount
		0025248-N	03/14/2016	Sales Tax 1st Qtr & Audit	982.87
Check	04/29/2016	78589 Accounts Payable	Home Depot Credit Service		422.99
		Invoice	Date	Description	Amount
		04-07-16	04/07/2016	Bldg Material - Comm Ctr Playground Project	343.39
		04-11-16	04/11/2016	Bldg Maint - Comm Ctr Playground Project	79.60
Check	04/29/2016	78590 Accounts Payable	IACP		150.00
		Invoice	Date	Description	Amount
		1001188023	03/16/2016	Membership/IACP-Chief 3/16/16	150.00
Check	04/29/2016	78591 Accounts Payable	Intelligent Products, Inc		641.04
		Invoice	Date	Description	Amount
		217096A	04/07/2016	Mutt Mitts	641.04
Check	04/29/2016	78592 Accounts Payable	Interact Public Safety Systems/Colossus		376.85
		Invoice	Date	Description	Amount
		MN0000005002	04/01/2016	Annual Maintenance-(1) Mobile Cop 2 May 2016-Apr 2017	376.85
Check	04/29/2016	78593 Accounts Payable	Jan Roehl Consulting		488.75
		Invoice	Date	Description	Amount
		22	04/07/2016	Analyzed 2015 Stats for Annual Report Jan/Mar 2016	488.75
Check	04/29/2016	78594 Accounts Payable	Kimley-Horn & Associates		11,500.00

LIVE Marina, CA *LIVE*

AP Check Register 04-29-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 04/29/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
	Invoice		Date	Description	Amount
	7735105		03/31/2016	CCIP R78 - TIA Dunes Update	11,500.00
Check	04/29/2016	78595 Accounts Payable	L-3 Communications		5,078.22
	Invoice		Date	Description	Amount
	0236847-IN		02/22/2016	Mounted camera for BMW	5,078.22
Check	04/29/2016	78596 Accounts Payable	L.N. Curtis & Sons		1,200.00
	Invoice		Date	Description	Amount
	6241398-00		04/08/2016	Annual Service, Mako Breathing Air Compressor	1,200.00
Check	04/29/2016	78597 Accounts Payable	Language Line, LLC		24.31
	Invoice		Date	Description	Amount
	3793403		03/31/2016	Language Translating Service 3/31/16	24.31
Check	04/29/2016	78598 Accounts Payable	Lehr Auto Electric		698.72
	Invoice		Date	Description	Amount
	01123213		04/18/2016	Keyboards	698.72
Check	04/29/2016	78599 Accounts Payable	Juan Magana		460.00
	Invoice		Date	Description	Amount
	05-08-16		04/14/2016	Per Diem	460.00
Check	04/29/2016	78600 Accounts Payable	Mar-Ken International K-9 Training Center		260.00
	Invoice		Date	Description	Amount
	0065-16		04/14/2016	K-9 Maintenance Training April 2016	260.00
Check	04/29/2016	78601 Accounts Payable	Marina Coast Water District		3,171.93
	Invoice		Date	Description	Amount
	014874000 033116		03/31/2016	014874 000 - 289 12th St. Police Sub Sta (03/01/16 - 03/31/16)	188.42
	000056045 033116		03/31/2016	000056 045 - 3100 Preston Park Irrig (03/01/16 - 03/31/16)	139.05
	000056046 033116		03/31/2016	000056 046 - 3100 Preston Park Bldg (03/01/16 - 03/31/16)	117.33
	000056036 033116		03/31/2016	000056 036 - Center Median 2nd Ave (03/01/16 - 03/31/16)	124.20
	000056037 033116		03/31/2016	000056 037 - 2nd Avenue Irrigation (03/01/16 - 03/31/16)	124.20
	012016000 033116		03/31/2016	012016 000 - 199 Paddon Pl Locke Paddon (03/01/16 - 03/31/16)	34.00
	000056083 033116		03/31/2016	000056 083 - 3240 Imjin Rd Hangar 510 (03/01/16 - 03/31/16)	120.30

LIVE Marina, CA *LIVE*

AP Check Register 04-29-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 04/29/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
		000056044 033116	03/31/2016	000056 044 - 781 Neeson Rd, Admin Office (03/01/16 - 03/31/16)	117.33
		000056049 033116	03/31/2016	000056 049 - Imjin Road University (03/01/16 - 03/31/16)	1,072.17
		000056051 033116	03/31/2016	000056 051 - 721 Neeson Rd Skydive (03/01/16 - 03/31/16)	132.18
		000057000 033116	03/31/2016	000057 000 - 3220 Imjin Road (03/01/16 - 03/31/16)	189.36
		000056041 033116	03/31/2016	000056 041 - 3260 Imjin Rd, Fire Station 2 (03/01/16 - 03/31/16)	200.00
		000056043 033116	03/31/2016	000056 043 (761 Imjin Rd, Hangar 524 (03/01/16 - 03/31/16)	117.33
		000056084 040816	04/08/2016	000056 084 - Ctr Med3172 Cres- Shuler (03/12/16 - 04/08/16)	21.07
		000056015 040816	04/08/2016	000056 015 - Cypress Cove II (03/12/16 - 04/08/16)	55.55
		000056086 040816	04/08/2016	000056 086 - Center Median 3208 Crescent (03/12/16 - 04/08/16)	21.07
		000056032 040816	04/08/2016	000056 032 - Crescent & Costa Mont Bay Est (03/12/16 - 04/08/16)	55.55
		000056034 040816	04/08/2016	000056 034 -3240 DeForest, Windy Hill Park (03/12/16 - 04/08/16)	55.55
		000056030 040816	04/08/2016	000056 030 - Ctr Med. Reserv, Ramada Inn (03/12/16 - 04/08/16)	34.00
		000056011 040816	04/08/2016	000056 011 - Tate Park 3254 Del Monte (03/12/16 - 04/08/16)	91.19
		000056085 040816	04/08/2016	000056 085 - Center Median 3192 Crescent (03/12/16 - 04/08/16)	23.69
		000056087 040816	04/08/2016	000056 087 - Center Median 3218 Crescent (03/12/16 - 04/08/16)	21.07
		000056014 040816	04/08/2016	000056 014 - ViDiMaggio 3200 Del Monte (03/12/16 - 04/08/16)	96.25
		000056008 040816	04/08/2016	000056 008 - Reservation Rd and Del Monte (03/12/16 - 04/08/16)	21.07
Check	04/29/2016	78602 Accounts Payable	Monterey Auto Supply		369.85
		Invoice	Date	Description	Amount
		414320	04/13/2016	Veh - Maint Parts & Supply	345.45
		414572	04/14/2016	Veh - Maint Parts & Supply	(329.49)
		415344	04/19/2016	Veh - Maint Parts & Supply	73.83
		413644	04/08/2016	Veh - Maint Parts & Supply	146.81
		413360	04/07/2016	Veh - Maint Parts & Supply	408.32
		413672	04/08/2016	Veh - Maint Parts & Supply	(331.35)
		415345	04/19/2016	Veh - Maint Parts & Supply	17.18
		415484	04/19/2016	Veh - Maint Parts & Supply	29.63
		415941	04/21/2016	Veh - Maint Parts & Supply	9.47
Check	04/29/2016	78603 Accounts Payable	Monterey County Department of Health		775.00
		Invoice	Date	Description	Amount
		MRN-PD 16-03	04/11/2016	Sexually Assault Exam-MG1600587 3/19/16	775.00
Check	04/29/2016	78604 Accounts Payable	Monterey County Petroleum		4,395.83
		Invoice	Date	Description	Amount

AP Check Register 04-29-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 04/29/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
	292853		04/22/2016	Fuel (Oil)	69.21
	290456		01/28/2016	Diesel Fuel (570 gal)	912.32
	290455		01/28/2016	Unleaded Fuel (1900 gal)	3,414.30
Check	04/29/2016	78605 Accounts Payable	Monterey Regional Waste Management District		2,252.76
	Invoice		Date	Description	Amount
	003-31-16		03/31/2016	Citywide -Dump Fees	2,252.76
Check	04/29/2016	78606 Accounts Payable	Monterey Tire Service		143.14
	Invoice		Date	Description	Amount
	1 - 71167		04/21/2016	CW - Tires	143.14
Check	04/29/2016	78607 Accounts Payable	Seth Morten		460.00
	Invoice		Date	Description	Amount
	05-08-16		04/14/2016	Per Diem	460.00
Check	04/29/2016	78608 Accounts Payable	Muniservices		220.00
	Invoice		Date	Description	Amount
	41377		03/31/2016	Business License Tax Admin	220.00
Check	04/29/2016	78609 Accounts Payable	National Fire Protection-NFPA		1,305.00
	Invoice		Date	Description	Amount
	6657035X		04/22/2016	National Fire Code Subscription Renewal	1,305.00
Check	04/29/2016	78610 Accounts Payable	Office Depot		472.73
	Invoice		Date	Description	Amount
	829791188001		03/22/2016	Office Supplies-Finance	472.73
Check	04/29/2016	78611 Accounts Payable	Office Depot		43.35
	Invoice		Date	Description	Amount
	1902070577		02/11/2016	Key Tags for Knox Box	43.35
Check	04/29/2016	78612 Accounts Payable	Office Depot		133.63
	Invoice		Date	Description	Amount
	833496979001		04/08/2016	Office Supplies	133.63
Check	04/29/2016	78613 Accounts Payable	Pacific Gas & Electric		16,334.90

LIVE Marina, CA *LIVE*

AP Check Register 04-29-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 04/29/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
	Invoice		Date	Description	Amount
	851-0.APR16		04/15/2016	PG&E - 3440977851-0	213.44
	483-6.APR16		04/15/2016	PG&E - 3982644483-6	14,132.65
	148-6.APR16		04/17/2016	PG&E - 5593414148-6	133.36
	683-2.APR16		04/19/2016	PG&E 6217294683-2	809.34
	272-1.APR16		04/19/2016	PG&E - 2862559272-1	45.81
	362-9.APR16		04/20/2016	PG&E - 5996678362-9	118.43
	533-8.APR16		04/19/2016	PG&E - 2253666533-8	101.70
	795-7.APR16		04/21/2016	PG&E - 4467294795-7	250.56
	172-2.APR16		04/20/2016	PG&E - 5618207172-2	529.61
Check	04/29/2016	78614 Accounts Payable		Peninsula Chevrolet Cadillac	18.55
	Invoice		Date	Description	Amount
	11956CVR		04/22/2016	Veh - Maint & Repair	18.55
Check	04/29/2016	78615 Accounts Payable		Peninsula Messenger LLC	120.00
	Invoice		Date	Description	Amount
	03/31/16		03/31/2016	Daily Deposit pick-up	120.00
Check	04/29/2016	78616 Accounts Payable		Salinas Valley Ford	16.45
	Invoice		Date	Description	Amount
	91440FOW		04/20/2016	Veh - Maint & Repair	16.45
Check	04/29/2016	78617 Accounts Payable		Sierra Springs & Alhambra	94.72
	Invoice		Date	Description	Amount
	14225799041316		04/13/2016	CDD - Sierra Spring - Water Svc	46.86
	9696351041616		04/16/2016	CDD - Sierra Spring - Water Svc	47.86
Check	04/29/2016	78618 Accounts Payable		Techno Lock Keys Trading LLC	512.00
	Invoice		Date	Description	Amount
	10975		04/12/2016	CDD Door Lock	512.00
Check	04/29/2016	78619 Accounts Payable		Tyler Technologies, Inc.	4,000.00
	Invoice		Date	Description	Amount
	049118		03/31/2016	Tyler Tech - Srvc (03/25/16)HR Analytics	4,000.00
Check	04/29/2016	78620 Accounts Payable		Aaron Widener	182.52

LIVE Marina, CA *LIVE*

AP Check Register 04-29-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 04/29/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
	Invoice		Date	Description	Amount
	04-06-16		04/06/2016	Mileage Reimbursement 3/28-3/31/16	182.52
Check	04/29/2016	78621 Accounts Payable	AFLAC - Attn.:Remittance Process		2,500.11
	Invoice		Date	Description	Amount
	04-22-2016		04/22/2016	71 - AFLAC Cancer Post-Tax*	2,500.11
Check	04/29/2016	78622 Accounts Payable	Discovery Benefits, Inc.		407.12
	Invoice		Date	Description	Amount
	03-31-2016		03/31/2016	Admin Fee (03/2016)	62.50
	04-22-2016		04/22/2016	93 - Dependent Care FSA*	344.62
Check	04/29/2016	78623 Accounts Payable	Franchise Tax Board - State of CA		100.00
	Invoice		Date	Description	Amount
	04-22-2016		04/22/2016	551 - Garnishment (FTB) \$	100.00
Check	04/29/2016	78624 Accounts Payable	ICMA Retirement Trust		7,416.91
	Invoice		Date	Description	Amount
	04-22-2016		04/22/2016	12 - ICMA 457 %*	7,416.91
Check	04/29/2016	78625 Accounts Payable	Marina Employees Association		145.00
	Invoice		Date	Description	Amount
	04-22-2016		04/22/2016	24 - MEA Dues	145.00
Check	04/29/2016	78626 Accounts Payable	Marina Police Association-MPOA		250.00
	Invoice		Date	Description	Amount
	04-22-2016		04/22/2016	23 - MPOA Dues	250.00
Check	04/29/2016	78627 Accounts Payable	Marina Professional Fire Fighters Association		200.00
	Invoice		Date	Description	Amount
	04-22-2016		04/22/2016	35 - MPFFA Dues	200.00
Check	04/29/2016	78628 Accounts Payable	Marina Public Safety Management Association		100.00
	Invoice		Date	Description	Amount
	04-22-2016		04/22/2016	19 - MPSMA Dues	100.00

LIVE Marina, CA *LIVE*

AP Check Register 04-29-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 04/29/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	04/29/2016	78629 Accounts Payable	Nationwide Retirement		1,322.47
	Invoice		Date	Description	Amount
	04-22-2016		04/22/2016	10 - Nationwide 457 %*	1,322.47
Check	04/29/2016	78630 Accounts Payable	Police Officers Association - POA		1,350.00
	Invoice		Date	Description	Amount
	04-22-2016		04/22/2016	25 - POA Dues	1,350.00
024 Accounts Payable ZBA Totals:			Transactions: 67		\$89,636.30
Checks:		67		\$89,636.30	

Payment Register

From Payment Date: 3/1/2016 - To Payment Date: 3/31/2016

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
028 - Payroll ZBA									
<u>EFT</u>									
677	03/11/2016	Open			Accounts Payable	California State Disbursement Unit	\$1,491.78		
678	03/11/2016	Open			Accounts Payable	EFTPS Electronic Federal Tax Payment System	\$58,294.03		
679	03/11/2016	Open			Accounts Payable	Employment Development Department	\$16,216.57		
680	03/11/2016	Open			Accounts Payable	Rebecca Minuth	\$527.52		
809	03/25/2016	Open			Accounts Payable	California State Disbursement Unit	\$1,491.78		
810	03/25/2016	Open			Accounts Payable	EFTPS Electronic Federal Tax Payment System	\$60,192.75		
811	03/25/2016	Open			Accounts Payable	Employment Development Department	\$16,820.02		
812	03/25/2016	Open			Accounts Payable	Rebecca Minuth	\$527.52		
944	03/25/2016	Open			Accounts Payable	ADP - San Francisco	\$382.73		
Type EFT Totals:							\$155,944.70		
028 - Payroll ZBA Totals									

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	9	\$155,944.70	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	9	\$155,944.70	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	9	\$155,944.70	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	9	\$155,944.70	\$0.00

Grand Totals:

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	9	\$155,944.70	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	9	\$155,944.70	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	9	\$155,944.70	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	9	\$155,944.70	\$0.00



DRAFT

Agenda Item **8b(1)**
City Council Meeting of
May 3, 2016

MINUTES

Tuesday, March 15, 2016

5:30 P.M. Closed Session
6:30 P.M. Open Session

**REGULAR MEETING
CITY COUNCIL, AIRPORT COMMISSION,
MARINA ABRAMS B NON-PROFIT CORPORATION, PRESTON PARK SUSTAINABLE
COMMUNITY NON-PROFIT CORPORATION AND SUCCESSOR AGENCY OF THE
FORMER MARINA REDEVELOPMENT AGENCY**

Council Chambers
211 Hillcrest Avenue
Marina, California

1. CALL TO ORDER
2. ROLL CALL & ESTABLISHMENT OF QUORUM: (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, and Successor Agency of the Former Redevelopment Agency Members)

MEMBERS PRESENT: Nancy Amadeo, David W. Brown, Gail Morton, Mayor Pro-Tem/Vice Chair Frank O'Connell, Mayor/Chair Bruce C. Delgado
3. CLOSED SESSION: *As permitted by Government Code Section 54956 et seq., the (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, and Redevelopment Agency Members) may adjourn to a Closed or Executive Session to consider specific matters dealing with litigation, certain personnel matters, property negotiations or to confer with the City's Meyers-Milias-Brown Act representative.*
 - a. Labor Negotiations
 - i. Marina Employee Association
 - ii. Marina Management Employees Association
 - iii. Marina Public Safety Officers Association
 - iv. Marina Public Safety Manager's Association
 - v. Marina Professional Firefighters Association
 - vi. Department Directors
 1. Community Development Director
 2. Finance Director
 3. Fire Chief
 4. Police Chief
 5. Recreation and Cultural Services Director

City Negotiators: Layne P. Long, City Manager and Employee Relations Officer

6:30 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION

City Attorney Robert Rathie reported out closed session: Council met on the matter listed on the agenda listed as Labor Negotiations. Council received information, discussed findings and recommendations from the fact finders report from the Marina Public Safety Office Association negotiations with the City Manager and the city's negotiator, direction was provided to resume negotiations with the Marina Public Safety Officers Association on a successor contract, next step would be for the city manager and the city's negotiator Rick Bolanos to make with the associations representative Larry Katz to discuss the next steps in resuming negotiations.

4. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)

5. SPECIAL PRESENTATIONS:

a Recreation Announcements

6. SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR: *Any member of the Public or the City Council may make an announcement of special events or meetings of interest as information to Council and Public. Any member of the public may comment on any matter within the City Council's jurisdiction which is not on the agenda. Please state your name for the record. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on a future agenda. City Council members or City staff may briefly respond to statements made or questions posed as permitted by Government Code Section 54954.2. In order that all interested parties have an opportunity to speak, please limit comments to a maximum of four (4) minutes. Any member of the public may comment on any matter listed on this agenda at the time the matter is being considered by the City Council.*

- Dan Amadeo – Marina In Motion April 2nd in the Council Chambers will be hosting two candidate forums/debates. First one will be from 10:00am to Noon for the 4th District Supervisor and from 1:00-3:00 for the 20th Congressional District. This will be broadcasted on AMP Channel 25 and online at ampmedia.org.
- Kevin P. Saunders – Commented on running for 2016 election; asking for Chief Rodriguez to initiate Bodycams and drug testing for all Marina Police Officers and the Council's support of medical marijuana. Commented on the pending case against him
- Scott Clegg – Marina Public Safety Officers Association (MPSOA) representative, commented on the 9 senior member's years of combined service of 150 years to the Marina community and council's willingness to cut Specialty Pay for the dual services they perform. Association asked to convert the Specialty Pay into a negotiated system for current skillsets. The Association has been without a contract for some time and recently entered into a fact finding mediation with a State mediator, which agrees with the Association. Commented on recent pay raises for staff outside of their negotiations.
- The following Members of the Marina Public Safety Officers Association (MPSOA) made comments related to current labor negotiations, job duties & functions and the need to retain the Specialty Pay:
 - Vince Troia, Field Training Officer (FTO), Homeless Liaison Officer, Defensive Tactics Instructor, Impact Weapons Instructor, Taser Instructor and Information Technology Committee Member.
 - Eric Garcia, School Resource Officer (SRO) for J.C. Crumpton, Marina Vista, Olson, Los Arboles and Marina High School.
 - Justine McMahan, Corporal - Volunteers In Police Services Coordinator (VIPS)
 - Jeff Cattaneo, Patrol, Homeless Liaison Officer (HLO)

- Pablo Andrade, Cadet Program Advisor, Marina Police Cadet Program & PAL Reestablished in 2008
- John Magana, Monterey Peninsula Regional Special Response Unit (SRU) consisting of two team elements of special weapons tactic team and hostage negotiation team.
- Jeff Carr, Senior Sgt. and legacy officer. Held many specialty assignments of FTO, SRO, detective, firearms instructor, FTS, K-9 Supervisor, and Range Master.
- Eddie Anderson, Held many assignments over 19 years, currently Traffic Bureau Supervisor. Monterey Regional STOP Program.
- Steve Russo, Corporal, Supervising the Detective Division.
- Andy Rosas – MPSOA President – Presented closing remarks about the previous speakers. Recent report by state fact finder indicates that Marina finds itself in a unique situation in which eliminating \$30,000 from their MPSOA bargaining unit through the elimination of the Skills Bonus Pay it finds itself in that situation, however it also continues to refuse to recognize specialty pay or pay specialty assignments. The fact finder states that it's an industry standard to compensate for these duties and recommend that the City of Marina compensate these officers for these duties. Through the information presented here today and through the California State Mediator findings and recommendation which were presented to both the City of Marina and the MPSOA we're respectfully calling upon you to solve this problem. We are happy to hear that you're willing to reopen negotiations. We look forward to those talks and we look forward to fair compensation for the police officers, sergeants and corporals of the Marina Police Department.
- Adam Urrutia – Commented on the need for council support of the city's police officers. Happy to hear that negotiation will resume with MPSOA. Agrees with Fact Finders Report with regard to Specialty Pay. Dismayed that council refused to meet with MPSOA members. Asked that council members agree to meet with the leaders of MPSOA. Specialty pay is a great way to compensate workers who have no other salary increases coming due after reaching longevity. Salinas is hiring and offering great incentives.
- Margaret Davis – Thinks excellent points have been made, and important in all of this that this discussion not be personal. Labor negotiation should not be taken as a personal issue. Council has to balance budgetary consideration. There should be no personal feeling and hopes it can maintain that tenor.
- Ron Russo – Council should support its officer; noted that Salinas is hiring police officers and providing great incentives. Not sure who came up with this idea of trying to take away these benefits away or substitute pay for the extra work they do.
- Council Member Amadeo – Attended California Mosquito and Vector Control Association and one of the issue that have received a lot of press is the Zeka virus and was the primary topic. Affirmed that the Zeka virus has not made it to California. No mosquitos have been found carrying the virus at this point.
- Mayor Delgado – thanks to the PW crew on pothole repairs, signal light during storms, Doug Swartz volunteers at the Marina Library site for the Oak Restoration. Special thanks to all the city's volunteers.

Mayor Delgado announced that agenda item 8d(1) regarding Johnson Electronics is being pulled from the agenda.

7. CONSENT AGENDA FOR THE *SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY*: None

8. CONSENT AGENDA: *Background information has been provided to the City Council, Airport Commission, Marina Abrams B Non-Profit Corporation, and Redevelopment Agency on all matters listed under the Consent Agenda, and these items are considered to be routine. All items under the Consent Agenda are normally approved by one motion. Prior to such a motion being made, any member of the public or the City Council may ask a question or make a comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda and placed at the end of Other Action Items.*
 - a. ACCOUNTS PAYABLE:
 - (1) Accounts Payable Check Numbers: 78063-78126, totaling \$590,186.99

 - b. MINUTES:
 - ~~(1) February 17, 2016, Regular City Council Meeting~~
 - ~~(2) March 1, 2016, Regular City Council Meeting~~

 - c. CLAIMS AGAINST THE CITY: None

 - d. AWARD OF BID:
 - ~~(1) City Council consider adopting Resolution No. 2016, authorizing and awarding bid proposal to Johnson Electronics to complete the work for the Network Cabling Upgrade Project; and authorizing the City Manager to execute all contract documents on behalf of the City subject to final review and approval by the City Attorney. **Pulled from agenda**~~

 - e. CALL FOR BIDS: None

 - f. ADOPTION OF RESOLUTIONS:
 - (1) City Council consider adopting **Resolution No. 2016-27**, authorizing submission of a grant application to the Federal Aviation Administration (FAA) for participation in the Military Airport Program (MAP) for a period up to five years for rehabilitation and capital development at the Marina Municipal Airport.
 - (2) City Council consider adopting **Resolution No. 2016-28**, amending the City’s Salary Schedule for the Marina Employees Association bargaining unit.

 - g. APPROVAL OF AGREEMENTS:
 - (1) City Council consider adopting **Resolution No. 2016-29**, approving a professional services agreement between City of Marina and Tartaglia Engineering, of Atascadero, California, in amount of \$83,700 for preliminary engineering, surveying, engineering design, preparation of plans and specifications, bidding support, construction administration, inspection, construction surveying, and materials testing services for the beacon replacement project, and for preparation of an airfield Pavement Maintenance Management Plan (PMMP), and; increasing appropriations in the FY 2015-16 Airport Capital Projects Fund 460 in the amount of \$166,000, and; increasing appropriations in the FY 2015-16 Airport Operating Fund 555 in the amount of \$9,130, and; authorizing Finance Director to make necessary accounting and budgetary entries, and; authorizing City Manager to execute agreement on behalf of the City, subject to final review and approval by City Attorney.

- (2) City Council consider adopting **Resolution No. 2016-30**, approving Amendment No. 1 and renewing the agreement between the City of Marina and Access Monterey Peninsula, Inc.

- h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None
- i. MAPS: None
- j. REPORTS: (RECEIVE AND FILE):
- k. FUNDING & BUDGET MATTERS: None
- l. APPROVE ORDINANCES (WAIVE SECOND READING): None
- m. APPROVE APPOINTMENTS: None

8d(1) pulled from consent agenda

Council Member Amadeo announce that she needed abstain/recuse herself from item 8b(2) as she was absent.

Council Member Morton commented on receiving corrected minutes (8b(1) and 8b(2)) prior to the council meeting that were not provided on the dais and asked that the be moved to the next meeting.

DELGADO/BROWN: TO APPROVE CONSENT AGENDA MINUS 8b(1), 8b(2) AND 8d(1). 5-0-0 Motion Passes.

9. PUBLIC HEARINGS:

- a. City Council open a public hearing, take any testimony from the public and consider adopting **Resolution No. 2016-31**, approving the Mitigated Negative Declaration of environmental impact and the associated Mitigation Monitoring and Reporting Program (MMRP) for demolition of an existing single family dwelling and duplex and construction of sixteen (16) new townhomes and two (2) apartments on a ±0.8 acre project site located at 3033-3039 Marina Drive (APN 033-171-002); **Resolution No. 2016-32**, approving General Plan Land Use Map amendment GP 2014-01 to change the land use designation from "Single Family Residential" to "Multi-Family Residential" for a ±0.8 acre project site located at 3033-3039 Marina Drive (APN 033-171-002); **Introducing Ordinance No. 2016-02**, approving Zoning Map amendment ZM 2014-01 to change the Zoning District from "Multiple Family Residential (R-4)" to "Specific Plan (SP)" for a ±0.8 acre project site located at 3033-3039 Marina Drive (APN 033-171-002); **Resolution No. 2016-33**, approving Specific Plan SP 2014-01, including Site and Architectural Design Review DR 2014-01 for the Site Plan, Building Elevations, Conceptual Landscape Plan, and colors and materials for demolition of an existing single family dwelling and duplex and construction of sixteen (16) new townhomes and two (2) apartments, and Tree Removal Permit TP 2014-01 for the removal of seven (7) trees on a ±0.8 acre project site located at 3033-3039 Marina Drive (APN 033-171-002), subject to conditions; **Resolution No. 2016-34**, approving an Affordable Housing Plan and an Affordable Housing Agreement. *Continued from February 2, 2016 and March 1, 2016*

Mayor opened public hearing for public comments:

- Margaret Davis – Observation about covered parking is that most cars dwell 24/7 outside and people have the option in their own driveway to erect some kind of canopy but they don't and partly that is an aesthetic consideration and partly because it doesn't rain that much and it's not that unusual to be there with a grocery bag, just a thought.

- Karen Wolfe – questioned how the affordable housing would be managed going forward in terms of tenant payment and costs? Seen many affordable units go in throughout the peninsula and within a few years was completely unaffordable.

BROWN/DELGADO: TO APPROVE RESOLUTION NO. 2016-31, APPROVING THE MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND THE ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) FOR DEMOLITION OF AN EXISTING SINGLE FAMILY DWELLING AND DUPLEX AND CONSTRUCTION OF SIXTEEN (16) NEW TOWNHOMES AND TWO (2) APARTMENTS ON A ±0.8 ACRE PROJECT SITE LOCATED AT 3033-3039 MARINA DRIVE (APN 033-171-002). 3-2(Morton, O’Connell)-0-0 Motion Passes

Public Comments: None Received

Roll Call Vote: Morton, NO; O’Connell, NO; Delgado, YES; Brown, YES; Amadeo, YES

DELGADO/AMADEO: RESOLUTION NO. 2016-32, APPROVING GENERAL PLAN LAND USE MAP AMENDMENT GP 2014-01 TO CHANGE THE LAND USE DESIGNATION FROM "SINGLE FAMILY RESIDENTIAL" TO "MULTI-FAMILY RESIDENTIAL" FOR A ±0.8 ACRE PROJECT SITE LOCATED AT 3033-3039 MARINA DRIVE (APN 033-171-002). 5-0-0-0 Motion Passes

Roll Call Vote: Morton, YES; O’Connell, YES; Delgado, YES; Brown, YES; Amadeo, YES

Public Comments: None Received

AMADEO/BROWN: INTRODUCING ORDINANCE NO. 2016-, APPROVING ZONING MAP AMENDMENT ZM 2014-01 TO CHANGE THE ZONING DISTRICT FROM "MULTIPLE FAMILY RESIDENTIAL (R-4)" TO "SPECIFIC PLAN (SP)" FOR A ±0.8 ACRE PROJECT SITE LOCATED AT 3033-3039 MARINA DRIVE (APN 033-171-002). 3-2(Morton, O’Connell)-0-0 Motion Passes

Roll Call Vote: Morton, NO; O’Connell, NO; Delgado, YES; Brown, YES; Amadeo, YES

Public Comments: None Received

DELGADO/AMADEO: RESOLUTION NO. 2016-33, APPROVING SPECIFIC PLAN SP 2014-01, INCLUDING SITE AND ARCHITECTURAL DESIGN REVIEW DR 2014-01 FOR THE SITE PLAN, BUILDING ELEVATIONS, CONCEPTUAL LANDSCAPE PLAN, AND COLORS AND MATERIALS FOR DEMOLITION OF AN EXISTING SINGLE FAMILY DWELLING AND DUPLEX AND CONSTRUCTION OF SIXTEEN (16) NEW TOWNHOMES AND TWO (2) APARTMENTS, AND TREE REMOVAL PERMIT TP 2014-01 FOR THE REMOVAL OF SEVEN (7) TREES ON A ±0.8 ACRE PROJECT SITE LOCATED AT 3033-3039 MARINA DRIVE (APN 033-171-002), SUBJECT TO CONDITIONS OF APPROVING 39 PARKING SPACES; CONVERSION OF ONE (1) OF THE TWO (2) BEDROOM APARTMENT TO A ONE (1) BEDROOM; REMOVAL OF ONE MOTORCYCLE PARKING SPACE; DEVELOPER TO SEEK TAMC APPROVAL ON RIGHT OF WAY USE; DEVELOPER USE YELLOW AND WHITE STRIPING COMBO; AND DEVELOPER TO MEET WITH MAYOR AND RICHARD BOYNTON TO DO CONSIDER SITE TOURS OF EXISTING AREAS FOR LOCAL NATIVE SPECIES. 5-0-0-0 Motion Passes

Roll Call Vote: Morton, YES; O’Connell, YES; Delgado, YES; Brown, YES; Amadeo, YES

Public Comments:

- Karen Wolfe – Commented on the extra 10 parking space located on the street that are not being counted for that are directly in front of the project.
- Margaret Davis – Planning Commission was concerned about the parking, supports motion. Appreciates the flexibility and goodwill of the applicant even when it’s not to his financial advantage. Rare and refreshing.

DELGADO/AMADEO: RESOLUTION NO. 2016-34, APPROVING AN AFFORDABLE HOUSING PLAN AND AN AFFORDABLE HOUSING AGREEMENT. 5-0-0-0 Motion Passes

Roll Call Vote: Morton, YES; O’Connell, YES; Delgado, YES; Brown, YES; Amadeo, YES

Public Comments: None Received.

10. OTHER ACTIONS ITEMS OF THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY: *Action listed for each Agenda item is that which is requested by staff. The Successor Agency may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*
11. OTHER ACTION ITEMS: *Action listed for each Agenda item is that which is requested by staff. The City Council may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*

Note: No additional major projects or programs should be undertaken without review of the impacts on existing priorities (Resolution No. 2006-79 – April 4, 2006).

- a. City Council consider adopting **Resolution No. 2016-35**, approving Public Improvement Agreement between City of Marina and Shea Homes, LP, (“Developer”), and; consider authorizing the City Manager to execute the Public Improvement Agreement on behalf of City subject to final review and approval by the City Attorney.

9:55 PM

O’CONNELL/DELGADO: TO EXTEND TO FINISH THROUGH TO 11c. 5-0-0-0 Motion Passes.

O’CONNELL/AMADEO: TO APPROVE THE RESOLUTION AS SET FORTH ON PAGE 176 OF THE STAFF REPORT SUBJECT TO THE FOLLOWING:

SLIGHT CHANGE IN THE PUBLIC IMPROVEMENT AGREEMENT, WHICH IS ATTACHED, ON PAGE 6 OF THAT AGREEMENT THE SECOND PARAGRAPH OF PAGE 6, DOWN TO THE 7TH LINE GOING FORWARD READS AS FOLLOW: THE PERFORMANCE BOND SHALL BY ITS TERMS REMAIN IN FULL FORCE AND EFFECT FOR A PERIOD OF NOT LESS THAN ONE YEAR AFTER COMPLETION OF THE IMPROVEMENTS BY THE DEVELOPER AND ACCEPTANCE OF THE IMPROVEMENTS BY THE CITY PROVIDED THAT AFTER COMPLETION OF THE IMPROVEMENTS BY THE DEVELOPER AND ACCEPTANCE OF THE IMPROVEMENTS BY THE CITY, DEVELOPER MAY SUBSTITUTE FOR THE PERFORMANCE BOND SECURING A WARRANTY DESCRIBED ABOVE WITH A SEPARATE WARRANTY BOND ISSUED BY THE ADMITTED SURETY IN THE AMOUNT OF TEN PERCENT (10%) OF THE TOTAL CONTRACT PRICE OF THE

IMPROVEMENTS (PROVIDED THAT AMOUNT OF SAID BOND SHALL NOT BE LESS THAN ONE THOUSAND DOLLARS (\$1,000) TO COVER THE ONE-YEAR WARRANTY PERIOD. GOVERNMENT CODE SECTION 66499.0, AND AS IT MAY HEREAFTER BE AMEND, EXTENDED, OR OTHERWISE MODIFIED, SHALL APPLY TO A REQUEST BY DEVELOPER FOR RELEASE, IN WHOLE OR IN PART, OF THE FAITHFUL PERFORMANCE BOND.

Council Member Morton requested a friendly amendment: *“and be conditioned upon that there is no conflict with the multiuse trail that’s to go along 9th Street.”*

Motion maker accepts friendly amendment, Second still holds

Final Motion

O’CONNELL/AMADEO: TO APPROVE THE RESOLUTION AS SET FORTH ON PAGE 176 OF THE STAFF REPORT SUBJECT TO THE FOLLOWING:

SLIGHT CHANGE IN THE PUBLIC IMPROVEMENT AGREEMENT, WHICH IS ATTACHED, ON PAGE 6 OF THAT AGREEMENT THE SECOND PARAGRAPH OF PAGE 6, DOWN TO THE 7TH LINE GOING FORWARD READS AS FOLLOW: THE PERFORMANCE BOND SHALL BY ITS TERMS REMAIN IN FULL FORCE AND EFFECT FOR A PERIOD OF NOT LESS THAN ONE YEAR AFTER COMPLETION OF THE IMPROVEMENTS BY THE DEVELOPER AND ACCEPTANCE OF THE IMPROVEMENTS BY THE CITY PROVIDED THAT AFTER COMPLETION OF THE IMPROVEMENTS BY THE DEVELOPER AND ACCEPTANCE OF THE IMPROVEMENTS BY THE CITY, DEVELOPER MAY SUBSTITUTE FOR THE PERFORMANCE BOND SECURING A WARRANTY DESCRIBED ABOVE WITH A SEPARATE WARRANTY BOND ISSUED BY THE ADMITTED SURETY IN THE AMOUNT OF TEN PERCENT (10%) OF THE TOTAL CONTRACT PRICE OF THE IMPROVEMENTS (PROVIDED THAT AMOUNT OF SAID BOND SHALL NOT BE LESS THAN ONE THOUSAND DOLLARS (\$1,000) TO COVER THE ONE-YEAR WARRANTY PERIOD. GOVERNMENT CODE SECTION 66499.0, AND AS IT MAY HEREAFTER BE AMEND, EXTENDED, OR OTHERWISE MODIFIED, SHALL APPLY TO A REQUEST BY DEVELOPER FOR RELEASE, IN WHOLE OR IN PART, OF THE FAITHFUL PERFORMANCE BOND; AND BE CONDITIONED UPON THAT THERE IS NO CONFLICT WITH THE MULTI-USE TRAIL THAT’S TO GO ALONG NINTH STREET.” 5-0-0-0 Motion Passed

Public Comments:

- Fred Watson – Showed 7 different maps of Ninth Street depicting trails and improvement plans. Made suggestions on improving maps, reconfigurations of ramps, crosswalks.
- Chris Stump – Shea Homes, misconception on where we are in the process. Final map approved in November for Phase II shows property lines for the project and that’s the action were asking for approved for this evening which is to establish the property lines like we did in the Phase II Final Map. In this case we established the 9th Street Right of Way. Contemplation of pulling grading permits within the next 4-weeks for this project. Working on landscape design and details what were are proposing to do with this corridor.
- Margaret Davis – Made comments related to 9th Street connectivity to the Equestrian Center Park out to the State Beach and the complexity of design that is needed. Friends of the Fort Ord Warhorse worked hard to get recognition and incorporation of the Marina Equestrian Center Park

into City Plans and awareness. Would like to see clear language that no infrastructure such as curb or gutter is going to be put in without the council’s awareness and approval.

- b. City Council consider adopting **Resolution No. 2016-36**, approving the Phase 3 Final Map of Phase 1C for The Dunes on Monterey Bay Development Project Subdivision, and; consider authorizing the City Manager to execute the Final Map on behalf of City subject to final review and approval by the City Attorney.

Morton/Delagdo: to adopt **Resolution No. 2016-36**, approving the Phase 3 Final Map of Phase 1c for The Dunes on Monterey Bay Development Project Subdivision, and; authorizing the City Manager to execute the Final Map on behalf of City “provided that the final map facilitates the flow of the multi-purpose trail along 9th street, meeting engineering, ADA and other applicable standards” subject to final review and approval by the City Attorney.

Council Member Morton modified the motion:

MORTON/AMADEO: TO APPROVE THE PHASE 3 FINAL MAP OF PHASE 1C FOR THE DUNES ON MONTEREY BAY DEVELOPMENT PROJECT SUBDIVISION. 5-0-0-0 Motion Passes

Public Comments: None

DELGADO/AMADEO: THAT WE RECONSIDER AGENDA ITEM 11a. 5-0-0-0 Motion Passes

11a. for Reconsideration

11a Reconsideration of Motion

O’Connell/Delgado: that the council approve the resolution as set forth on page 176 of the staff report with the attached public improvement agreement subject to one (1) change on page 6 of the agreement, down to the second paragraph of that page, line 7 the sentence shall read: “the performance bond shall by its terms remain in full force and effect for a period of not less than one year after completion of the improvements by the developer and acceptance of the improvements by the city provided that after completion of the improvements by the developer and acceptance of the improvements by the city, developer may substitute for the performance bond securing a warranty described above with a separate warranty bond issued by the admitted surety in the amount of ten percent (10%) of the total contract price of the improvements (provided that amount of said bond shall not be less than one thousand dollars (\$1,000) to cover the one-year warranty period. Government code section 66499.0, and as it may hereafter be amend, extended, or otherwise modified, shall apply to a request by developer for release, in whole or in part, of the faithful performance bond; and be conditioned upon that there is no conflict with the multi-use trail that’s to go along Ninth Street”

Don Hofer – stated possible amendment language: “Requires that the conceptual design for the recreational multi-model purpose trail be brought back to council for consideration prior to approval of the final landscape documents for that corridor”.

Council Member Morton asked that Don Hofer’s language be added to the motion: *“that the condition of approval of the public improvement agreement include as a condition the conceptual recreation and multi-use trail map come back to council prior to the final approval of landscaping.”*

Final Motion

O'CONNELL/DELGADO: THAT THE COUNCIL APPROVE THE RESOLUTION AS SET FORTH ON PAGE 176 OF THE STAFF REPORT WITH THE ATTACHED PUBLIC IMPROVEMENT AGREEMENT SUBJECT TO ONE (1) CHANGE ON PAGE 6 OF THE AGREEMENT, DOWN TO THE SECOND PARAGRAPH OF THAT PAGE, LINE 7 THE SENTENCE SHALL READ: THE PERFORMANCE BOND SHALL BY ITS TERMS REMAIN IN FULL FORCE AND EFFECT FOR A PERIOD OF NOT LESS THAN ONE YEAR AFTER COMPLETION OF THE IMPROVEMENTS BY THE DEVELOPER AND ACCEPTANCE OF THE IMPROVEMENTS BY THE CITY PROVIDED THAT AFTER COMPLETION OF THE IMPROVEMENTS BY THE DEVELOPER AND ACCEPTANCE OF THE IMPROVEMENTS BY THE CITY, DEVELOPER MAY SUBSTITUTE FOR THE PERFORMANCE BOND SECURING A WARRANTY DESCRIBED ABOVE WITH A SEPARATE WARRANTY BOND ISSUED BY THE ADMITTED SURETY IN THE AMOUNT OF TEN PERCENT (10%) OF THE TOTAL CONTRACT PRICE OF THE IMPROVEMENTS (PROVIDED THAT AMOUNT OF SAID BOND SHALL NOT BE LESS THAN ONE THOUSAND DOLLARS (\$1,000) TO COVER THE ONE-YEAR WARRANTY PERIOD. GOVERNMENT CODE SECTION 66499.0, AND AS IT MAY HEREAFTER BE AMEND, EXTENDED, OR OTHERWISE MODIFIED, SHALL APPLY TO A REQUEST BY DEVELOPER FOR RELEASE, IN WHOLE OR IN PART, OF THE FAITHFUL PERFORMANCE BOND; AND BE CONDITIONED UPON THAT THERE IS NO CONFLICT WITH THE MULTI-USE TRAIL THAT'S TO GO ALONG NINTH STREET". "; AND THAT THE CONDITION OF APPROVAL OF THE PUBLIC IMPROVEMENT AGREEMENT INCLUDE AS A CONDITION THE CONCEPTUAL RECREATION AND MULTI-USE TRAIL MAP COME BACK TO COUNCIL PRIOR TO THE FINAL APPROVAL OF LANDSCAPING."

5-0-0-0 Motion Passes

Public Comments: None

- c. City Council consider adopting **Resolution No. 2016-37**, authorizing City Manager to request the California Coastal Commission to assist the city with and/or assume responsibility for, in coordination and consultation with the city, any enforcement proceedings that may be pursued relative to possible violations of the California Coastal Act and the Marina Local Coastal Program by the CEMEX Sand Mining Operations.

DELGADO/MORTON: THAT WE ADOPT RESOLUTION NO. 2016-37, AUTHORIZING CITY MANAGER TO REQUEST THE CALIFORNIA COASTAL COMMISSION TO ASSIST THE CITY WITH AND/OR ASSUME RESPONSIBILITY FOR, IN COORDINATION AND CONSULTATION WITH THE CITY, ANY ENFORCEMENT PROCEEDINGS THAT MAY BE PURSUED RELATIVE TO POSSIBLE VIOLATIONS OF THE CALIFORNIA COASTAL ACT AND THE MARINA LOCAL COASTAL PROGRAM BY THE CEMEX SAND MINING OPERATIONS. **5-0-0-0 Motion Passes**

Roll Call Vote: Morton, Yes; O'Connell, Yes; Delgado, Yes; Brown, Yes; Amadeo, Yes.

Public Comments:

- Kathy Biala – Commented on receiving letter of support from Surf Rider Foundation that was addressed to Council but did not make it into the packet. Echo's the support from Surf Riders Foundation on the passing of a resolution. Thank you for taking the proactive steps on this important issue.

- Margaret Davis – Urged Council to approve this and show the Coastal Commission you support them doing their job. Long overdue.

- d. ~~City Council consider adopting Resolution No. 2016, requiring the establishment of a Facility, Equipment and Vehicle Reserve Account and an Emergency Reserve Account in the FY 2016/17 Budget, and; authorizing the funding of each account, and; authorizing the Finance Director to make the appropriate accounting and budgetary entries necessary to establish said accounts, and: provide staff with any further direction subject to review and approval by the city attorney.~~ *Continued to April 5, 2016*

12. COUNCIL & STAFF INFORMATIONAL REPORTS:

- a. Monterey County Mayor’s Association [Mayor Bruce Delgado]
- b. Council and staff opportunity to ask a question for clarification or make a brief report on his or her own activities as permitted by Government Code Section 54954.2.

13. ADJOURNMENT: the meeting adjourned at 11:07 PM

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk



DRAFT

Agenda Item **8b(2)**
City Council Meeting of
May 3, 2016

MINUTES

Tuesday, April 19, 2016

5:30 P.M. Closed Session

6:30 P.M. Open Session

**REGULAR MEETING
CITY COUNCIL, AIRPORT COMMISSION,
MARINA ABRAMS B NON-PROFIT CORPORATION, PRESTON PARK SUSTAINABLE
COMMUNITY NON-PROFIT CORPORATION AND SUCCESSOR AGENCY OF THE
FORMER MARINA REDEVELOPMENT AGENCY**

Council Chambers
211 Hillcrest Avenue
Marina, California

1. CALL TO ORDER
2. ROLL CALL & ESTABLISHMENT OF QUORUM: (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, and Successor Agency of the Former Redevelopment Agency Members)

MEMBERS PRESENT: Nancy Amadeo, Gail Morton, Mayor Pro-Tem/Vice Chair Frank O’Connell, Mayor/Chair Bruce C. Delgado

MEMBERS ABSENT: David W. Brown
3. CLOSED SESSION: *As permitted by Government Code Section 54956 et seq., the (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, and Redevelopment Agency Members) may adjourn to a Closed or Executive Session to consider specific matters dealing with litigation, certain personnel matters, property negotiations or to confer with the City’s Meyers-Milias-Brown Act representative.*
 - a. Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of CA Govt. Code Section 54956.9 – One Case; and initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9 – One Case.”
 - b. Conference with Legal Counsel re matters of Existing Litigation (GC§54956.9(d)(1)) two cases – City of Marina v. Barich Business Services (16CV000979)
 - c. Labor Negotiations
 - i. Marina Employee Association
 - ii. Marina Management Employees Association
 - iii. Marina Public Safety Officers Association
 - iv. Marina Public Safety Manager’s Association
 - v. Marina Professional Firefighters Association
 - vi. Department Directors
 - a. Community Development Director

- b. Finance Director
- c. Fire Chief
- d. Police Chief
- e. Recreation & Cultural Services Director

City Negotiators: Layne P. Long, City Manager and Employee Relations Officer

- d. Performance Evaluation, Unrepresented Employee – City Manager
- e. Real Property Negotiations
 - a. Property: City’s Airport Property (APN 031-111-013; -035, -036 and -037)
Negotiating Party: Ramco Enterprises LP
Property Negotiator: City Manager
Terms: All terms and conditions
 - b. Property: County Owned Property along Imjin Road between Intergarrison Road; and between 6th Avenue and Reservation Road; South of Blanco & East of Reservation Road.
Negotiating Party: Director, County of Monterey Resource Agency
Property Negotiator: City Manager
Terms: All terms and conditions

6:40 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION

City Attorney Robert Wellington reported out closed session: Council met at 5:30 as indicated on the agenda with regard to the matters listed. Council only discussed agenda items 3a, 3b and 3e(b). With regard to all items Council received information, gave direction and no other action was taken.

Mayor Delgado announced that council will go back into closed session at the end of open session.

- 4. **MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE** (Please stand)
- 5. **SPECIAL PRESENTATIONS:**
 - a. **Recreation Announcements**
 - b. **Certificate of Adjournment** – Sgt. Allan MacDonald
- 6. **SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR:** *Any member of the Public or the City Council may make an announcement of special events or meetings of interest as information to Council and Public. Any member of the public may comment on any matter within the City Council’s jurisdiction which is not on the agenda. Please state your name for the record. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on a future agenda. City Council members or City staff may briefly respond to statements made or questions posed as permitted by Government Code Section 54954.2. In order that all interested parties have an opportunity to speak, please limit comments to a maximum of four (4) minutes. Any member of the public may comment on any matter listed on this agenda at the time the matter is being considered by the City Council.*

- Erika – Made comments about Ethics in politics and how city councils should hold those ethical standards. Here today about a court case in December where a woman with extensive criminal history went to court to take the home of a confused 60 year old man with brain injury. Representing this woman was a marina city councilman, who happens to be an attorney. Confused

man had no representation because he had no money for a lawyer and represented himself. How can a public official whose job it is to look out for the community continue to represent a career criminal for decades, supporting her in her criminal activities? How can a city councilman present to the court on the day of the trial some \$25,000 in forged, fraudulent receipts for a Home Depot that didn't even open until years after the 2000-2001 receipt date? This same woman was in court recently for stealing thousands of dollars from a French businessman. The same woman is now in court on a charge of elder abuse. How can a city councilman claim to be ethical and do the work of the people when he remains tethered to a career criminal who continues to prey on local citizens?

- Kathy Biala – Commented on how democracy can truly work. Commented on the Crescent Street Neighborhood Group’s request for a traffic safety study; Shared why it is hard for neighbors to appear before council, some work two jobs or in the evenings or have children to care for. Some freeze up in public speaking. If you based your priorities on who and how many come to speak before you may have missed the opportunity to represent your constituents. It’s said a person can write letters but when people have already attended three meetings and have at least one representative speaking on their behalf writing is perceived as just one more hoop to jump through. It was decided that this unfunded request is not part of CIP please do not let this request be dependent upon whether a county-wide tax initiative passes in November.
- Carl – Commented on the need to have rent control for the apartments in Marina. Received three notices within 12 month period announcing rental increases due to inflation of property taxes. Asked council if they could look into doing rent control. Made comments related to traffic congestion and wondered if Marina has thought about General Jim Moore Blvd alternates to help alleviate the congestion on our roads.
- Bob Oliver – Commented on the Doug Finch lawsuit in which a sitting Marina council member represents the plaintiff. This case involves larceny, forgery, perjury, and extortion on the parts of the plaintiff and the sitting council member. Made a request to stop that an official step in and stop this fraud at this point.
- Mayor Pro-Tem O’Connell – Town Hall meeting on May 5th at 6:30 PM in the Community Room at the Marina Library. Topic discussion on Fort Ord Transition Plan.
- Council Member Amadeo – Received a hoowah for the clean-up that occurred at Los Arboles Field; personal shout-out to the Public Works crew for the fast cleanup work done on the Roundabouts; Marina Youth Arts Tea Party Fundraiser on August 13th and we are looking for more gentlemen servers to volunteer their time. Contact Lenore Masterson at 831-883-3968.
- Mayor Delgado – Appreciation to those who have contributed to the clean-up of Los Arboles over the last year. 10th Annual Earth Day was on April 16th thanks to all who volunteered at Locke Paddon Park; May 4th at 3:00pm is the Teacher Appreciation Day at the American Legion and at 6:00pm is the Police Memorial event at St. Jude’s Church, precession of public safety vehicles leave the Marina Airport and caravan to St. Jude’s Church on Hillcrest Avenue.

7. CONSENT AGENDA FOR THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY: *Background information has been provided to the Successor Agency of the former Redevelopment Agency on all matters listed under the Consent Agenda, and these items are considered to be routine. All items under the Consent Agenda are normally approved by one motion. Prior to such a motion being made, any member of the public or the City Council may ask a question or make a comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda for Successor Agency to the former Marina Redevelopment Agency and placed at the end of Other Action Items Successor Agency to the former Marina Redevelopment Agency.*

8. CONSENT AGENDA: *Background information has been provided to the City Council, Airport Commission, Marina Abrams B Non-Profit Corporation, and Redevelopment Agency on all matters listed under the Consent Agenda, and these items are considered to be routine. All items under the Consent Agenda are normally approved by one motion. Prior to such a motion being made, any member of the public or the City Council may ask a question or make a comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda and placed at the end of Other Action Items.*

a. ACCOUNTS PAYABLE:

- (1) Accounts Payable Check Numbers: 78388-78509, totaling \$328,062.38
Wire transfers totaling: \$379,656.89

b. MINUTES:

- (1) March 15, 2016, Regular City Council Meeting – ***Pulled by Council Member Morton, moved to May 3, 2016 meeting***
- (2) March 22, 2016, Special Joint City Council and Planning Commission Meeting
- (3) April 5, 2016, Regular City Council Meeting

c. CLAIMS AGAINST THE CITY: None

d. AWARD OF BID: None

e. CALL FOR BIDS: None

f. ADOPTION OF RESOLUTIONS:

- (1) ~~City Council consider adopting Resolution No. 2016 , delegating authority to the City Manager, or his designee, to “allow, compromise, or settle a claim” governed by the Tort Claims Act, California Government Code Sections 900 et seq, which do not exceed \$15,000.00; and, rescind that portion of Resolution No 2003-130, which allows the City Manager to settle claims not exceeding \$1,000.00. ***Pulled by Mayor Pro-Tem O’Connell, moved to May 3, 2016 meeting***~~
- (2) City Council consider adopting **Resolution No. 2016-47**, authorizing submission of an application to State of California Department of General Services for City participation in the State and Federal Surplus Property Program, and; authorizing City Manager to execute all forms necessary for application to the State and Federal Surplus Property Program.

g. APPROVAL OF AGREEMENTS:

- (1) ~~City Council consider adopting Resolution No. 2016 , authorizing the Mayor to execute a Maintenance Agreement from the Transportation Agency for Monterey County (TAMC) for a portion of TAMC Right of Way near Engineers Station 307+90 of the Monterey Branch Line Project in furtherance of the City of Marina’s Del Monte Blvd. and Beach Rd. Improvement Project, and; authorizing City Manager to Execute an Eneeroachment Permit on behalf of the City of Marina Subject to final review by the City Attorney. ***Pulled by Mayor Pro-tem O’Connell, bring back item***~~

- (2) City Council consider adopting **Resolution No. 2016-48**, approving a professional services agreement between City of Marina and Tartaglia Engineering, of Atascadero, California, in amount of \$103,383 for preparation of an initial study for adoption of the recently completed airport master plan, and; increasing appropriations in the FY 2015-16 Airport Operating Fund 555 in the amount of \$103,383, and; authorizing Finance Director to make necessary accounting and budgetary entries as, and; authorizing City Manager to execute agreement on behalf of the City, subject to final review and approval by City Attorney.
- (3) City Council consider adopting **Resolution No. 2016-49**, authorizing the City Manager to execute a side letter agreement between the City of Marina and the Marina Public Safety Officers Association, and; authorizing adjustments to City Compensation Plan including adjustments to the salary schedule, medical contributions and other specified terms and conditions of employment specified in the Side Letter, and; authorizing Finance Director to make appropriate accounting and budgetary entries.

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE):

- (1) City Council consider adopting **Resolution No. 2016-50**, making available the Development Impact Fee Study in accordance with Marina Municipal Code Chapter 3.26.
- (2) City Council receiving Investment Reports for the City of Marina and City of Marina as Successor Agency to the Marina Redevelopment Agency for months ended January 31, February 28, and March 31, 2016.

k. FUNDING & BUDGET MATTERS:

- (1) City Council consider adopting **Resolution No. 2016-51**, approving Public Works Community Center Restoration Project: authorize the Finance Director to make necessary accounting and budgetary entries.

l. APPROVE ORDINANCES (WAIVE SECOND READING): None

m. APPROVE APPOINTMENTS: None

Mayor Pro-Tem O’Connell pulled agenda items 8f(1), 8g(1) for questions and 8g(3) to be voted on separately.

Agenda Item: 8f(1) = are we potentially giving authority to include the amount up to \$15,000 or is it under \$15,000? Exhibit A, states the MBAIF funds for the first \$10,000 and that the city if responsible for the claim over the allotted \$10,000, this seems inconsistent and I would like to see about getting rid of Resolution No 2003-103 because of the confusion of the wording. Does the insurance carrier agree that the city may settle a claim for \$10,000 and that it be applied to satisfy the deductible, do they have agree to the \$10,000? Are you asking for authority to settle for the \$5,000 above our \$10,000 deductible?

8f(1) Motion

DELGADO/O'CONNELL: TO CONTINUE THIS ITEM UNTIL THE NEXT MEETING OR SUCH TIME THE CITY MANAGER BRING IT BACK 4-0-1(Brown)-0 Motion Passes

Agenda Item 8g(1) = page 71, paragraph 5 it referenced "indemnification by the contractor" and the contractor is not a party this this maintenance agreement, it's the city and TAMC, is that correct?

8g(1) Motion

DELGADO/AMADEO: TO REMOVE THIS ITEM FROM THE AGENDA AND BRING BACK AS SOON AS POSSIBLE WITH QUESTIONS ANSWERED AND CLARIFICATIONS MADE. 4-0-1(Brown)-0 Motion Passes

Council Member Morton pulled agenda item 8b(1) for minor corrections and had questions for 8g(2) Does the Initial Study satisfy us securing the Mitigated Negative Declaration or the determination that no Declaration is required? Is this included in the expense?

8b(1) Motion

DELGADO/MORTON: THAT WE REMOVE THESE MINUTES FROM TONIGHT'S AGENDA TO BE BROUGHT BACK AT A FUTURE DATE. 4-0-1(Brown)-0 Motion Passes

Council Member Amadeo pulled agenda item 8b(2) to be voted on separately due to her absence from that meeting.

8b(2) Motion

MORTON/O'CONNELL: TO APPROVE THE MINUTES OF MARCH 22, 2016. 2-0-1 (Brown)-2(Amadeo, Delgado) Motion Passes

Agenda Item: 8g(3)

DELGADO/AMADEO: TO ADOPT RESOLUTION NO. 2016-49, AUTHORIZING THE CITY MANAGER TO EXECUTE A SIDE LETTER AGREEMENT BETWEEN THE CITY OF MARINA AND THE MARINA PUBLIC SAFETY OFFICERS ASSOCIATION, AND; AUTHORIZING ADJUSTMENTS TO CITY COMPENSATION PLAN INCLUDING ADJUSTMENTS TO THE SALARY SCHEDULE, MEDICAL CONTRIBUTIONS AND OTHER SPECIFIED TERMS AND CONDITIONS OF EMPLOYMENT SPECIFIED IN THE SIDE LETTER, AND; AUTHORIZING FINANCE DIRECTOR TO MAKE APPROPRIATE ACCOUNTING AND BUDGETARY ENTRIES. 3-1(O'Connell)-1(Brown)-0 Motion Passes

DELGADO/AMADEO: TO APPROVE THE REST OF THE CONSENT AGENDA. 4-0-1(Brown)-0 Motion Passes

9. PUBLIC HEARINGS:

- a. City Council open public hearing and consider adopting **Resolution No. 2016-52**, confirming diagram, assessment and ordering levy of \$184.42 for FY 2016-17 assessment for Seabreeze Landscape Maintenance Assessment District, and; Authorize City Clerk to file certified copy of diagram and assessment with Monterey County Auditor-Controller prior to Friday, August 1, 2016.

Mayor opened public hearing to public:

- Mike Owen – provided observation, last time this came before Council it was for rate increase. Watering this area has stopped; asked if a tree is down on Beach Road is extra money allocated for removal in the FY 16-17 budget?

O’Connell/Morton: to reduce assessment by \$10.00 to \$174.42 per parcel

Substitute Motion

AMADEO/MORTON: TO APPROVE RESOLUTION NO. 2016-52, CONFIRMING DIAGRAM, ASSESSMENT AND ORDERING LEVY OF \$184.42 FOR FY 2016-17 ASSESSMENT FOR SEABREEZE LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT, AND; AUTHORIZE CITY CLERK TO FILE CERTIFIED COPY OF DIAGRAM AND ASSESSMENT WITH MONTEREY COUNTY AUDITOR-CONTROLLER PRIOR TO FRIDAY, AUGUST 1, 2016. 3-1(O’Connell)-1(Brown)-0 Substitute Motion Passes

Public Comments on Motions:

- Mike Owen – Supports the first motion of reducing assessment fee.
 - b. City Council open public hearing and consider adopting **Resolution No. 2016-53**, confirming diagram, assessment and ordering levy of \$180.78 for FY 2016-17 assessment for Cypress Cove II Landscape Maintenance Assessment District, and; Authorize City Clerk to file certified copy of diagram and assessment with Monterey County Auditor-Controller prior to Friday, August 1, 2016.

Council Member Amadeo recused herself from this item as she lives in the Cypress Cove II area

Mayor opened public hearing to public:

- Sid Williams – noted that this area has no Home Owners Association. Notices are sent to all residents when a proposed neighborhood meeting will take place; commented on the need to eventually replace the 30 years old retaining wall that is failing; indicated that an increase on assessment should be done, current reserve in not enough.
- Nancy Amadeo – speaking as a resident, noted there is sever impact on the lack of landscaping and maintenance along the perimeter. Personally trims the Cypress tree limbs that hang over fence to protect property. Noted that some homes have small setbacks and the trees are large enough that if one of them should come down it will take out a portion of the home, which could entail a lawsuit from an insurance agency against the city for not properly maintaining the perimeter. Asked council to think about the impact this is having on families who cannot afford the anticipated cost if a catastrophic event.
- Mike Owen – Commented that 100 Cypress trees were planted 40 years ago. The citizens wanted really pretty flowers at the entrance and need a water system, Cypress trees need no water. Citizen should do some drought resistant foliage that after a while would not need any water at all.
- Hanan Shawar – Commented that maintenance of trees should be done, as they can be very expensive if they get out of control.

MORTON/DELGADO: THAT WE APPROVE RESOLUTION NO. 2016-53, CONFIRMING DIAGRAM, ASSESSMENT AND ORDERING LEVY OF \$180.78 FOR FY 2016-17 ASSESSMENT FOR CYPRESS COVE II LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT, AND; AUTHORIZE CITY CLERK TO FILE CERTIFIED COPY OF DIAGRAM AND ASSESSMENT WITH MONTEREY COUNTY AUDITOR-CONTROLLER PRIOR TO FRIDAY, AUGUST 1, 2016. 2-1(O’Connell)-1(Brown)-0 Motion Passes

- c. City Council open public hearing and consider adopting **Resolution No. 2016-54**, confirming diagram, assessment and ordering levy of \$77.14 for FY 2016-17 assessment for Monterey Bay Estates Lighting & Landscape Maintenance Assessment District, and; authorize City Clerk to file certified copy of diagram and assessment with Monterey County Auditor-Controller prior to Friday, August 1, 2016.

Council Member Morton recused herself from this item as she lives in the Monterey Bay Estates area

Mayor opened public hearing to public:

- Linda Sanders – expressed concerns about current work being done, could be done better. Commented on the perc pond and the weeds in it and around it. Asked how often this to be maintained and how often it to be trimmed, was told it was cut down to a monthly basis. Expressed concerns about lighting and the wattage of the bulbs costs. Does the city have an electric bill for just those lights? How do you know those lights are that amount? Will not vote in favor of increase unless better maintenance is being done. Need checks and balances.
- John Sanders – Noted that no maintenance is being done around the perc pond at Costa del Mar & DeForest, continued overgrowth in this area. Substandard maintenance, creation of an eyesore that impacts the appearance of the community and a lack of accountability on when the maintenance and how often the maintenance that we’re supposed to be paying for might be done.
- Mike Owen – this is one of the assessment district that turned down a rate increase a couple if years ago. As a result of that was to eliminate the cost of water. Commented on some of the different types of vegetation and trees growing in this area. Asked if residents can plant in the city’s right-of-way in front of their homes?

Amadeo/Delgado: to approve Resolution No. 2016-54, confirming diagram, assessment and ordering levy of \$77.14 for FY 2016-17 assessment for Monterey Bay Estates Lighting & Landscape Maintenance Assessment District, and; authorize City Clerk to file certified copy of diagram and assessment with Monterey County Auditor-Controller prior to Friday, August 1, 2016

Substitute Motion

O’CONNELL/DELGADO: TO ADOPT RESOLUTION NO. 2016-54, CONFIRMING DIAGRAM, ASSESSMENT BUT REDUCING THE LEVY BY \$10.00 TO \$67.14 PER PARCEL FOR FY 2016-17 ASSESSMENT FOR MONTEREY BAY ESTATES LIGHTING & LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT, AND; AUTHORIZE CITY CLERK TO FILE CERTIFIED COPY OF DIAGRAM AND ASSESSMENT WITH MONTEREY COUNTY AUDITOR-CONTROLLER PRIOR TO FRIDAY, AUGUST 1, 2016.
2-1(Amadeo)-1(Brown)-0 Substitute Motion Passes.

- 10. OTHER ACTIONS ITEMS OF THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY: *Action listed for each Agenda item is that which is requested by staff. The Successor Agency may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*
- 11. OTHER ACTION ITEMS: *Action listed for each Agenda item is that which is requested by staff. The City Council may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*

Note: No additional major projects or programs should be undertaken without review of the impacts on existing priorities (Resolution No. 2006-79 – April 4, 2006).

- a. City Council consider adopting **Resolution No. 2016-55**, receiving information regarding Utility Users Tax for the City of Marina and to provide staff with further direction.

City Manager Layne Long presented staff report

Overview:

Purpose of this discussion?; UUT History in Marina; UUT in California & Monterey County; Pavement Maintenance; Next Steps

Why are we discussion UUT? Unmet Needs: City Infrastructure – streets/facilities/parks; Public Safety – police & fire services; Staffing in other depts. to meet regulatory mandates and service demands; City Facilities – i.e. city hall, community center, recreation buildings & parks

Marina History of UUT = 5% UUT during 1993-2004; \$1.2 million annually; 13% of General Fund; To provide basic level of essential services

UUT in CA & County = 50% of population and 1/3 cities pay UUT in California; Most common rate is 5%; Average generates 15% revenue for these cities

Possible Marina UUT = Consistency with Monterey County and prior Marina UUT; 5%-6% rate; Generate about \$1.2 million per year

Pavement Management – TAMC Tax Measure

Marina pavement maintenance requires \$1.5 million annually. TAMC = 1/3 of city’s payment needs; 2/3 unfunded. Many road at risk per Pavement Condition Index (PCI)

UUT Consideration Process = Council discussion and decision; Public Survey and Outreach; Draft Ordinance and Ballot Measure; General Election.

Next Steps = General Tax Approval Rules: Use Unrestricted, Council Approval: 2/3, Voter Approval: Majority; Council Direction for May 3

9:58 PM

DELGADO/AMADEO: TO CONTINUE MEETING UNTIL 10:30 PM. 4-0-1(Brown)-0 Motion Passes

Council Questions/Comments: When does decision need to be made for November election? State transportation tax, what monies might the city receive from this tax? Optional formulas for residents v. non-residents? Sliding scale based on income equity? Large retail/commercial should pay bulk of UUT; Are DoD, VA Clinic, BLM, FORA, Court House, Federal or State exempt from UUT? Per-capita is that based on adults or everyone? TAMC Countywide tax; Opt-out Policy;

Public Comments:

- Adam Urrutia – Look into going to a 13%TOT and Sugar/Sweet and Beverage Tax. SB1X1 SB1X16 and AB1591 majority of opposition you’re seeing to those is due to provisions in those bills that make it easy to contract out public sector work.
- Mike Owen – Will be trying as hard I can to make it as difficult as possible to pass the UUT. Among other arguments now going to add that I was only given 1 ½ minutes on this issue.
- Kathy Biala – Supports tax and appreciates how the tax will be levied.

DELGADO/AMADEO: TO APPROVE RESOLUTION NO. 2016-55, RECEIVING INFORMATION REGARDING UTILITY USERS TAX FOR THE CITY OF MARINA; AND DIRECT STAFF TO BRING BACK TO US WITH SOME OF THE ADDITIONAL CONSIDERATIONS THAT WE DISCUSSED TONIGHT SUCH AS OPTIONAL FORMULAS AND OTHER POINTS BROUGHT UP. 4-0-1(Brown)-0 Motion Passes

- b. ~~City Council consider adopting Resolution No. 2016, receiving Business License Tax information and provide staff with any further direction in the matter.~~
Continued to May 3, 2016

12. COUNCIL & STAFF INFORMATIONAL REPORTS:

- a. Monterey County Mayor's Association [Mayor Bruce Delgado]
- b. Council and staff opportunity to ask a question for clarification or make a brief report on his or her own activities as permitted by Government Code Section 54954.2.

13. ADJOURNMENT: The Council meeting adjourned in memory of Sgt. Allan MacDonald and went back into Closed Session at 10:30 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor

April 27, 2016

Item No. **8e(1)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting of
May 3, 2016

**RECOMMENDATION TO CONSIDER ADOPTING RESOLUTION NO. 2014-,
APPROVING ADVERTISING AND CALL FOR BIDS FOR THE DEL MONTE
BLVD. AND BEACH RD. IMPROVEMENT PROJECT**

RECOMMENDATION:

It is recommended that the City Council:

1. Consider adopting Resolution No. 2016-, approving advertising and call for bids for the Del Monte Blvd. and Beach Rd. Improvement Project

BACKGROUND:

On July 16, 2015, City staff conducted a public meeting to discuss the proposed improvements including the proposed roundabout at the intersection of Del Monte Boulevard and Beach Road, identify project area constraints, and invite public comments for consideration of the design engineers in developing the preliminary design for City Council review.

At the regular meeting of August 18, 2015, the City Council of the City of Marina adopted Resolution No. 2015-101, approving the construction of a Roundabout in lieu of a traffic signal for the Del Monte Boulevard and Beach Road Intersection Improvement Project.

At the regular meeting of September 15, 2015, the City Council of the City of Marina adopted Resolution No. 2015-109, receiving report of issuance of an Administrative Coastal Development Permit (CD 2015-01) for the Del Monte Boulevard and Beach Road Intersection Improvement Project, in accordance with Marina Zoning Code Section 17.41.200 (G)(14).

ANALYSIS:

The scope of work for this project includes demolition and removal of existing concrete medians, curb and gutter, and roadway sections,; Reconfiguring the existing roadway, including one new traffic roundabout; Installing new concrete curb and gutter, roadway section as required, sidewalk, driveway and curb ramps; Placing an asphalt concrete overlay over the street sections to remain; Installation of a new pathway; Installation of new landscaping and irrigation; Placement of underground storm drain piping and appurtenances; New striping and pavement markings and traffic signage; and all other related work specified in the plans and specifications. The scope of work shall be completed along Del Monte Blvd and Beach Rd.

FISCAL IMPACT:

There is no fiscal impact to calling for bids.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Edrie Delos Santos, P.E.
Senior Engineer, Engineering Division
Community Development Department
City of Marina

REVIEWED/CONCUR:

Nourdin Khayata, P.E.
Acting City Engineer
City of Marina

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2016-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING ADVERTISING AND CALL FOR BIDS FOR THE DEL MONTE
BLVD. AND BEACH RD. IMPROVEMENT PROJECT

WHEREAS, on July 16, 2015, City staff conducted a public meeting to discuss the proposed improvements including the proposed roundabout at the intersection of Del Monte Boulevard and Beach Road, identify project area constraints, and invite public comments for consideration of the design engineers in developing the preliminary design for City Council review, and;

WHEREAS, at the regular meeting of August 18, 2015, the City Council of the City of Marina adopted Resolution No. 2015-101, approving the construction of a Roundabout in lieu of a traffic signal for the Del Monte Boulevard and Beach Road Intersection Improvement Project, and;

WHEREAS, at the regular meeting of September 15, 2015, the City Council of the City of Marina adopted Resolution No. 2015-109, receiving report of issuance of an Administrative Coastal Development Permit (CD 2015-01) for the Del Monte Boulevard and Beach Road Intersection Improvement Project, in accordance with Marina Zoning Code Section 17.41.200 (G)(14) , and;

WHEREAS, the scope of work for this project includes demolition and removal of existing concrete medians, curb and gutter, and roadway sections; Reconfiguring the existing roadway, including one new traffic roundabout; Installing new concrete curb and gutter, roadway section as required, sidewalk, driveway and curb ramps; Placing an asphalt concrete overlay over the street sections to remain; Installation of a new pathway; Installation of new landscaping and irrigation; Placement of underground storm drain piping and appurtenances; New striping and pavement markings and traffic signage; and all other related work specified in the plans and specifications, and;

WHEREAS, the design has been completed and project is ready for advertisement.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby:

1. Approve advertising and call for bids for the Del Monte Blvd. & Beach Rd. Improvement Project

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Marina, duly held on the 3rd day of May 2016, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

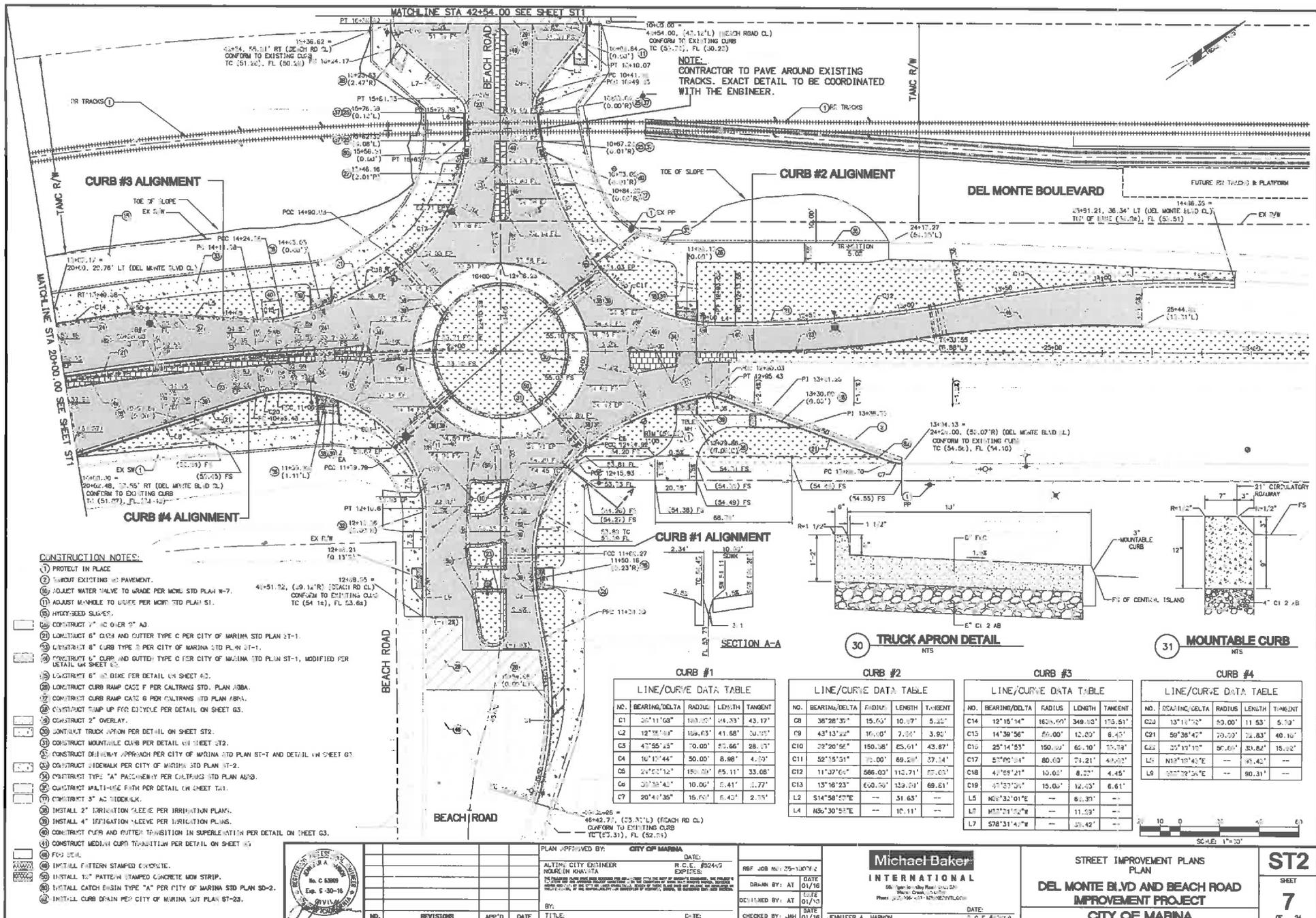
ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ATTEST:

Bruce C. Delgado, Mayor

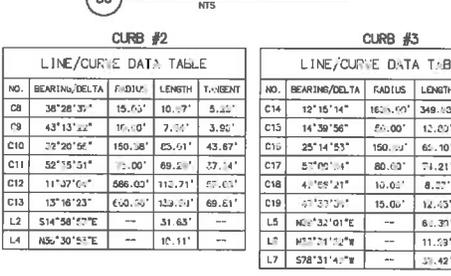
Anita Sharp, Deputy City Clerk



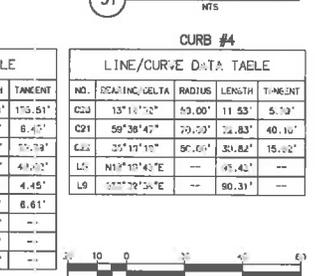
CURB #1

NO.	BEARING/DELTA	RADIUS	LENGTH	TANGENT
C1	30°11'08"	100.00'	34.23'	43.17'
C2	12°38'58"	100.00'	41.68'	30.03'
C3	47°56'45"	70.00'	23.66'	28.13'
C4	10°15'44"	50.00'	8.88'	4.10'
C5	25°02'12"	150.00'	65.11'	33.08'
C6	37°58'42"	100.00'	6.41'	3.77'
C7	20°41'36"	150.00'	6.42'	2.15'

30 TRUCK APRON DETAIL



31 MOUNTABLE CURB



CURB #2

NO.	BEARING/DELTA	RADIUS	LENGTH	TANGENT
C8	38°28'35"	150.00'	10.67'	5.25'
C9	43°13'22"	150.00'	7.55'	3.80'
C10	22°20'56"	150.38'	25.61'	43.67'
C11	52°15'51"	75.00'	69.28'	37.14'
C12	11°37'06"	586.00'	112.71'	55.05'
C13	13°16'23"	600.00'	124.24'	69.63'
L1	514°58'52"E	---	31.63'	---
L4	N56°30'53"E	---	10.11'	---

CURB #3

NO.	BEARING/DELTA	RADIUS	LENGTH	TANGENT
C14	12°15'14"	1625.00'	349.10'	175.51'
C15	14°39'56"	50.00'	12.00'	8.45'
C16	25°14'53"	150.00'	62.10'	33.78'
C17	57°00'04"	80.00'	74.21'	44.02'
C18	47°08'21"	10.00'	8.27'	4.45'
C19	07°33'30"	15.00'	12.45'	6.61'
L5	N69°32'01"E	---	60.39'	---
L6	N57°21'52"E	---	11.53'	---
L7	S78°31'41"W	---	21.42'	---

CURB #4

NO.	BEARING/DELTA	RADIUS	LENGTH	TANGENT
C20	13°11'52"	50.00'	11.53'	5.10'
C21	59°38'42"	50.00'	24.83'	40.10'
C22	37°17'11"	50.00'	30.82'	15.02'
L8	N117°10'43"E	---	47.42'	---
L9	S117°10'43"E	---	60.31'	---

Honorable Mayor and Members
of the Marina City Council

City Council Meeting of
May 3, 2016

**RECOMMENDATION TO CONSIDER ADOPTING RESOLUTION NO. 2014-,
APPROVING ADVERTISING AND CALL FOR BIDS FOR THE
INTERCHANGE IMPROVEMENTS PROJECT STATE HIGHWAY 1
NORTHBOUND & SOUTHBOUND AT IMJIN PARKWAY**

RECOMMENDATION:

It is recommended that the City Council:

1. Consider adopting Resolution No. 2016-, approving advertising and call for bids for the Interchange Improvements Project State Highway 1 Northbound & Southbound at Imjin Parkway.

BACKGROUND:

At the regular meeting of May 31, 2005, the Marina City Council adopted Resolution No. 2005-127, certifying the final Environmental Impact Report (FEIR) (SCH. No. 2004091167) for University Villages Specific Plan (now known as the “Dunes” development) project in accordance with the California Environmental Quality Act and state and local guidelines, making certain findings and determinations thereto, adopting a statement of overriding considerations, and adopting a mitigation monitoring and reporting program.

Traffic Impact Mitigation Measure TR-1.3 of the Dunes FEIR requires signalization at the intersection of SR 1 and Imjin Parkway.

The proposed improvements are located within existing State and City rights-of-way and no land acquisition is necessary to accommodate the project. As proposed, improvements to the southbound ramp intersection include adding a traffic signal and associated striping. Improvements to the northbound ramp intersection include the removal of the existing merge lane onto Imjin Parkway and the expansion of the existing northbound lane to accommodate a through/left-turn lane and two dedicated right turn lanes. The drainage system will tie into the existing system. The drainage runoff generated from the improvement project is expected to decrease with the removal of the existing merge lane.

On June 9, 2015, staff met with Caltrans representatives to discuss the major State Route 1 interchange with Imjin Parkway and Del Monte Boulevard. The focus of the discussion also encompassed the impacts of currently scheduled improvements and future improvements to the bridge, the intersection of Imjin Pkwy and 2nd Avenue, and the 2nd Avenue extension.

At the regular meeting of September 15, 2015, the City Council adopted Resolution 2015-112, receiving a report of issuance of an Administrative Coastal Development Permit (CD 2015-02) for the State Route 1 (SR-1) & Imjin Parkway Ramps Improvement Project, in accordance with Marina Zoning Code Section 17.41.200 (G)(14) and directing staff to review feasible alternative designs and report back findings to the City Council at the October 6, 2015 meeting.

At the regular meeting of October 6, 2015, the City Council adopted Resolution 2015-119, receiving report for the alternative design for the SR-1 & Imjin Parkway Ramps Improvement Project.

ANALYSIS:

The project involves the widening of the northbound off-ramp of state route 1 to Imjin Parkway. The work also consists of widening Imjin Parkway from the northbound off-ramp terminus to approximately 300-feet east. Construction materials and activities include road excavation and backfill, roadway widening with aggregate base, asphalt concrete pavement and asphalt concrete overlay, installation of one traffic signal at the southbound off-ramp of state route 1 and Imjin Parkway, storm drain improvements, signing, striping, and other miscellaneous improvements.

FISCAL IMPACT:

There is no fiscal impact to calling for bids.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Edrie Delos Santos, P.E.
Senior Engineer, Engineering Division
Community Development Department
City of Marina

REVIEWED/CONCUR:

Nourdin Khayata, P.E.
Acting City Engineer
City of Marina

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2016-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING ADVERTISING AND CALL FOR BIDS FOR INTERCHANGE
IMPROVEMENTS PROJECT STATE HIGHWAY 1 NORTHBOUND &
SOUTHBOUND AT IMJIN PARKWAY

WHEREAS, at the regular meeting of May 31, 2005, the Marina City Council adopted Resolution No. 2005-127, certifying the final Environmental Impact Report (FEIR) (SCH. No. 2004091167) for University Villages Specific Plan (now known as the “Dunes” development) project in accordance with the California Environmental Quality Act and state and local guidelines, making certain findings and determinations thereto, adopting a statement of overriding considerations, and adopting a mitigation monitoring and reporting program, and;

WHEREAS, Traffic Impact Mitigation Measure TR-1.3 of the Dunes FEIR requires signalization at the intersection of SR 1 and Imjin Parkway, and;

WHEREAS, the proposed improvements are located within existing State and City rights-of-way and no land acquisition is necessary to accommodate the project. As proposed, improvements to the southbound ramp intersection include adding a traffic signal and associated striping. Improvements to the northbound ramp intersection include the removal of the existing merge lane onto Imjin Parkway and the expansion of the existing northbound lane to accommodate a through/left-turn lane and two dedicated right turn lanes. The drainage system will tie into the existing system. The drainage runoff generated from the improvement project is expected to decrease with the removal of the existing merge lane, and;

WHEREAS, on June 9, 2015, staff met with Caltrans representatives to discuss the major State Route 1 interchange with Imjin Parkway and Del Monte Boulevard. The focus of the discussion also encompassed the impacts of currently scheduled improvements and future improvements to the bridge, the intersection of Imjin Pkwy and 2nd Avenue, and the 2nd Avenue extension, and;

WHEREAS, at the regular meeting of September 15, 2015, the City Council adopted Resolution 2015-112, receiving a report of issuance of an Administrative Coastal Development Permit (CD 2015-02) for the State Route 1 (SR-1) & Imjin Parkway Ramps Improvement Project, in accordance with Marina Zoning Code Section 17.41.200 (G)(14) and directing staff to review feasible alternative designs and report back findings to the City Council at the October 6, 2015 meeting, and;

WHEREAS, at the regular meeting of October 6, 2015, the City Council adopted Resolution 2015-119, receiving report for the alternative design for the SR-1 & Imjin Parkway Ramps Improvement Project, and;

WHEREAS, the project involves the widening of the northbound off-ramp of state route 1 to Imjin Parkway. The work also consists of widening Imjin Parkway from the northbound off-ramp terminus to approximately 300-feet east. Construction materials and activities include road excavation and backfill, roadway widening with aggregate base, asphalt concrete pavement and asphalt concrete overlay, installation of one traffic signal at the southbound off-ramp of state route 1 and Imjin Parkway, storm drain improvements, signing, striping, and other miscellaneous improvements, and;

WHEREAS, the design has been completed and project is ready for advertisement.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby:

1. Approve advertising and call for bids for the Interchange Improvements Project State Highway 1 Northbound & Southbound at Imjin Parkway.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Marina, duly held on the 3rd day of May 2016, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

April 21, 2016

Item No. **8f(1)**

Honorable Mayor and Members
Of the Marina City Council

City Council Meeting
of May 3, 2016

**CITY COUNCIL TO CONSIDER ADOPTING RESOLUTION NO. 2016-,
FIXING AND LEVYING A SPECIAL TAX FOR PRINCIPAL AND INTEREST
PAYMENTS AND ADMINISTRATIVE COSTS ON THE CITY'S 2015
GENERAL OBLIGATION REFUNDING BONDS FOR FISCAL YEAR 2016-
17; AND RESOLUTION NO. 2016-, CERTIFYING COMPLIANCE WITH
STATE LAW (PROPOSITION 218) WITH RESPECT TO SPECIAL TAXES
FOR THE 2015 GENERAL OBLIGATION REFUNDING BONDS TAX LEVY
FOR FISCAL YEAR 2016-17**

RECOMMENDATION:

It is requested that the City Council:

1. Consider adopting Resolution No. 2016-, fixing and levying a special tax for principal and interest payments and administrative costs on the 2015 General Obligation Refunding Bonds for fiscal year 2016-17; and
2. Consider adopting Resolution No. 2016-, certifying compliance with State Law (Proposition 218) with respect to special taxes for the 2015 General Obligation Refunding Bonds Levy for Fiscal Year 2016-17.

BACKGROUND:

California Revenue and Taxation Code Section 2270 authorizes the City to levy taxes to pay principal and interest due on voter-approved bonded indebtedness. On May 12, 2015, the City issued \$7,640,000 general obligation bonds to refund the 2005 General Obligation Library Construction Bond Issue. No other general obligation bonds are currently outstanding, thus for 2016/17, only the 2015 general obligation bonded debt tax levy will be required. The Monterey County Auditor Controller requires that the Council approve by resolution the amount of the tax levy and submit the tax levy no later than August 1, 2016 for inclusion on the 2016-2017 property tax bills.

Except for the Constitutionally-limited 1% ad valorem tax, the Monterey County Auditor-Controller will not place special taxes on the rolls unless the City Council certifies by resolution that the City is in compliance with Proposition 218, the 1996 *Right to Vote on Taxes Act* with respect to each such tax. The Certification Resolution must contain hold harmless and indemnification provisions for administrative expenses of the County associated with collection of the City's special taxes placed on the rolls. This certification, along with a copy of the resolution setting the special taxes and certain other documentation, must be submitted to the County no later than August 1, 2016.

ANALYSIS:

The following table details the computation of the special tax rate for 2016-17:

FY 2016/17 Assessed Values (estimated):*		
Secured:		\$ 1,643,596,794
Unsecured:		<u>61,857,447</u>
	total assessed value	<u>\$ 1,705,454,241</u>

2015/16 General Obligation Debt Service Requirement			
(per \$100 assessed value):	Bond Principal	\$ 165,000	
	Bond Interest	257,831	
	Trustee & admin Fees	<u>5,000</u>	
	Total Debt Service	\$ 427,831	
	Less: Cash available	<u>- 34,436</u>	
	total required for debt svc		<u>\$ 393,395</u>
	TAX RATE (per \$100 assessed value, rounded)		<u>\$ 0.023068</u>

* 2016-17 assessed valuations were not available from the County of Monterey at the time of this report. However, due to a recovering economy, 2015-16 assessed values were about 5% higher than the previous year. Therefore, for purposes of the 2016/17 tax levy, it has been assumed that FY 2016-17 assessed values will increase by 3% from 2015-16 values. These estimated assessed values produce a tax rate of \$23.068 per \$100,000 assessed value for the 2015 refunding bond issue, as shown above. Note: tax rates must be rounded to the nearest even number for placement on the tax roll. For FY 15-16, the tax levy was \$22.348, which reflected lower principal payments than for 2017.

FISCAL IMPACT:

Revenue collected will be credited to General Fund No 100, as a general purpose revenue.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Lauren Lai CPA
Finance Director
City of Marina

REVIEWED/CONCUR:

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2016__

A RESOLUTION OF THE CITY OF MARINA FIXING AND LEVYING A TAX TO
PAY PRINCIPAL AND INTEREST FOR THE 2015 GENERAL OBLIGATION
REFUNDING BONDS, FOR FISCAL YEAR 2016-2017

WHEREAS, Section 2270 of the Revenue and taxation Code authorizes the City to levy taxes to pay principal, interest and administrative costs on voter-approved bonded indebtedness of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marina as follows:

1. The City has determined the total 2016-2017 general obligation bonded indebtedness cost to be \$427,831 for the 2015 General Obligation Refunding Bonds, less \$34,436 net available cash.
2. There is hereby fixed, assessed and levied a tax at the rate of \$.023068 per One Hundred Dollars of assessed valuation for the 2015 General Obligation Refunding Bonds (0.00023068 per assessed value) on all of the property within the City of Marina subject to the payment of bonded indebtedness of the City.
3. The City Clerk shall transmit to the County Auditor a statement of the rate of taxation so fixed by the City Council and the tax computation worksheet. Transmission of a certified copy of this resolution to the Monterey County Auditor Controller constitutes compliance with this directive.
4. The Tax Collector of the County of Monterey shall collect the aforementioned tax in accordance with Section 2270 of the Revenue and Taxation Code.
5. The net amount of said tax, when collected, shall be paid to the Treasurer of the County of Monterey to be held by him/her as depository of the City of Marina, under the general requirements and penalties provided by law for the settlement of other taxes.

PASSED AND ADOPTED by the Marina City Council at a regular meeting duly held on the 3rd day of May 2016 by the following vote:

AYES: Council Members:
NOES: Council Members:
ABSENT: Council Members:
ABSTAIN: Council Members:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

RESOLUTION NO. 2016-

A RESOLUTION OF THE CITY OF MARINA CERTIFYING
COMPLIANCE WITH STATE LAW WITH RESPECT TO
LEVYING OF SPECIAL TAXES FOR FISCAL YEAR 2016-2017

WHEREAS, The City of Marina requests that the Monterey County Auditor-Controller enter the special tax identified in Exhibit "A" on the property tax roll for collection and distribution by the Monterey County Treasurer-Tax Collector commencing with the property tax bills for fiscal year 2016-2017 ("EXHIBIT A").

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marina as follows:

1. The City hereby certifies that it has, without limitation, complied with all legal procedures and requirements necessary for the levying and imposition of the special taxes identified in **EXHIBIT A** regardless of whether those procedures and requirements are set forth in the Constitution of the State of California, in State statutes, or in the applicable decisional law of the State of California.
2. The City further certifies that, except for the sole negligence or misconduct of the County of Monterey, its officers, employees and agents, the City shall be solely liable and responsible for defending, at its sole expense, cost and risk, each and every action, suit or other proceeding brought against the County of Monterey, its officers, employees and agents for every claim, demand or challenge to the levying or imposition of the special tax identified in **EXHIBIT A** and that the City shall pay or satisfy any judgment rendered against the County of Monterey, its officers, employees and agents on every such action, suit, or other proceeding, including all claims for refunds and interest thereon, legal fees, court costs and administrative expenses of the County of Monterey to correct the tax rolls.

PASSED AND ADOPTED by the City of Marina City Council at a regular meeting duly held on the 3rd day of May, 2016, by the following vote:

AYES: Council Members:
NOES: Council Members:
ABSTAIN: Council Members:
ABSENT: Council Members:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

EXHIBIT A

ATTACHMENT TO RESOLUTION NO. 2016-___ OF THE CITY OF MARINA, COUNTY OF MONTEREY, CALIFORNIA, CERTIFYING COMPLIANCE WITH STATE LAW WITH RESPECT TO THE LEVYING OF SPECIAL TAX LEVIED AS AN INCIDENT OF PROPERTY OWNERSHIP FISCAL YEAR 2016-2017

SPECIAL TAX RATE (per \$100 assessed value)
: 2015 General Obligation Refunding Bonds \$.023068

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of May 3, 2016

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2016-,
DECLARING GROWING WEEDS, RUBBISH AND/OR REFUSE
ACCUMULATIONS UPON CERTAIN SPECIFIED PRIVATE PROPERTY
PARCELS TO BE PUBLIC NUISANCES, AUTHORIZING NOTICE TO ABATE
SUCH NUISANCES, SET PUBLIC HEARING DATE OF TUESDAY, JUNE 21,
2016, TO RECEIVE OBJECTIONS TO ABATE SUCH WEEDS, RUBBISH
AND/OR REFUSE, SET PUBLIC HEARING FOR WEDNESDAY, JULY 6, 2016,
TO CONFIRM ANY ASSESSMENT OF COSTS FOR WEED ABATEMENT TO
BE LEVIED AGAINST ANY PARCEL NOT IN COMPLIANCE AND DIRECT
FILING OF SUCH LEVY WITH MONTEREY COUNTY ASSESSOR'S OFFICE**

REQUEST:

It is requested that the City Council:

1. Consider adopting Resolution 2016-, declaring growing weeds, rubbish and/or refuse accumulations upon certain specified private property parcels to be public nuisances;
2. Authorize notice to abate such nuisances;
3. Set public hearing date of Tuesday, June 21, 2016, to receive objections to abate such weeds, rubbish and/or refuse;
4. Set public hearing for Wednesday, July 6, 2016, to confirm any assessment of costs for weed abatement to be levied against any parcel not in compliance, and;
5. Direct filing of such levy with Monterey County Assessor's Office.

BACKGROUND:

The California Government Code authorizes the City to declare certain properties with growing weeds, rubbish and/or refuse accumulated on sidewalks and private property within the City to be declared public nuisances.

The Marina Fire Department conducted annual inspections during the weeks of April 1, 2016 through April 12, 2016. A listing of non-complying properties requiring abatement of weeds was then prepared. Property owners were notified by mail of such noncompliance on April 21, 2016.

ANALYSIS:

Property owners are given an opportunity to remove weeds and clean property through June 20, 2016, prior to the date of any City Council Public Hearing to permit property owners to object to the abatement notice. The Fire Department has scheduled a second round of inspections during the weeks of May 5, 2016 through May 14, 2016.

A third round of inspection is scheduled during the weeks of May 24, 2016 through June 3, 2016. Subsequent to concluding the third round of inspections, staff will prepare an updated list of any remaining non-complying properties.

Notices of abatement will then be sent to the property owners advising them of their right to object to such notice at a public hearing at the proposed meeting of Tuesday, June 21, 2016.

In the event that any non-complying properties remain, City Public Works division employees will first attempt to clear any lots. If the remaining lots require resources and labor beyond which can be provided by City Public Works employees, staff will then advertise for bids to clean and clear these properties.

Clearing of remaining lots will be completed June 22, 23, 24, 2016. Any costs associated with public resources being committed to abatement of these nuisances will be documented.

A final list of costs will be compiled and a public notice by “registered mail” will be sent to the remaining property owners whose lots were cleared by either the City or contractors.

The City Council will then hold a final public hearing to consider these costs to hear any objections and then confirm assessment of final costs for nuisance abatement to be levied against parcel.

The first round of inspections included one hundred and three (103) private properties plus several City owned properties which Fire Department staff has declared as “public nuisance” (“**EXHIBIT A**”).

At the conclusion of the abatement process, staff anticipates that all property owners will voluntarily comply with the appropriate nuisance abatements.

FISCAL IMPACT:

The cost for the Fire Department inspection is paid by general fund resources. Any costs associated with Public Works Division resources incurred to abate the remaining; non-compliant nuisances will be documented and levied against the parcel, to be paid by the parcel owner.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Doug McCoun
Fire Chief
City of Marina

REVIEWED/CONCUR:

Layne Long
City Manager
City of Marina

RESOLUTION NO. 2016-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
DECLARING GROWING WEEDS, RUBBISH AND/OR REFUSE ACCUMULATIONS
UPON CERTAIN SPECIFIED PRIVATE PROPERTY PARCELS TO BE PUBLIC
NUISANCES, AUTHORIZING NOTICE TO ABATE SUCH NUISANCES, SET PUBLIC
HEARING DATE OF TUESDAY, JUNE 21, 2016, TO RECEIVE OBJECTIONS TO ABATE
SUCH WEEDS, RUBBISH AND/OR REFUSE AND SET PUBLIC HEARING FOR
WEDNESDAY, JULY 6, 2016, TO CONFIRM ANY ASSESSMENT OF COSTS FOR WEED
ABATEMENT TO BE LEVIED AGAINST ANY PARCEL NOT IN COMPLIANCE AND
DIRECT FILING OF SUCH LEVY WITH MONTEREY COUNTY ASSESSOR'S OFFICE

WHEREAS, this City, pursuant to Government Code Section 39560 et. seq., is authorized to declare weeds growing upon, as well as rubbish and refuse accumulated upon, sidewalks and private property within the City, to be public nuisances, and to take actions for the abatement of said nuisances, and;

WHEREAS, City staff has previously canvassed the City to locate areas of such nuisances, and have informally written to the property owners involved in order to obtain their voluntary cleaning up of offensive weeds, rubbish and refuse, and;

WHEREAS, on a certain number of specified parcels of real property within the City, as set forth in "**Exhibit A**" attached hereto, no action has been taken and said weeds, rubbish and refuse remain.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby:

1. Declare growing weeds, rubbish and/or refuse accumulations upon certain specified private property parcels to be public nuisances;
2. Authorize notice to abate such nuisances;
3. Set public hearing date of Tuesday, June 21, 2016, to receive objections to abate such weeds, rubbish and/or refuse;
4. Set public hearing for Wednesday, July 6, 2016, to confirm any assessment of costs for weed abatement to be levied against any parcel not in compliance, and;
5. Direct filing of such levy with Monterey County Assessor's Office.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held the 3rd day of May 2016, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Acting City Clerk

2016 Weed Abatement List - First Inspection

(April 1 - April 12, 2016)

EXHIBIT A

Map#	APN#	Date	Address	Property Owners	Mailing Address	City, State, Zip Code
`3-1	33251003	4/8/2016	3147 Lake Drive	Karen Moore	3145 Lake Drive	Marina, CA 93933
`3-2	33141036	4/8/2016	172 Paddon Place	Kimberly Ann Navales, TR	c/o PMB 433, 820 Park Row	Salinas, CA93901
`4-1	32042013	4/7/2016	231 Barbara Circle	Janice Harrell, TR	P.O. Box 2724	Monterey, CA 93940
`4-2	32062007	4/7/2016	3217 Susan Avenue	Timothy Regan, TR	P.O. Box 1329	Tres Pinos, CA 95075
`4-3	32051004	4/7/2016	3183 Vista Del Camino	Jenny Kim Le	3183 Vista Del Camino	Marina, CA 93933
`4-4	32055013	4/7/2016	226 Peninsula Drive	Anglea & William Miller	226 Peninsula Drive	Marina, CA 93933
`4-5	32065003	4/7/2016	3194 Vista Del Camino	Tom & Alene Nishiguchi	3194 Vista Del Camino	Marina, CA 93933
`4-6	32065020	4/7/2016	3193 Melanie Road	Heide B. Wilson	3193 Melanie Road	Marina, CA 93933
`4-7	32063013	4/7/2016	272 Beach Road	Joseph & Vivien Gower	272 Beach Road	Marina, CA 93933
`4-8	32071057	4/7/2016	3251 DeForest Road	Valentine & Segundina Untalan	#22 Provincial Road	Doyong Calasiao, Phillipines 2418
`4-9	32071086	4/8/2016	3216 Martin Circle	Ermie & Jennifer Osian	3216 Martin Circle	Marina, CA 93933
`5-1	33121002	4/8/2016	3203 Del Monte Blvd.	Monterey Peninsula Regional Park District	60 Garden Road, Sutie 325	Monterey, CA 93940
`6-1	33082029	4/8/2016	187 Starfish Court	Jin Shramek, TR	1503 Kimball Avenue	Seaside, CA 93955
`6-2	33082030	4/8/2016	185 Starfish Court	Philip & Margaret Wolcott	185 Starfish Court	Marina, CA 93933
`6-3	33011006	4/8/2016	3320 Abdy Way	Iglesia Ni Cristo	770 Airport Blvd.	Burlingame, CA 94010
`6-4	33021054	4/8/2016	3321 Abdy Way	Steven & Aileen Mickel, TRS	19 Yerba Buena Court	Monterey, CA 93940
`6-5	33021054	4/8/2016	3323 Abdy Way	Steven & Aileen Mickel, TRS	19 Yerba Buena Court	Monterey, CA 93940
`6-6	33021048	4/8/2016	154 Lakewood Drive	Diana Nichols, TR	2 Mt Devon Road	Carmel, CA 93923
`6-7	33021017	4/8/2016	143 Peppertree Place	Carl & Dorothy Willeford	143 Peppertree Place	Marina, CA 93933
`6-8	33076056	4/8/2016	3242 Sandpiper Way	Christine Calcagno	3242 Sandpiper Way	Marina, CA 93933
`7-1	33061012	4/7/2016	142 Belle Drive	Julie Bustoz	1782 Havana Street	Seaside, CA 93955
`7-2	33031031	4/7/2016	115 Redondo Court	James & Hope Balesteri	115 Redondo Court	Marina, CA 93933
7-3	33031007	4/7/2016	130 Redondo Court	Kyong Dougan	9230 Rockefeller Lane	Springfield, Virginia
7-4	33032019	4/7/2016	3371 Greenbrook Place	James & Brenda Shakal	53 La Rancheria	Carmel Valley, CA 93924
7-5	33032016	4/7/2016	3365 Greenbrook Place	Martin & Deborah Schopp	169 Pacific Street	Marina, CA 93933
7-6	33031005	4/7/2016	3360 Drew Street	Anne Marie Shein	3360 Drew Street	Marina, CA 93933
7-7	33042002	4/7/2016	3347 Drew Street	Yupa Cohen	4137 Laurel Hill Drive	N. Las Vegas, Nevada 89032
7-8	33042001	4/7/2016	3345 Drew Street	Yupa Cohen	4137 Laurel Hill Drive	N. Las Vegas, Nevada 89032
`8-1	32031012	4/7/2016	234 McCullough	Donald Smith	499 Mills	Benicia, CA 94510
`8-2	32031010	4/7/2016	230 McCullough	Duane & Linnnet Charlan, TRS	186 Cedar Street	Pacific Grove, CA 93950
`8-3	32021015	4/7/2016	3291 Michael Drive	Marina Cypress Apts. LLC	805 Fletcher Lane #1	Hayward, CA 94544
`8-4	32021015	4/7/2016	Vacant lot - 3280 Michael Drive	Marina Cypress Apts. LLC	805 Fletcher Lane #1	Hayward, CA 94544
`8-5	32013011	4/7/2016	220 Cosky Drive	Irmgard Domingo TRS	220 Cosky Drive	Marina, CA 93933
`8-6	32012016	4/7/2016	3352 Michael Drive	Thao Nguyen	3352 Michael Drive	Marina, CA 93933
`9-1	32552010	4/7/2016	308 Costa Del Mar	Margaret Anne Coppernoll	308 Costa Del Mar	Marina, CA 93933
`9-2	32441010	4/7/2016	299 Whitney Place	Walter & Carmella Heintz	299 Whitney Place	Marina, CA 93933
`9-3	32443005	4/7/2016	3186 Crescent Avenue	Coletta Sokolow, TR	3186 Crescent Avenue	Marina, CA 93933
`9-4	32444010	4/7/2016	3202 Tallmon Street	James & Frances Sullivan, TRS	3202 Tallmon Street	Marina, CA 93933
`10-1	32171033	4/7/2016	3134 Crescent Avenue	Nelson Vega TR ET AL	444 Pearl Street #D4	Monterey, CA 93940

10-2	32201004	4/7/2016	273 Carmel Avenue	Shirin Riazi ET AL, c/o Creative Property Mgmt.	1220 Del Monte Blvd.	Monterey, CA 93940
10-3	32201028	4/7/2016	3102 Seacrest Avenue	Salvatore Cardinale, ET AL	25300 El Camino Nuevo	Monterey, CA 93940
10-4	32202007	4/7/2016	271.5 Carmel Avenue	Bennie Schulman	P.O. Box 223079	Carmel, CA 93922
10-5	32201003	4/7/2016	271 E Carmel Avenue	Hope Presbyterian Church of Monterey	271 Carmel Avenue	Marina, CA 93933
10-6	32201005	4/7/2016	283 Carmel Avenue	Annie Felix, TR	3145 Estrella Del Mar Way	Marina, CA 93933
10-7	32171018	4/7/2016	3125 DeForest Avenue	Chris Owhadi	29160 Heathercliff Road, Suite 411	Malibu, CA 90261
10-8	32171036	4/7/2016	3100 DeForest Avenue	CHISPA	295 Main Street, #100	Salinas, CA 93901
10-8A	32171035	4/7/2016	3100 DeForest Avenue	United States Postal Service	3100 DeForest Road	Marina, CA 93933
11-1	32192051	4/7/2016	208 Mortimer Lane	Monterey Korean Covenant Church	P.O. Box 797	Marina, CA 93933
11-2	32192030	4/7/2016	236 Mortimer Lane	Tina Erickson	236 Mortimer Lane	Marina, CA 93933
11-3	32192002	4/7/2016	220 Mortimer Lane	Margaret Warrington	220 Mortimer Lane	Marina, CA 93933
11-4	32181003	4/7/2016	222 Reservation Road	Gisse Properties Limited Partnership	P.O. Box 844	Marina, CA 93933
11-5	32181003	4/7/2016	220 Reservation Road	Gisse Properties Limited Partnership	P.O. Box 844	Marina, CA 93933
11-6	32181003	4/7/2016	218 Reservation Road	Gisse Properties Limited Partnership	P.O. Box 844	Marina, CA 93933
12-1	32331006	4/7/2016	3045 Vaughn Avenue	Thea Dougan	3045 Vaughan Avenue	Marina, CA 93933
12-2	32321024	4/7/2016	3035 Reindollar Avenue	Kimmie Oliver	210 N. Sanborn Road	Salinas, CA 93905
12-3	32281005	4/7/2016	3081 Zanetta Drive	Vernon J. Ewing	3081 Zanetta Drive	Marina, CA 93933
12-4	32281003	4/7/2016	3077 Zanetta Drive	Paul Cottrell	3077 Zanetta Drive	Marina, CA 93933
13-1	32383036	4/5/2016	3007 Independence Avenue	James William	3007 Independence	Marina, CA 93933
13-2	32391076	4/5/2016	3103 Kennedy Court	Thara Sooksrikasem	P.O. Box 51610	Pacific Grove, CA 93950
14-1	32262011	4/5/2016	415 Karen Court	Anna Cuva	415 Karen Court	Marina, CA 93933
14-2	32342029	4/5/2016	3045 Redwood Drive	Hitoshi & Cynthia Tanabe	3045 Redwood Drive	Marina, CA 93933
14-3	32340002	4/5/2016	350 Hillcrest Avenue	Jessica McKillip	350 Hillcrest Avenue	Marina, CA 93933
14-4	32332005	4/5/2016	3046 Vaughn Avenue	Larry E. Myers, TR	429 Bellevue Avenue Apt. 201	Oakland, CA 94601
14-5	32341022	4/5/2016	353 Reindollar Avenue	John Perry	353 Reindollar Avenue	Marina, CA 93933
14-6	32272001	4/5/2016	3068 Vaughn Avenue	Linda Arnold	3068 Vaughn Avenue	Marina, CA 93933
15-1	32222003	4/6/2016	3097 Pleasant Circle	Aleander Brushtein	960 Toyon Avenue	San Jose, CA 95127
15-2	32221020	4/5/2016	3111 Nicklaus Lane	Jason & Truong Hughes	716 San Conrado Terrance #6	Sunnyvale, CA 94085
15-3	32221026	4/5/2106	3095 Everett Circle	Stanley & Diane Cook	13 Los Encinos Drive	Monterey, CA 93940
15-4	32221029	4/6/2016	3101 Everett Circle	Eldon Jager	P.O. Box 7075	Spreckles, CA 93962
16-1	32371046	4/5/2016	3003 Bayer Drive	Donald & Andrea Magnuson	3003 Bayer Drive	Marina, CA 93933
16-2	32372007	4/5/2016	493 Melville Avenue	Eric & Angela Lippert	493 Melville Avenue	Marina, CA 93933
16-3	32371033	4/5/2016	493 Jean Circle	Robert & Pamela Dahlhauser	493 Jean Circle	Marina, CA 93933
16-4	32372010	4/5/2016	3014 Jean Street	Justo Munoz	4203 Floating Orchid Court	St. Cloud, Florida 34772
16-5	32371005	4/5/2016	470 Ferris Avenue	Carol Diane Jori	5913 Pratt Street	Alexandria, Virginia 22310
16-6	32381048	4/5/2016	456 Kelli Court	Shayesteh Zarrabi	1675 Flores Street	Seaside, CA 93955
16-7	32351005	4/5/2016	429 Reindollar Avenue	Oscar Torres Pabey & Luisa Torres TRS	429 Reindollar Avenue	Marina, CA 93933
16-8	32251052	4/5/2016	3069 Bostick Avenue	Tamato Kolone & Lave Tuia Jr.	3069 Bostick Avenue	Marina, CA 93933
16-9	32361037	4/5/2016	480 Larson Court	Amelia Dow	480 Larson Court	Marina, CA 93933
16-10	32251064	4/5/2016	464 Lewis Place	Kamalzaki & Iman Saleh	464 Lewis Place	Marina, CA 93933
16-11	32251017	4/5/2016	470 Lewis Place	David & Pamela Steigmeir	682 Fenley Avenue	San Jose, CA 95117
17-1	32242081	4/5/2016	3109 Ellis Court	Lauren Miller	3109 Ellis Court	Marina, CA 93933
17-2	32242071	4/5/2016	3103 Salinas Avenue	Gale & Emily Foss	3103 Salinas Avenue	Marina, CA 93933
17-3	32242018	4/5/2016	479 Albert Way	Gerald & Sierra Jones	479 Albert Way	Marina, CA 93933
17-4	32242016	4/5/2016	471 Albert Way	Marvin Schmidt	573 Marin Avenue	Mill Valley, CA 94941
17-5	32242007	4/5/2016	478 Crivello Road	Kenneth W. Buckley, ETAL	1154 Hampton Court	Brentwood, CA 94513

Honorable Mayor and Members
of the Marina City Council

City Council Meeting of
May 3, 2016

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2016,
AUTHORIZING THE MAYOR TO EXECUTE A MAINTENANCE
AGREEMENT FROM THE TRANSPORTATION AGENCY FOR
MONTEREY COUNTY (TAMC) FOR A PORTION OF TAMC RIGHT OF
WAY NEAR ENGINEERS STATION 307+90 OF THE MONTEREY
BRANCH LINE PROJECT IN FURTHERANCE OF THE CITY OF
MARINA'S DEL MONTE BLVD. AND BEACH ROAD IMPROVEMENT
PROJECT, AND AUTHORIZING CITY MANAGER TO EXECUTE A
CONSTRUCTION ENCROACHMENT PERMIT ON BEHALF OF THE
CITY OF MARINA SUBJECT TO FINAL REVIEW BY THE CITY
ATTORNEY**

RECOMMENDATION:

It is recommended that the City Council:

1. Authorizing the Mayor to execute a Maintenance Agreement from the Transportation Agency for Monterey County (TAMC) for a portion of TAMC Right of Way near Engineers Station 307+90 of the Monterey Branch Line Project in furtherance of the City of Marina's Del Monte Blvd. and Beach Rd. Improvement Project, and;
2. Authorizing City Manager to Execute an Encroachment Permit on behalf of the City of Marina Subject to final review by the City Attorney

BACKGROUND:

The 2006-07 Capital Improvement Program (CIP) budget included projects for improvements to the intersection of Del Monte Boulevard and Beach Road (TI 29) and the widening of Del Monte Boulevard from Beach Road to Marina Green Drive (R28). Funding for the projects was identified as Public Facilities Impact Fees (PFIF), however, appropriations were not authorized at that time. The total estimated cost for the combined projects is \$4,058,000.

At the regular meeting of August 7, 2007, the City Council adopted Resolution No. 2007-185, approving agreement between City of Marina and RBF Consulting of Walnut Creek, California to provide design services for Del Monte Boulevard from Beach Road to Marina Green Drive.

At the regular meeting of December 18, 2012, the City Council adopted Resolution No. 2012-197, approving an update to the five (5) year City Capital Improvement Program (CIP). Included in the approved CIP project list was the Del Monte Boulevard & Beach Rd. Improvement project for intersection improvements.

On July 16, 2015, City staff conducted a public meeting to discuss the proposed improvements including the proposed roundabout at the intersection of Del Monte Boulevard and Beach Road, identify project area constraints, and invite public comments for consideration of the design engineers in developing the preliminary design for City Council review.

At the regular meeting of August 18, 2015, the City Council of the City of Marina adopted Resolution No. 2015-101, approving the construction of a Roundabout in lieu of a traffic signal for the Del Monte Boulevard and Beach Road Intersection Improvement Project.

As the proposed project improvements include new drainage improvements within TAMC right-of-way, TAMC staff has provided a maintenance agreement for these improvements (**EXHIBIT “A”**).

ANALYSIS:

The Del Monte Blvd. and Beach Rd. Improvement Project includes demolition and removal of existing concrete medians, curb and gutter, and roadway sections; Reconfiguring the existing roadway, including one new traffic roundabout; Installing new concrete curb and gutter, roadway section as required, sidewalk, driveway and curb ramps; Placing an asphalt concrete overlay over the street sections to remain; Installation of a new pathway; Installation of new landscaping and irrigation; Placement of underground storm drain piping and appurtenances; New striping and pavement markings and traffic signage; and all other miscellaneous improvements.

Staff has coordinated with the Transportation Agency for Monterey County (TAMC) for the projects storm drain improvements which includes construction of a drainage basin, a portion of which lies within the Monterey Branch Line right of way.

This maintenance agreement will require the City of Marina to bear the entire cost of constructing, operating, and maintaining the project’s drainage improvements that are within the Monterey Branch Line’s right of way (improvement area approximately 10 feet wide by 170 feet long). The City is also required to coordinate with TAMC should the drainage improvements conflict with the future improvements of the proposed Monterey Branch Line project.

The adoption of the resolution to approve the agreement was continued from the April 19, 2016 City Council meeting for staff to review the reference of “Contractor” in the agreement. After reviewing the agreement with TAMC staff, the following revisions were made:

- Changing the wording on the Maintenance agreement (pg. 3, Item 5) from “CONTRACTOR” to “CITY”.
- Deleting the 5 year renewal requirement for the Encroachment permit.

Additional minor revisions were made to the Maintenance Agreement for clarification. With approval of the agreement, staff will take the agreement for approval by the TAMC board for authorization on May 25, 2016.

FISCAL IMPACT:

There is no fiscal impact at this time.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Edrie Delos Santos, P.E.
Senior Engineer, Engineering Division
Community Development Department
City of Marina

REVIEWED/CONCUR:

Nourdin Khayata, P.E.
Acting City Engineer
City of Marina

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2016-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
AUTHORIZING THE MAYOR TO EXECUTE A MAINTENANCE
AGREEMENT FROM THE TRANSPORTATION AGENCY FOR MONTEREY
COUNTY (TAMC) FOR A PORTION OF TAMC RIGHT OF WAY NEAR
ENGINEERS STATION 307+90 OF THE MONTEREY BRANCH LINE PROJECT
IN FURTHERANCE OF THE CITY OF MARINA'S DEL MONTE BLVD. AND
BEACH RD. IMPROVEMENT PROJECT, AND AUTHORIZING CITY
MANAGER TO EXECUTE A CONSTRUCTION ENCROACHMENT PERMIT
ON BEHALF OF THE CITY OF MARINA SUBJECT TO FINAL REVIEW BY
THE CITY ATTORNEY

WHEREAS, the 2006-07 Capital Improvement Program (CIP) budget included projects for improvements to the intersection of Del Monte Boulevard and Beach Road (TI 29) and the widening of Del Monte Boulevard from Beach Road to Marina Green Drive (R28). Funding for the projects was identified as Public Facilities Impact Fees (PFIF), however, appropriations were not authorized at that time. The total estimated cost for the combined projects is \$4,058,000, and;

WHEREAS, at the regular meeting of August 7, 2007, the City Council adopted Resolution No. 2007-185, approving agreement between City of Marina and RBF Consulting of Walnut Creek, California to provide design services for Del Monte Boulevard from Beach Road to Marina Green Drive, and;

WHEREAS, at the regular meeting of December 18, 2012, the City Council adopted Resolution No. 2012-197, approving an update to the five (5) year City Capital Improvement Program (CIP). Included in the approved CIP project list was the Del Monte Boulevard & Beach Rd. Improvement project for intersection improvements, and;

WHEREAS, on July 16, 2015, City staff conducted a public meeting to discuss the proposed improvements including the proposed roundabout at the intersection of Del Monte Boulevard and Beach Road, identify project area constraints, and invite public comments for consideration of the design engineers in developing the preliminary design for City Council review, and;

WHEREAS, at the regular meeting of August 18, 2015, the City Council of the City of Marina adopted Resolution No. 2015-101, approving the construction of a Roundabout in lieu of a traffic signal for the Del Monte Boulevard and Beach Road Intersection Improvement Project, and;

WHEREAS, as the proposed project improvements include new drainage improvements within TAMC right-of-way, TAMC staff has provided a maintenance agreement for these improvements (EXHIBIT "A"), and;

WHEREAS, the Del Monte Blvd. and Beach Rd. Improvement Project includes demolition and removal of existing concrete medians, curb and gutter, and roadway sections; Reconfiguring the existing roadway, including one new traffic roundabout; Installing new concrete curb and gutter, roadway section as required, sidewalk, driveway and curb ramps; Placing an asphalt concrete overlay over the street sections to remain; Installation of a new pathway; Installation of new landscaping and irrigation; Placement of underground storm drain piping and appurtenances; New striping and pavement markings and traffic signage; and all other miscellaneous improvements, and;

WHEREAS, staff has coordinated with the Transportation Agency for Monterey County (TAMC) for the projects storm drain improvements which includes construction of a drainage basin, a portion of which lies within the Monterey Branch Line right of way, and;

WHEREAS, this maintenance agreement will require the City of Marina to bear the entire cost of constructing, operating, and maintaining the project's drainage improvements that are within the Monterey Branch Line's right of way (improvement area approximately 10 feet wide by 170 feet long). The City is also required to coordinate with TAMC should the drainage improvements conflict with the future improvements of the proposed Monterey Branch Line project, and;

WHEREAS, the adoption of the resolution to approve the agreement was continued from the April 19, 2016 City Council meeting for staff to review the reference of "Contractor" in the agreement. After reviewing the agreement with TAMC staff, the following revisions were made: Changing the wording on the Maintenance agreement (pg. 3, Item 5) from "CONTRACTOR" to "CITY", and; Deleting the 5 year renewal requirement for the Encroachment permit, and;

WHEREAS, additional minor revisions were made to the Maintenance Agreement for clarification. With approval of the agreement, staff will take the agreement for approval by the TAMC board for authorization on May 25, 2016.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby

1. Authorize the Mayor to execute a Maintenance Agreement from the Transportation Agency for Monterey County (TAMC) for a portion of TAMC Right of Way near Engineers Station 307+90 of the Monterey Branch Line Project in furtherance of the City of Marina's Del Monte Blvd. and Beach Rd. Improvement Project, and;
2. Authorize City Manager to Execute an Encroachment Permit on behalf of the City of Marina subject to final review by the City Attorney.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Marina, duly held on the 3rd day of May 2016, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk

**Agreement for Maintenance of City Of Marina
Del Monte Boulevard and Beach Road Improvements
Located Within TAMC Monterey Branch Line Rail Right of Way**

Location: MBL Engineers Station 307+90

THIS AGREEMENT, made this _____ day of _____, 2016, by and between the Transportation Agency for Monterey County, hereinafter called "TAMC," and the City of Marina, a public agency, address: 211 Hillcrest Avenue, Marina, California 93933, hereinafter called "CITY."

WITNESSETH:

- A. WHEREAS, CITY wishes to construct, operate, and maintain, subject to the terms of this Agreement, a roadway improvement project (herein called "Project"), at or near the City of Marina, County of Monterey, State of California, in the location shown on the attached Improvement Plans for the Del Monte Boulevard and Beach Road Improvement Project dated January 2016.
- B. WHEREAS, the Project includes reconstruction of the intersection of Del Monte Boulevard and Beach Road into a new "roundabout" type intersection.
- C. WHEREAS, a portion of the Project includes construction of roadway and drainage improvements on Beach Road located within the TAMC Monterey Branch Line rail right-of-way.
- D. WHEREAS, TAMC has as one of its goals and purposes the improvement of rail transit within the County of Monterey and has as an established project the return of rail transit to the Monterey Peninsula through, among other things, a "Monterey Branch Line."
- E. WHEREAS, the TAMC Board has selected the Monterey Branch Line project as the "preferred alternative" after extensive analysis and has shared the preliminary plans with the City.
- F. WHEREAS, said roadway and drainage improvements, as proposed by CITY, particularly include construction of a storm drainage system, outfall end section structure, rock slope into an existing low lying drainage area (south basin) located within the TAMC Monterey Branch Line rail right of way at the Beach Road crossing. The drainage improvements encroachment would extend into the east side of the Monterey Branch Line right of way and would be approximately 170 feet long by 10 feet wide (1,700 SF area).
- G. WHEREAS, the Drainage Report, entitled Del Monte Improvements from Beach Road to Marina Green Drive prepared by RBF Consulting on behalf of the CITY, dated July 2008, states that the southerly storm drainage basin area located approximately 100 feet north of Beach Road and Del Monte Boulevard, and between Del Monte Boulevard and the Railroad tracks, has sufficient capacity to retain and infiltrate a 100-year storm, and CITY has represented that TAMC may rely upon such Drainage Report.
- H. WHEREAS, said roadway and drainage improvements are a key element of the CITY's Del Monte Boulevard and Beach Road Improvement Project.
- I. WHEREAS, CITY will be required to modify said roadway and drainage improvements within the TAMC Rail Right of Way at no cost to TAMC in the event of a future conflict with the proposed Monterey Branch Line project.

- J. WHEREAS, the parties mutually agree that it is appropriate for the CITY and TAMC enter into a maintenance agreement for the roadway and drainage improvements located within the TAMC Monterey Branch Line Rail Right of Way.

NOW THEREFORE, IT IS AGREED:

1. Cost: CITY shall bear the entire cost of constructing, operating and maintaining said roadway and drainage improvements within the TAMC right of way.
2. Encroachment Permit: CITY shall obtain an Encroachment Permit from TAMC prior to entering and constructing any roadway and drainage improvements on TAMC premises and shall comply with all General and Special Conditions of Approval.
3. Construction and Maintenance: Said roadway and drainage improvements shall be constructed, operated, and maintained by CITY in accordance with referenced CITY improvement plans. Approval of this Maintenance Agreement shall not constitute a warranty by TAMC that such plans conform with federal, state and/or local codes and regulations applicable thereto. All work upon said roadway and drainage improvements shall be done to TAMC's satisfaction, and in a manner not to interfere with TAMC's operations. CITY will be required, at CITY's cost, to modify the roadway and drainage improvements within the TAMC Rail Right of Way in the event of a future conflict with the proposed Monterey Branch Line project or with TAMC's ability to utilize the right of way for construction, operation and maintenance for railway purposes, as determined by TAMC in its sole discretion. In the construction, operation, and maintenance of said roadway and drainage improvements, CITY shall keep TAMC's premises in a neat and safe condition, and free from weeds, and trash; failing which, TAMC may do so at CITY's expense. CITY shall protect the existing railroad tracks in-place and shall not allow activities that would affect the operational track profile requirements for the railway. If required by TAMC in use of TAMC's premises, CITY shall reconstruct, relocate, or alter said roadway and drainage improvements to TAMC's satisfaction. Except in emergencies, CITY shall give TAMC five (5) business day's written notice of the day and hour it proposes to do any work on said roadway and drainage improvements. CITY shall cooperate with TAMC in making any tests TAMC requires of any installation or condition which in its judgment may have an adverse effect on any of the facilities of TAMC. All costs incurred by the tests, or any corrections thereafter, shall be borne by the CITY.
4. Term of Agreement: The term of this Agreement shall begin upon execution hereof by CITY and TAMC and shall remain in force until CITY's improvements within the TAMC Right of Way shall be removed.

5. Indemnification. To the fullest extent permitted by law, including California Civil Code sections 2782 and 2782.6, CITY shall defend (with legal counsel reasonably acceptable to TAMC), indemnify and hold harmless the TAMC, its officers, agents, and employees, from and against any and all claims, losses, costs, damages, injuries (including injury to or death of an employee of CITY or its contractors or subcontractors), expenses and liabilities of every kind, nature and description (including incidental and consequential damages, court costs, attorneys' fees, litigation expenses and fees of expert consultants or expert witnesses incurred in connection therewith and costs of investigation) that arise out of, pertain to, or relate to, directly or indirectly, in whole or in part, the negligence, recklessness, or willful misconduct of CITY, any contractor or subcontractor, anyone directly or indirectly employed by them, or anyone that they control (collectively "Liabilities") relating to the construction, operation or maintenance of the Project. Such obligations to defend hold harmless and indemnify the TAMC, its officers, agents, and employees, shall not apply to the extent that such Liabilities are caused in part by the sole negligence, active negligence, or willful misconduct of the TAMC, its officers, agents, and employees. To the extent there is an obligation to indemnify under this Paragraph, CITY shall be responsible for incidental and consequential damages resulting directly or indirectly, in whole or in part, from CITY's negligence, recklessness, or willful misconduct. The CITY's obligations to defend, indemnify and hold harmless shall survive any termination of this Agreement.

6. Environmental Protection: CITY shall at its expense, comply with all applicable laws, regulations, rules and orders regardless of when they become or became effective, including, without limitation, those relating to health, safety, noise, environmental protection, waste disposal, hazardous waste, waste disposal, and water and air quality, and furnish satisfactory evidence of such compliance upon request of TAMC. Should any discharge, leakage , spillage, emission, or pollution of any type occur or arise from the premises covered hereunder as a result of CITY's use, presence, operations or exercise of the rights herein granted hereunder, CITY shall immediately notify TAMC and shall at CITY's expense, be obligated to clean all property affected thereby, whether owned or controlled by TAMC or any third persons to the satisfaction of TAMC (insofar as the property owned or controlled by TAMC is concerned) and any governmental body having jurisdiction in the matter. TAMC may at its option, clean TAMC's Premises; if TAMC elects to do so, CITY shall pay TAMC the cost of such cleanup promptly upon receipt of a bill therefor. CITY agrees to release, indemnify and defend TAMC from and against all liability, cost and expense (including, without limitation, any fines, penalties, judgments, litigation costs, and attorney fees) incurred by TAMC as a result of CITY's breach of this section, or as a result of any such discharge, leakage, spillage, emission or pollution, regardless of whether such liability, cost or expense is proximately caused solely and exclusively by the active negligence of TAMC, its officers, agents or employees.

7. Annual Inspection and Maintenance: CITY agrees to inspect and maintain, annually, prior or October 15 of each year, the storm drainage improvements on TAMC premises shown on the above referenced improvement plans. CITY shall maintain a Water Pollution Control Plan and said drainage improvements shall be maintained in accordance with Best Management Practices (BMP) applicable to storm drainage facilities. CITY shall provide to a letter to TAMC providing proof of BMP inspection and maintenance prior to October 15 of each year.
8. Exhibits: The following exhibits are attaché hereto and incorporated by reference:
 - Exhibit A - TAMC Encroachment Permit with Special Provisions of Approval
 - Exhibit B – Final Improvement Plans for the Del Monte Boulevard and Beach Road Improvement Project dated January 2016.
 - Exhibit C – Drainage Report, Del Monte Improvements from Beach Road to Marina Green Drive Prepared by RBF Consulting, dated July 2008.
9. Termination: TAMC may terminate this Agreement at any time for good cause. “Good Cause” includes, without limitation, the failure of CITY to comply with the terms of this Agreement for the maintenance of the roadway and drainage improvements in the manner provided herein. If CITY makes default in respect to any covenant or condition on CITY’s part hereunder and fails to correct such default within thirty (30) days after receipt of notice from TAMC to do so, TAMC may terminate this Agreement by notice to CITY and CITY shall thereupon remove said roadway and drainage improvements and restore the premises of TAMC to TAMC’s satisfaction; failing which, TAMC may arrange to do so at CITY’s expense. TAMC shall give written notice of termination to CITY at least thirty (30) days prior to the effective date of termination, which date shall be specified in any such notice.
10. Amendments and Modifications. No modification or amendment of this agreement shall be valid unless it is set forth in writing and executed by the parties hereto.
11. Governing Laws. This Agreement shall be construed and enforced according to the laws of the State of California, and the parties hereby agree that the County of Monterey shall be the proper venue for any dispute arising hereunder.
12. Construction of Agreement. The parties agree that each party has fully participated in the review and revision of this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any exhibit or amendment. To that end, it is understood and agreed that this Agreement has been arrived at through negotiation, and that neither party is to be deemed the party which prepared this Agreement within the meaning of Civil Code Section 1654. Section and paragraph headings appearing herein are for convenience only and shall not be used to interpret the terms of this Agreement.

13. Waiver. Any waiver of any term or condition hereof must be in writing. No such waiver shall be construed as a waiver of any other term or condition herein.
14. Time is of the Essence. The parties mutually acknowledge and agree that time is of the essence with respect to every provision hereof in which time is an element. No extension of time for performance of any obligation or act shall be deemed an extension of time for performance of any other obligation or act, nor shall any such extension create a precedent for any further or future extension.
15. Execution of Agreement. Any individual executing this Agreement on behalf of an entity represents and warrants that he or she has the requisite authority to enter into this Agreement on behalf of such entity and to bind the entity to the terms and conditions hereof. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.
16. Entire Agreement. This document, including all exhibits hereto, constitutes the entire agreement between the parties, and supersedes any and all prior written or oral negotiations and representations between the parties concerning all matters relating to the subject of this Agreement.

IN WITNESS WHEREOF, TAMC and CITY OF MARINA execute this agreement as follows:

TAMC	CITY OF MARINA
By _____ Debra L. Hale Executive Director	By: _____ Name: _____ Title: MAYOR
Dated: _____	Dated: _____
Approved as to form: By: _____ Legal Counsel	By: _____ Name: _____ Title: CITY CLERK Dated: _____
	By: _____ Name: _____ Title: CITY ATTORNEY Dated: _____

INSTRUCTIONS: If Consultant is a corporation (including limited liability and nonprofit corporations), the full legal name of the corporation shall be set forth together with the signatures of two specified officers. If Consultant is a partnership, the name of the partnership shall be set forth together with the signature of a partner with authority to execute this Agreement on behalf of the partnership. If Consultant is contracting in an individual capacity, the individual shall set forth the name of his or her business, if any, and shall personally sign the Agreement.

Date: 4/1/2016

Application No. 2016-03

TRANSPORTATION AGENCY FOR MONTEREY COUNTY (TAMC)

APPLICATION FOR ENCROACHMENT PERMIT (PERMIT TO ENTER AND CONSTRUCT)

City Of Marina
(Applicant's Name)

Of 211 Hillcrest Ave, Marina CA 93933
(Mailing Address)

Del Monte Blvd and Beach Rd Improvement Project
(Address of Property)

(Assessor's Parcel Number)

Applicant hereby applies for an encroachment permit for the purpose of entering and construction on TAMC property at the above-noted property, pursuant to the final policy with respect to encroachments in Monterey Peninsula Branch Line Right-of-Way for the following reasons:

Description of Use: Construction of roadway and drainage improvements for the City of Marina "Del Monte Blvd and Beach Road Improvement Project".

Proposed Starting Date: June 2016
Estimated Date of Completion: October 2016

Drawings submitted: Plan View: Improvement Plans Dated Jan2016
Details: See Attachments 1-A & 1-B

Applicant agrees that work will comply with the General Conditions listed on the reverse side of this application.

(Signature of Applicant)

(Phone Number of Applicant)

*****YOUR APPROVED APPLICATION IS THE ENCROACHMENT PERMIT*****

- Encroachment Permit is approved.
- Encroachment Permit is approved with Special Conditions of Approval, which are a part of the Encroachment Permit.
- Encroachment Permit is disapproved.
- Encroachment Permit application is referred to the TAMC Board for their consideration and action.

Executive Director

Date

Approved as to Form:

TAMC Counsel

Date

Note: Encroachment permit actions by the TAMC Executive Director may be appealed to the TAMC Board by filing an appeal with the TAMC Administrative Services Manager within fifteen (15) days of the date of notice to the applicant.

TRANSPORTATION AGENCY FOR MONTEREY COUNTY

As condition for the granting of an encroachment permit from TAMC, I hereby agree to the following conditions:

GENERAL CONDITIONS

1. **Hold Harmless:** Permittee shall hold harmless and defend TAMC, its officers, employees or agents, against any claims or suits, from any cause whatever, arising from the construction, maintenance or existence of the encroachment permitted pursuant to this permit.
2. **Maintenance:** Permittee shall at all times maintain the public property covered by this permit and any structures or landscaping placed thereon in a safe, neat and attractive manner.
3. **Revocability:** This permit shall be revocable at any time without cause unless otherwise specified. TAMC shall give written notice of such revocation and a reasonable time to remove the encroachment. Permittee agrees to remove the encroachment after said notice and to restore the public property to a safe condition. If permittee fails to do so, TAMC may do said work, either with its own employees or by private contract, and the permittee shall be liable for said costs.
4. **Transferability:** This permit is for the benefit of the adjacent property (other than temporary encroachments) and may be transferred to the successor of the permittee without consent of TAMC, provided, however, that no transfer of this permit shall become effective until the transferee executes an agreement with TAMC that he/she has read and accepts the terms and conditions of the permit. It shall be the duty of the permittee to notify his/her successor of this permit and the terms and conditions herein.
5. **Signs:** There shall be no signs or other forms of advertising within the area covered by this permit unless specifically authorized.
6. **Inspection Notice:** Prior to any construction activity the applicant shall contact the TAMC Inspector for a field inspection of the work to be done within the public right-of-way. A twenty-four (24) hour notice shall be given to the TAMC Inspector prior to any work activity.
7. **Insurance:**

(a) Without limiting Permittee's duty to indemnify, Permittee shall maintain, at no cost to TAMC, throughout the term of this Agreement, a policy or policies of insurance with the following coverage and minimum limits of liability (check if applicable):

- Commercial general liability insurance, including but not limited to premises, personal injury, products, and completed operations, with a combined single limit of \$1,000,000 per occurrence.
- Professional liability insurance in the amount of not less than \$1,000,000 per claim and \$3,000,000 in the aggregate, to cover liability for malpractice or errors or omissions made in the course of rendering professional services. If professional liability insurance is written on a "claims made" basis rather than an "occurrence" basis, Permittee shall, upon the expiration or termination of this Agreement, obtain extended reporting coverage ("tail coverage") with the same liability limits. Any such tail coverage shall continue for at least three years following the expiration or termination of this Agreement.

- [X] Comprehensive automobile liability insurance covering all motor vehicles, including owned, leased, hired and non-owned vehicles used in providing services under this Agreement, with a combined single limit of not less than \$1,000,000 per occurrence.
- (b) All insurance required under this Agreement shall be with a company acceptable to TAMC and authorized by law to transact insurance business in the State of California. Unless otherwise provided herein, all such insurance shall be written on an occurrence basis; or, if any policy cannot be written on an occurrence basis, such policy shall continue in effect for a period of two years following the date of Permittee's completion of performance hereunder.
- (c) Each policy of insurance required under this Agreement shall provide that TAMC shall be given written notice at least thirty days in advance of any change, cancellation or non-renewal thereof. Each policy shall provide identical coverage for each subcontractor performing work under this Agreement, or be accompanied by a certificate of insurance for each subcontractor showing identical insurance coverage.
- (d) Commercial general liability and automobile liability policies shall provide an endorsement naming TAMC, its officers, agents, and employees, as additional insured's and shall further provide that such insurance is primary to any insurance or self-insurance maintained by TAMC, and that no insurance of any additional insured shall be called upon to contribute to a loss covered by Permittee's insurance.
- (e) Workers Compensation Insurance. If during the performance of this contract, Permittee employs one or more employees, then Permittee shall maintain a workers' compensation plan covering all of its employees as required by Labor Code Sec. 3700, either (a) through workers' compensation insurance issued by an insurance company, with coverage meeting the statutory limits and with a minimum of \$100,000.00 per occurrence for employer's liability, or (b) through a plan of self-insurance certified by the State Director of Industrial Relations, with equivalent coverage. If Permittee elects to be self-insured, the certificate of insurance otherwise required by this agreement shall be replaced with consent to self-insure issued by the State Director of Industrial Relations. The provisions of this paragraph apply to any subcontractor employing one or more employees, and Permittee shall be responsible for all subcontractors' compliance herewith.
- 8. Engineering Provisions:** Permittee shall follow the American Railway Engineering and Maintenance of Way Associations 2004 Manual for Railway Engineering engineering specification for work performed on the TAMC Railroad Right-of-Way.

Special Conditions of Approval

- a. The work of construction shall be conducted in accordance with the City of Marina Plans and Specifications for the “Del Monte Boulevard and Beach Street Improvements Project” dated January 2016.
- b. The top of slope for the proposed storm drainage outfall (south basin) shall be adequately offset so that it does not conflict with the proposed second track line location of the Monterey Branch Line (MBL) rail project.
- c. The City of Marina is responsible for all maintenance of the roadway and drainage improvements constructed on TAMC property pursuant to this Encroachment Permit. The City of Marina shall execute a Maintenance Agreement between TAMC and Marina no later than July 1, 2016 and **this Encroachment Permit shall not be effective until such execution.**
- d. The City of Marina will be required to modify the roadway and drainage improvements within the TAMC right of way in the event of a future conflict with the Monterey Branch Line (MBL) rail project.
- e. The City of Marina indemnifies the TAMC for injury or loss arising out of the City installed facilities.
- f. The City of Marina shall maintain a Water Pollution Control Plan and apply the plan’s Best Management Practices to the use of the site.
- g. The City of Marina shall obtain any applicable local land use jurisdiction permits/approvals prior to occupying the site.
- h. Workers Compensation Insurance shall be maintained at a minimum of \$1,000,000.00 per occurrence.
- i. Unless revoked earlier pursuant to Paragraph 3 of General Conditions, this Encroachment Permit shall terminate if and when the Agreement for Maintenance related to this property and approved by the City of Marina on DATE is breached or terminated.

DELMONTE - BEACH FOUNDABOOT

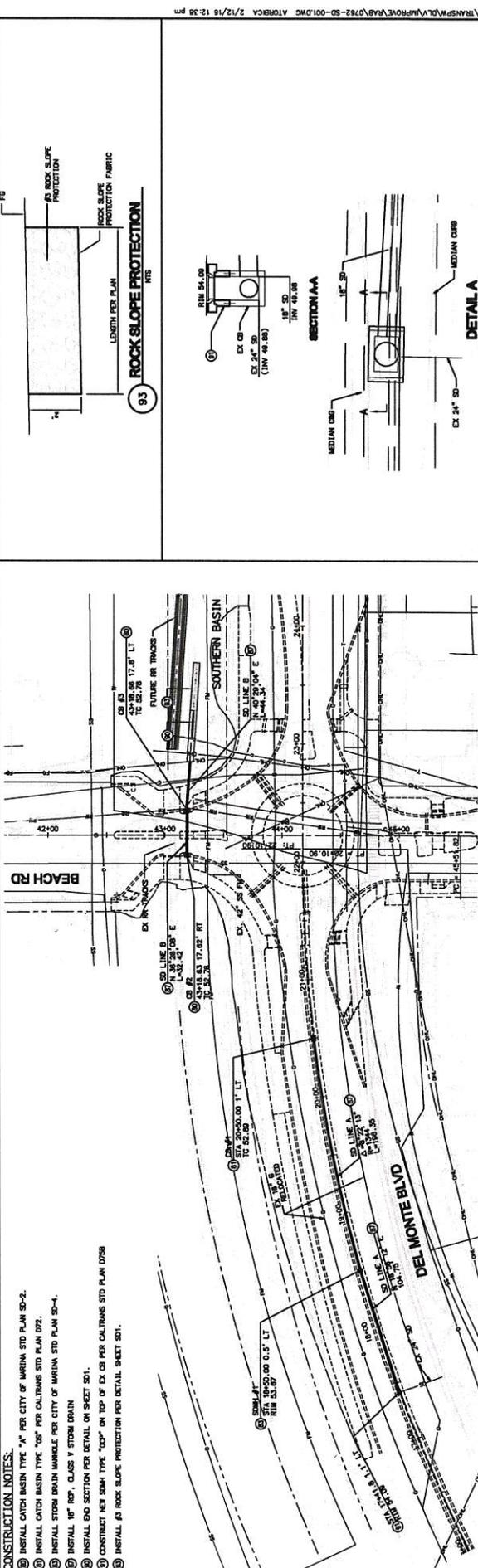
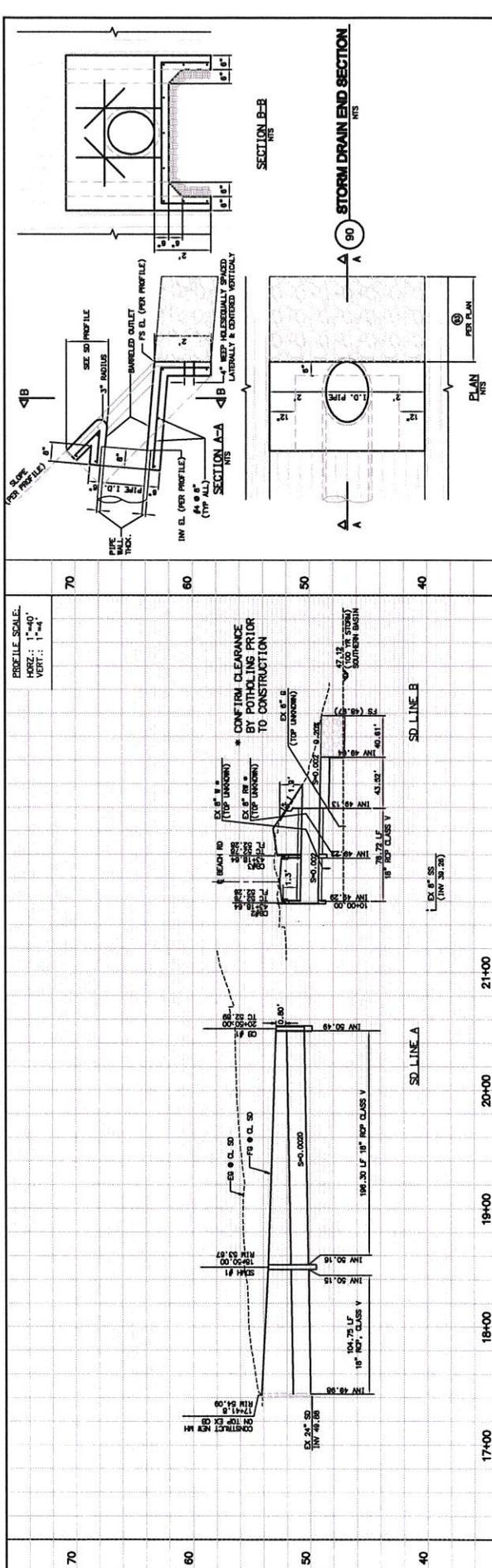
STORM DRAIN

ENCROACHMENT = $170'L \times 10'W = 1700 \text{ SF}$
 INTO TAMC ROW.



RBF JOB NO: 35-100762 DRAWN BY: AT DESIGNED BY: AT CHECKED BY: JAH	DATE: 01/16 DATE: 01/16 DATE: 01/16	Michael Baker INTERNATIONAL 500 Ygnacio Valley Road, Suite 300 Walnut Creek, CA 94598 Phone: (925) 936-1460 • MBAKERINTL.COM	JENNIFER A. HARMON DATE: 01/16 R.C.E # 63909	STREET IMPROVEMENT PLANS STORM DRAIN PLAN AND PROFILE DEL MONTE BLVD DEL MONTE BLVD AND BEACH ROAD IMPROVEMENT PROJECT CITY OF MARINA	SD1 SHEET 13 OF 24
---	---	--	--	--	------------------------------------

CITY OF MARINA
 ENCROACHMENT PERMIT
 DRAWING ATTACHMENT 1-A



Honorable Mayor and Members
of of the Marina City Council

City Council Meeting
May 3, 2016

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2016-,
APPROVING AGREEMENT BETWEEN THE CITY OF
MARINA AND TECHRX FOR INFORMATION
TECHNOLOGY PROFESSIONAL SERVICES, AUTHORIZE
THE CITY MANAGER TO EXECUTE AGREEMENT ON
BEHALF OF CITY SUBJECT TO FINAL REVIEW AND
APPROVAL BY THE CITY ATTORNEY, AND AUTHORIZE
THE FINANCE DIRECTOR TO MAKE THE NECESSARY
ACCOUNTING AND BUDGETARY ENTRIES**

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2016-, authorizing agreement between the City of Marina and TechRX for information technology professional services,
2. Authorizing the City Manager to execute agreement on behalf of the City subject to final review and approval by the City Attorney, and
3. Authorize the Finance Director to make the necessary accounting and budgetary entries.

BACKGROUND:

The City of Marina information technology needs are broad and complex with specific hardware and software demands for police, fire, finance, community development, GIS and other city operations. These needs continue to grow and expand as technology advances and demands of the public for more access to information continue to increase. For the past decade the City has contracted with MBay IT to oversee all day to day information technology services. This contract provides a very limited number of hours weekly for IT services, meets bare minimum day to day desk top service needs, and does not have any backup personnel available for IT support.

In the past year the City has experienced various challenges with our IT network including unauthorized system access, loss of electronic files, backup system failures, and overall network system failures. The major reasons for these problems have been:

1. Deferred technology maintenance and upgrades - including obsolete hardware and software, inadequate facility data cabling and inadequate servers.
2. Insufficient IT network administration and helpdesk support – which pertains to assisting city staff with computing devices, server management, system administration and oversight of bandwidth for optimal network performance.
3. Inadequate cyber security – which pertains to protecting the city network, information and data from unauthorized outside access and attacks.

In November 2015, the City Council authorized funding for the Information Technology Stabilization project to address the deferred technology maintenance, upgrades and various technology vulnerabilities. An internal IT Committee was established consisting of the Finance Director, Police Chief, Fire Chief and a third party technology expert. The IT Committee conducted several technology audits and reviews which substantiated the need for the City to initiate timely corrective actions. These actions are necessary to protect vital City information and provide an information technology environment to effectively deliver services. Below is the IT Committee's analysis and recommendation.

ANALYSIS:

To protect the City's technology security, this report and discussion are focused on the project objectives instead of delineating the specific problems and gap areas within the City technology infrastructure. The IT Committee evaluated multiple alternatives to address the City technology problems which would be both effective and financially feasible within the City's budget constraints. This included evaluating hiring full time city IT employees and interviewing several local IT firms. The IT Committee recommends a two-pronged hybrid approach to address the City's current and future IT administration needs. Hiring one vendor to specialize and focus on overseeing the City's cyber security needs and another vendor to focus on network administration and helpdesk support. Given our current situation this will provide the City with optimal coverage in a cost-effective manner.

The recommended new service providers are Taygeta Network Security Inc. for cybersecurity and TechRx for network administration with helpdesk support. Taygeta and TechRX are both local technology firms, founded in 1995 and 2001, respectively. The Taygeta contract will be brought to City Council on May 17th. The TechRx contract is provided now for City Council consideration and approval.

Both service contracts are drafted for a 6-month effective period with the City Manager authority to extend up to three (3) years at his determination. The IT Committee has expressed to both service providers that the 6-month period will provide the City with an evaluation period of this arrangement and the flexibility to modify as needed. The Taygeta company background and contract are included as ("**EXHIBIT A & B**").

FISCAL IMPACT:

The current FY15/16 budget appropriation for information technology professional service is \$106,000. The TechRX service contract provides for an annual compensation of \$106,080, which includes 24 per week of services at a discounted hourly rate of \$85 (30% discount). In comparison to the current service provider, this proposed contract will provide more service hours per week and at a lower hourly rate.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Lauren Lai, CPA
Finance Director
City of Marina

REVIEWED/CONCUR:

Edmundo Rodriguez
Police Chief
City of Marina

Doug McCoun
Fire Chief
City of Marina

Layne P. Long
City Manager
City of Marina



TechRx Technology Services Corporation History

Tech Solutions was founded in 2001 by James Trautner making it a one-call technical solution provider for small and medium organizations throughout the tri-county area. Seven years following its growth it became a corporation under the new name of TechRx. After expanding, TechRx has grown with their clients and the industry, providing some of the most cost effective and efficient solutions available. TechRx strives to provide excellent customer service, quick resolution to incidents, and open communication. Information Technology is a moving target, it requires a team to be constantly working and researching on every aspect. That is what we do, and what we have been doing our entire careers.

James Trautner, Founder

After two years of performing as lead field engineer for a local IT company, James founded Tech Solutions in 2001. After seven very successful years he expanded the business and reformed into TechRx. Since then he has been running TechRx and taking care of his clients. He is always available and can be reached anytime.

Brandon Dike, Network Engineer

Over a span of nine years, Brandon rose to the position of Senior Network Engineer for Monterey Bay Office Products. Since joining TechRx in 2008, Brandon has become a vital member of TechRx and really is not TechRx without him. His technical skills and ability to focus on a problem until it is completed are quite legendary, as well as his patience.

Mary Vargas, Administrative

Mary has worked with TechRx since 2008, but only recently started taking a much more active role. She brings over twenty years of administrative management experience. She helps with many tasks and the back end of TechRx, leaving the team to focus on their many technical tasks.



TechRx References List

North County Fire Protection District

11200 Speegle St

Castroville, CA 95012

Joe Pastore

831-633-2578

60+ Employees

Vantage Eye Center

622 Abbott Street

Salinas, CA 93901

Kristen Ish

831-771-3900

100+ Employees

American Takii

301 Nativdad Road

Salinas, CA 93906

Steve Wiley

831-443-4904

30+ Employees

Dougherty Pump & Well

Welding

San Miguel Canyon Road

Prunedale, CA 93907

Cliff Fasnacht

831-682-5530

10+ Employees

Dr Sweet, MD

114 E. Romie Lane

Salinas, CA 93901

Rebecca Mier

831-422-4500

20+ Employees

Johnsons Electronics

78 Malarin Street

Salinas, CA 93901

Bryan Johnson

831-424-6459

30+ Employees

Enza Zaden North America

7 Harris Place

Salinas, CA 93901

Annajane Lowe

831-754-2300

85+ Employees

In Studio Architecture

250 Main Street

Salinas, CA 93901

Alex Reynoso

831-235-9569

4 Employees

El Camino Machine &

396 El Camino Real

Salinas, CA 93901

Bob Buttle

831-262-5958

20+ Employees

Kasavan Architects

60 W. Market Street

Salinas, CA 93901

Peter Kasavan

831-424-2232

RESOLUTION NO. 2016-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA APPROVING AGREEMENT BETWEEN THE CITY OF MARINA AND TECHRX FOR INFORMATION TECHNOLOGY PROESSIONAL SERVICES, AUTHORIZE THE CITY MANAGER TO EXECUTE AGREEMENT ON BEHALF OF CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY, AND AUTHORIZE THE FINANCE DIRECTOR TO MAKE THE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES

WHEREAS, the current city information technology professional services are inadequate; and

WHEREAS, City Information Technology Committee evaluated and researched the alternatives; and

WHEREAS, City IT Committee recommends Taygeta Network Security Services for cybersecurity and TechRX for helpdesk and network administration services; and

WHEREAS, TechRX background and contract are provided as **EXHIBIT A & B**, respectively.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby

1. Authorize the Agreement with TechRX of Salinas California for the information technology professional services; and
2. Authorize the City Manager to execute the Agreement on behalf of the City subject to final review and approval by the City Attorney; and
3. Authorize the Finance Director to make any necessary accounting and budgetary entries.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Marina, duly held on the 3rd day of May 2016, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk

Draft 04-27-2016

**AGREEMENT WITH TECH R OF SALINAS, CA
FOR CONSULTING SERVICES
IN CONNECTION WITH INFORMATION TECHNOLOGY**

THIS AGREEMENT is made and entered into on May ____, 2016, between the City of Marina, a California charter city, hereinafter referred to as "City," and Tech R Technology Services Corporation, a California corporation, hereinafter referred to as "Consultant," as follows:

Recitals

1. City wishes to contract for consulting services associated with further development of its existing information technology governance and program and project management advice to better serve and inform its officials, employees and citizens.
2. Consultant represents and warrants that Consultant has the qualifications, experience, equipment and facilities necessary to properly perform services under this Agreement.
3. City has solicited and received a proposal from Consultant, has reviewed the previous experience and evaluated the expertise of Consultant, and desires to retain Consultant to render professional services under the terms and conditions set forth in this Agreement.

Terms and Conditions

In consideration of the valuable consideration and mutual provisions contained herein, City and Consultant agree to the following terms and conditions:

1. Scope of Services. Consultant agrees to assist the City, as directed by the City Manager or his designee, in the further development and improvement of informational technology including, but not necessarily limited to, services related to network, and desktop support. The City hereby authorizes Consultant to access its website at www.ci.marina.ca.us and agrees to provide Consultant with "write permission" from the City's web page directory files (cgi-bin directory) and any other directories or programs which need to be accessed for the above purposes from the City's web hosting computer, servers and desktop and other computers. The Consultant's scope of services herein are more particularly described in **Exhibit A** hereto, and by this reference made a part hereof, entitled "Scope of Services." The City shall cooperate with Consultant and will furnish all information, data, records and reports as are existing and available to City to enable Consultant to carry out the work as outlined in **Exhibit A**.
2. Commencement of Services. Consultant shall commence work on the services to be provided hereunder on or before _____, 2016.
3. Term. The initial term ("Initial Term") of this Agreement shall commence on the date first written above ("Commencement Date") and end on _____, 2016 ("Termination Date"), unless terminated earlier as provided herein. The term of this Agreement may be extended for a period ("Extended Term") not to exceed thirty-six months from the Termination Date upon a writing executed by City Manager and the Consultant's authorized representative.

4. Compensation.

(a) For the services to be performed under this Agreement, including all travel charges, compensation paid by the City to Consultant shall be Eight-five Dollars (\$85.00) per hour and compensation for services provided within any seven-day period shall not exceed Two Thousand Forty Dollars (\$2,040.00). Total compensation furnished to Consultant under this Agreement during the Initial Term shall not exceed \$52,428.00. Compensation during any Extended Term shall be as set forth in the writing extending the Agreement. Compensation shall be invoiced on a monthly basis and payment is due within 30 days of receipt of Consultant's invoice. City shall make no deductions for payroll taxes or Social Security from amounts due Consultant for services provided under this Agreement. Consultant shall provide City with a complete Request for Taxpayer Identification Number and Certification, Form W-9, as issued by the Internal Revenue Service.

(b) Reimbursement for expenses may be made by the City for expenses incurred by Consultant in performance of this Agreement which have been previously approved in advance and in writing by the City Manager or his or her designee.

5. Performance of Services. Consultant shall perform all services hereunder, unless otherwise agreed to by the City. Work shall be coordinated with the City Manager or his or her designee. Consultant shall provide the City Manager or his or her designee with weekly and bi-weekly progress reports for work performed hereunder and bi-weekly attendance at the City's Information Technology Committee meetings for the purpose of providing updates. Consultant's assigned staff shall be equipped with cellular phones to communicate with City staff and wireless phone numbers shall be provided to the City.

6. Status of Consultant. Consultant is and shall at all times remain a wholly independent contractor and not an officer, employee or agent of the City. This Agreement is not intended nor shall it be construed to create an employer-employee relationship, a joint venture relationship, or to allow the city to exercise discretion or control over the professional manner in which Consultant performs the services which are the subject matter of this Agreement; however, the services to be provided by Consultant shall be provided in a manner consistent with all applicable standards and regulations governing such services. Neither Consultant nor any employees or agents of Consultant shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to City's employees. Consultant shall have no authority to bind the City in any manner, nor to incur any obligation, debt or liability of any kind on behalf or against the City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by the City. Consultant shall be free to contract for similar services to be performed for other employers while under contract with the City. City reserves the right to employ other Consultants in connection with the services contemplated herein.

7. Conflicts of Interest.

(a) Consultant covenants that he has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of the City or which would in any way hinder Consultant's performance of services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed as an officer, employee, agent or subcontractor without the express written consent of the City Manager. Consultant agrees to at all times avoid conflicts of interest or the appearance of

any conflicts of interest with the interests of the City in the performance of this Agreement. Consultant shall represent the interest of the City in any discussion or negotiation with prospective vendors, and as such, may not accept compensation, commission or payment of any type from any prospective vendor or such party's agent.

(b) City understands and acknowledges that Consultant may be, as of the date of commencement of services under this Agreement, independently involved in the performance of non-related services for other governmental agencies and private parties. Consultant is unaware of any stated position of the City relative to such projects. Any future position of the City on such projects shall may be considered a conflict of interest for purposes of this section.

8. Disclosure. Consultant may be subject to the appropriate disclosure requirements of the California Fair Political Practices Act, as determined by the City Manager.

9. Proprietary information. In performing services under this Agreement Consultant may receive, review or author confidential documents, information or materials which are and shall remain the exclusive property of the City. Consultant shall not release or disclose any such information or work product to persons or entities other than the City without prior written authorization from the City Manager.

10. Ownership of Website & Documents. Ownership of the website as developed by the Consultant and all proprietary rights embodied therein is and will remain the exclusive property of the City. Any software and graphics packages purchased for the City, designs, drawings, logos, photographs, studies, surveys, reports, data, notes, computer files and other documents prepared, developed or discovered by Consultant in the course of providing any services pursuant to this Agreement shall become the sole property of the City and may be used, reused or otherwise disposed of by the City without the permission of the Consultant. Upon completion, expiration or termination of this Agreement, Consultant shall turn over to the City all such original software and graphics packages purchased on behalf of the City, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents.

11. Copyrights and Trademarks. The City represents to Consultant and unconditionally guarantees that any elements of text, graphics photos, designs, trademarks, logos, or other artwork furnished to Consultant for inclusion in or on the website are owned by the City, or that the City has permission from the rightful owner to use each of these elements and will hold harmless, protect and defend Consultant and its subcontractors, if any, for any claim or suite arising from the use of such elements furnished by the City.

12. Non-Discrimination. Consultant shall not discriminate, in any way, against any person on the basis of race, color, religious creed, national origin, ancestry, sex, age, physical handicap, medical condition or marital status in connection with or related to the performance of this Agreement.

13. Indemnification & Hold Harmless.

(a) City and its respective elected and appointed Council, boards, commissions, officials, officers, agents, employees and volunteers (individually and collectively "Indemnitees") shall have no liability to Consultant or any other person for, and Consultant shall indemnify, defend, protect, and hold harmless Indemnitees from and against, any and all liabilities, claims,

actions, causes of action, proceedings, suites, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively "claims"), which Indemnitees may suffer or incur or to which Indemnitees may become subject by reason of or arising out of any injury to or death of any person(s), damage to property, loss of use of property, economic loss or otherwise occurring as a result of or allegedly caused by the Consultant's performance of or failure to perform any services under this Agreement or by the negligent or willful acts or omissions of Consultant, its agents, officers, directors, subcontractors or employees, committed in performing any of the services under this Agreement.

(b) Consultant acknowledges that City would not enter into this agreement in the absence of this commitment from Consultant to indemnify, defend and protect City as set forth herein. Accordingly, the provisions of this paragraph are intended by the parties to be interpreted and construed to provide the fullest protection possible under the law to the City. To the fullest extent permitted by law, Consultant shall (1) immediately defend and (2) indemnify the City, and its council members, officers, employees and agents from and against all liability, injury, damage, claims, suits, actions, arbitration or mediation proceedings, administrative proceedings, regulatory proceedings, litigation costs, losses, penalties, fines, judgments, associated investigation and administrative expenses, other expenses or defense costs of any kind (collectively "Liability"), whether actual, alleged or threatened, actual attorney fees incurred by the City, court costs, interest, defense costs including expert witness costs, costs of alternate dispute resolution, fees and any other costs or expenses of any kind whatsoever without restriction or limitation incurred in relation, to, as a consequence of or arising out of or in connection with or in any way attributable actually, allegedly or impliedly, in whole or in part, to the Consultant's performance of this Agreement.

(c) If any action or proceeding is brought against Indemnitees by reason of any of the matters against which Consultant has agreed to indemnify Indemnitees as provided above, Consultant, upon notice from the City, shall defend Indemnitees at Consultant's expense by counsel acceptable to the City, such acceptance not to be unreasonably withheld. Indemnitees need not have first paid for any of the matters to which Indemnitees are entitled to indemnification in order to be so indemnified. The insurance required to be maintained by Consultant under Section 14 of this Agreement shall ensure Consultant's obligations under this section, but the limits of such insurance shall not limit the liability of Consultant hereunder. The provisions of this section shall survive the expiration or earlier termination of this Agreement.

(d) The provisions of this section do not apply to claims occurring as a result of the City's sole negligence or willful acts or omissions.

14. Insurance. Consultant agrees to obtain and maintain in full force and effect during the term of this Agreement the insurance policies set forth in **Exhibit B** "Insurance" which is attached hereto and made a part hereof. All insurance policies shall be subject to approval by the City as to form and content. These requirements are subject to amendment or waiver if so approved in writing by the City Manager. Consultant agrees to provide the City with copies or required policies upon request.

15. Assignment. The expertise and experience of Consultant is a material consideration for this Agreement. The City has an interest in the qualifications of and capability of the Consultant under this Agreement. In recognition of that interest, Consultant shall not assign or transfer this Agreement or the performance of any of Consultant's duties or obligations under this Agreement, without the prior written consent of the City Council. Any attempted assignment shall be ineffective, null and void and shall constitute a material breach of this Agreement, entitling the City to any and all remedies at law or in equity, including summary termination of this Agreement.

City acknowledges, however, that Consultant, in the performance of its duties pursuant to this Agreement may, with the prior approval of the City Manager, utilize other persons. Consultant, unless otherwise provided in a prior writing signed by the City Manager, will be responsible to compensation such persons.

16. Compliance with Laws. Consultant shall keep itself informed of and comply with all applicable federal, state and local laws, statutes, codes, ordinances, regulations and rules in effect during the term of this Agreement. Consultant shall obtain and maintain any and all licenses, permits and authorizations necessary to perform the services set forth in this Agreement. Neither the City, nor any of its elected or appointed boards, officials, officers, employees or agents shall be liable at law or in equity as a result of any failure of Consultant to comply with this section.

17. Termination of Agreement.

(a) City may terminate this Agreement, with or without cause, at any time by giving ten (10) days' written notice of termination to Consultant. In the event such notice is given, Consultant shall cease immediately any work in progress.

(b) Consultant may terminate this Agreement at any time upon ten (10) days' written notice to City.

(c) If either Consultant or City fail to perform any material obligation under this Agreement, then in addition to any other remedies, either Consultant or City may terminate this Agreement immediately upon written notice.

(d) Upon termination of this Agreement by either Consultant or the City, all property belonging exclusively to the City which is in Consultant's possession shall be returned to the City. Consultant shall furnish to the City a final invoice.

18. Notices. All notices required or permitted to be given under this Agreement shall be in writing and shall be personally delivered, or sent by overnight courier or certified mail, postage prepaid with return receipt requested, address as follows:

To City: City of Marina
 City Hall
 Attn: City Manager _____
 211 Hillcrest Avenue
 Marina, California 93933
 Tel: (831) 884-1224

To Consultant : Tech R Technology Services Corporation
 Attn: Mr. James Trautner, CEO
 78 Malarin Street
 Salinas, CA 93901
 Tel: 831-754-5926

Notice shall be deemed effective on the date personally delivered or, if by overnight courier on the next business day with confirmation of delivery, or if mailed, three (3) days after deposit of same in the custody of the U.S. postal Service.

19. Modification. No amendment to or modification of this Agreement shall be valid unless made in a writing and approved by the authorized representative of the Consultant and by the City Manager. The parties agree that this requirement for written modifications cannot be waived and that any attempted waiver shall be void.

20. Waiver. Waiver by any party to this Agreement of any term or condition or covenant of this Agreement shall not constitute a waiver of any other term, condition or covenant. Waiver by any party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this Agreement.

21. Dispute Resolution. If any dispute arises between the parties as to proper interpretation or application of this Agreement, the parties shall first meet and confer in a good faith attempt to resolve the matter between themselves. If the dispute is not resolved by meeting and conferring, the matter shall be submitted for formal mediation. The expenses of such mediation shall be shared equally between the parties. If the dispute is not or cannot be resolved by mediation, the parties may mutually agree (but only as to those issues of the matter not resolved by mediation) to submit their dispute to arbitration. Before commencement of the arbitration, the parties may elect to have the arbitration proceed on an informal basis; however, if the parties are unable so to agree, then the arbitration shall be conducted in accordance with the rules of the American Arbitration Association. The decision of the arbitrator shall be binding, unless within thirty (30) days after issuance of the arbitrator's written decision, any party files an action in court.

22. Law to Govern; Venue. This Agreement shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the County of Monterey. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Northern District of California, in San Jose.

23. Attorney's Fees. In the event of any litigation, controversy, claim, dispute or other proceeding relating to this Agreement, or the breach thereof, the prevailing party shall be entitled to recover from the losing party, in addition to any other relief to which it may be entitled, reasonable expenses, attorney's fees and costs.

24. Entire Agreement. This Agreement, including the attached exhibits, is the entire, complete, final and exclusive expression of the parties with respect to the matters address therein and supersedes all other agreements or understanding, whether oral or written, or entered into between Consultant and the City prior to the execution of this Agreement. No statements, representations or other agreements, whether oral or written, made by any party, which are not embodied herein shall be valid and binding. No amendment to this Agreement shall be valid and binding unless in writing duly executed by the parties or their authorized representatives.

25. Severability. If any term, condition or covenant of this Agreement is declared or determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall not be affected thereby and the Agreement shall be read and construed without the invalid, void or unenforceable provision(s).

IN WITNESS WHEREOF, the City and Tech R Technology Services Corporation have executed this Agreement on the dates written below.

CITY OF MARINA

**TECH R
TECHNOLOGY SERVICES CORPORATION**

Layne Long
City Manager

James Trautner, CEO

DATE: _____ 2016

DATE: _____ 2016

ATTEST:

Deputy City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A - SCOPE OF SERVICES

A. Consultant shall provide network, internet and desktop support to the City of Marina. Assistant may, on occasion, be provided remotely (by remote login or telephone assistance). Consultant will provide complete network documentation. Documentation will occur both while the Consultant is onsite and offsite. Details of work performed will be provided in a weekly report to the City Manager. Consultant will provide full hardware warranty support for any product purchased through Consultant.

B. The City hereby agrees to engage the Consultant to provide the City with services consisting of:

- 24/7 remote monitoring of all servers, workstations, networking hardware and any other information systems/equipment. Immediate notification in the event of any system or subsystem that is offline or running into potential problems.
- Daily monitoring of all backups. Monthly test restores of the most critical data. Yearly archival backups. A complex backup and disaster recovery plan will be created and followed.
- Monitoring of all firewalls, routers, wireless access points, switches, and any other network connected device, to insure it has the latest firmware; latest patches, and has sufficient security for use an enterprise level network. Audit of all remote users and vpn connections to insure they are configured and running with appropriate configurations and security.
- Server and workstation patch management. A list of approved apps will be created. All known software patches for the approved software, and any approved operation system updates will be installed on weekly basis. For any emergency patches that are released they will be applied same day.
- Normal maintenance, repair, replacement and upgrades to existing hardware including but not limited to: the Server, Workstations, Network Switches, Firewalls, Access Points and Gateways. Cost of hardware is not included in Consultant's compensation. Consultant shall be reimbursed for hardware expenses in accordance with Section 4(b) above.
- Client will be assigned a lead tech with direct access to his cell phone number.
- Client can use e-mail for helpdesk; a custom email address will be assigned for your organizations use. Most non-critical issues are reported through e-mail but phone calls are also used.
- Text messaging can also be a part of communication process between Client and Contractor
- Immediate responses to all emergency issues, which are worked on until they are resolved.

- 15 minute to 1 hour response for all service requests, remote first option or on-site as needed.
- City Manager will determine if all requests will be filtered through department heads; or if users can contact Contractor as needed.
- Weekly reports every Monday afternoon, detailing all service requests, ongoing issues, and future concerns. For emergencies a daily status email will be sent out.
- Bi-weekly progress reports to City Manager or his or her designee and attendance at the Information Technology Committee bi-weekly meetings to provide updates on current projects, system status, and recommendations.
- Quarterly status updates, on the health of the organization, equipment we need to replace or have to prepare to replace, any current trends in the industry related to how their I.T. infrastructure should be managed.
- Yearly roadmap meetings to discuss our plans for the organization over the next year. With ideas on where we will be in the next three to five years as well.

C. The services will also include any other tasks or Special projects which the Parties may agree on in writing and in advance in an amendment to this Agreement. Special projects or tasks that are requested by the City which are above and beyond the List of Services will be discussed and agreed upon before starting. These tasks and projects will be at the contracted hourly rate as stated in 4 (a) Compensation, of this contract, however, the amendment authorizing such other tasks or Special projects may provide that the compensation furnished to the Consultant may result in Consultant exceeding: (1) \$2,040.00 in any seven-day period; and/or (2) \$52,428.00 during the Initial Term of this Agreement; or (3) the maximum compensation set forth in any writing providing for an Extended Term of this Agreement.

EXHIBIT B

INSURANCE

(a) Insurance Requirements. Consultant shall provide and maintain insurance acceptable to the City Attorney, in full force and effect throughout the term of this Agreement, against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by Consultant. Insurance is to be placed with insurers with a current A.M. Best's rating acceptable to the City. Consultant shall provide the following scope and limits of insurance:

1. Minimum Scope of Insurance. Coverage shall be at least as broad as:

(I) Insurance Services Office form - Commercial General Liability coverage (Occurrence Form CG 0001).

(ii) Insurance Services Office form number CA 0001 (ed.1/87) covering Automobile Liability, including code 1 "any auto" and endorsement CA 0025, or equivalent forms subject to the written approval of the City.

(iii) Worker's Compensation insurance as required by the Labor Code of the State of California and Employer's Liability insurance and covering all persons providing services on behalf of the Consultant and all risks to such persons under this Agreement.

2. Minimum Limits of Insurance. Consultant shall maintain limits of insurance no less than:

(I) General Liability: \$1,000,000 each occurrence for bodily injury, personal injury and property damage, \$2,000,000 general aggregate.

(ii) Products/completed operations in the amount of \$1,000,000 general aggregate.

(iii) Advertising Injury in the amount of \$1,000,000 general aggregate

(i
v)

E
rrors and Omissions or professional liability coverage appropriate to Contractor's profession, in a form and amount approved by the City Attorney and Risk Manager, that covers the services to be performed in connection with this Agreement in the minimum amount of \$1,000,000 per claim and in the aggregate. Any policy inception date, continuity date, or retroactive date must be before the effective date of this Agreement and Consultant agrees to maintain continuous coverage through a period not less than three years after completion of the services required by this Agreement.

- (v) Automobile Liability: \$1,000,000 per accident for bodily injury and property damage.
- (vi) If Consultant has any employees, Worker's Compensation: Workers' Compensation as required by the Labor Code of the State of California and Employers Liability limits of \$1,000,000 per accident or disease.
- (b) Other Provisions. Insurance policies required by this Agreement shall contain the following provisions:
 - 1. All Policies. Each insurance policy required by this Section shall be endorsed and state the coverage shall not be suspended, voided, canceled by the insurer or either party to this Agreement, reduced in coverage or in limits, except after 30 days prior written notice has been given to the City by certified mail, return receipt requested.
 - 2. General Liability and Automobile Liability Coverages.
 - (I) City, and its respective elected and appointed Council, commissions, boards, officials, officers and employees, agents and volunteers are to be named and covered as additional insureds as respects: liability arising out of activities Consultant performs; products and completed operations of Consultant; advertising injury; premises owned, occupied or used by Consultant; or automobiles owned, leased, hired or borrowed by Consultant. The coverage shall contain no special limitations on the scope of protection afforded to the City and its respective elected and appointed Council, commissions, boards, officials, officers, employees, agents and volunteers.
 - (ii) Consultant's insurance coverage shall be primary insurance with respect to the City, and its respective elected and appointed Council, commissions, boards, officials, officers, employees, agents and volunteers. Any insurance or self-insurance maintained by the City, and its respective elected and appointed Council, commissions, boards, officials, officers, agents, employees and volunteers shall apply in excess of, and not contribute with, Consultant's insurance.
 - (iii) Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insured's liability.
 - (iv) Any failure to comply with the reporting or other provisions of the policies including breaches of warranties shall not affect coverage provide to the City and it respective elected and appointed Council, commissions, boards, officials, officers, employees, agents and volunteers.
 - 3. Workers' Compensation and Employers' Liability Coverage. Unless the

City Manager otherwise agrees in writing, the insurer shall agree to waive all rights of subrogation against the City, and its respective elected and appointed Council, commissions, boards, officials, officers, employees, agents and volunteers and agents for losses arising from work performed by Consultant.

- (c) Other Requirements. Consultant agrees to deposit with the City certificates of insurance necessary to satisfy the City that the insurance provisions of this Agreement have been complied with. The City Attorney may require that Consultant furnish City with copies of original endorsements effecting coverage required by this Agreement. The certificates and endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. The City reserves the right to inspect complete, certified copies of all require insurance policies, at any time.
1. Consultant shall furnish certificates and endorsements from each subcontractor or subconsultant, if any, identical to those Consultant provides.
 2. Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either the insurer shall reduce or eliminate such deductibles or self-insurance retentions as respect the City or its respective elected and appointed Council, commissions, boards, officials, officers, employees, agents and volunteers, or the Consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration, defense expenses and claims.
 3. The procuring of such required policy or policies or insurance shall not be construed to limit Consultant's liability hereunder nor to fulfill the indemnification provisions and requirements of this Agreement.

April 25, 2016

Item No. **11a**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of May 3, 2016

CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2016-, RECEIVING INFORMATIONAL PRESENTATION AND SETTING PUBLIC HEARING FOR MAY 17, 2016, ON PROPOSED INTENTION TO AMEND CHAPTER 3.26 OF THE MARINA MUNICIPAL CODE REGARDING MITIGATION FEES FOR NEW DEVELOPMENT WITHIN THE CITY OF MARINA

REQUEST:

It is requested that the City Council:

1. Consider adopting Resolution No. 2016-, receiving informational presentation and setting public hearing for May 17, 2016, on proposed intention to amend Chapter 3.26 of the Marina Municipal Code regarding mitigation fees for new development within the City of Marina.

BACKGROUND:

The Mitigation Fee Act, Section 66000 et seq. of the California Government Code and Marina Municipal Code Chapter 3.26 Mitigation Fees for New Development provide a mechanism whereby the City may impose and charge mitigation fees as a condition of approval for development projects to help offset the cost of certain infrastructure attributable to development.

In 2007 the City contracted with Kimley Horn to conduct a Development Impact Fee Study. Following the Study, public facility impact fees were adopted by the City Council. In 2011 the Development Impact Fee Study was updated and the City Council adopted new updated public facility impact fees.

At the regular meeting of April 19, 2016, the City Council adopted Resolution 2016-50, making available the updated Development Impact Fee Study in accordance with Marina Municipal Code Chapter 3.26.

ANALYSIS:

The Development Impact Fee Study Report (“EXHIBIT A”) updates all five (5) City public facilities impact fee programs:

- Public building facilities
- Public safety facilities
- Roadways
- Intersections
- Parks

The purpose of the Study is to re-evaluate and update the fees developed from the 2011 study to incorporate the adopted Capital Improvement Program (CIP) projects and additional recommended projects. In establishing impact fees it is important to remember that a nexus must be established between the fee and the development impact. A fee cannot be more than the cost of the public facility needed to accommodate the new development paying the fee, and the fee revenues can only be used for their intended purpose.

The Public Facilities Impact Fees are based on future infrastructure requirements because of future development projects. These future projects are included in the current General Plan boundary of the City. Fees cannot be collected nor funds expended to pay for existing deficiencies. The Fees include the cost of Master Plan and Fee updates.

Chapter 3.26.070 of the Marina Municipal Code requires all fees and charges adopted or increased set by ordinance pursuant to Government Code Section 66016 and shall take effect sixty (60) days following adoption of the ordinance.

The following schedule of regular City Council meetings will satisfy the requirements of Chapter 3.26.070 in updating the fee schedule and ordinance:

- May 3, 2016 – A presentation will be given to the City Council on the contents of the report satisfying MMC 3.26.070(B)(1).
- May 17, 2016 – A public hearing will be held at which the ordinance revision will be introduced satisfying MMC 3.26.070(B)(4).
- June 7, 2016 – The second reading of the ordinance revision will be made along with adoption of the ordinance. The new fees would then become effective sixty (60) days after adoption.

Chapter 3.26.055 of the Marina Municipal Code provides a mechanism where by the impact fees are indexed and can automatically be updated annually. This has not occurred in the past, however, staff will be indexing these fees annually and will be making the appropriate adjustment per our city code.

FISCAL IMPACT:

Adoption of the proposed development impact fees will provide revenue to fund the development driven projects.

CONCLUSION:

This request is submitted for City Council’s approval.

Respectfully submitted,

Edrie Delos Santos, PE
Senior Engineer, Engineering Division
Community Development Department
City of Marina

REVIEWED/CONCUR:

Nourdin Khayata, PE
Acting City Engineer
City of Marina

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2016-

A RESOLUTION OF CITY COUNCIL OF THE CITY OF MARINA RECEIVING INFORMATIONAL PRESENTATION AND SETTING PUBLIC HEARING FOR MAY 17, 2016, ON PROPOSED INTENTION TO AMEND CHAPTER 3.26 OF THE MARINA MUNICIPAL CODE REGARDING MITIGATION FEES FOR NEW DEVELOPLMENT WITHIN THE CITY OF MARINA

WHEREAS, at the regular meeting of July 17, 2007, the City Council held a public meeting to receive any public comments regarding the proposed update to the City's Public Facilities Impact Fee (PFIF) Study, and;

WHEREAS, at the regular meeting of August 7, 2007, the City Council passed and adopted Ordinance No. 2007-10, amending Chapter 3.26 of the Marina Municipal Code regarding mitigation fees for new development, and;

WHEREAS, at the regular meeting of May 17, 2011, the City Council held a public meeting to receive any public comments regarding the proposed update to the City's PFIF study.

WHEREAS, at the regular meeting of June 7, 2011, the City Council passed and adopted Ordinance No. 2011-02, amending Chapter 3.26 of the Marina Municipal Code regarding mitigation fees for new development.

WHEREAS, at the regular meeting of April 19, 2016, the City Council adopted Resolution 2016-50, making available the Development Impact Fee Study in accordance with Marina Municipal Code Chapter 3.26.

WHEREAS, the purpose of the Study is to re-evaluate and update the fees developed from the 2011 study to incorporate the adopted Capital Improvement Program (CIP) projects and additional recommended projects.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marina:

1. Receiving an Informational Presentation and setting a public hearing for May 17, 2016, on proposed intention to amend Chapter 3.26 of the Marina Municipal Code regarding mitigation fees for new development within the City of Marina.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 3rd day of May 2016, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk



FINAL REPORT

Development Impact Fee Study – 2016 Update

for the



Prepared by:

Kimley»Horn

Prepared: July 20, 2007

Updated: April 25, 2011

Updated: April 4, 2016

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

Table of Contents

Table of Contents *i*

List of Tables *ii*

List of Figures..... *ii*

Chapter 1..... **1**

Development Impact Fee Analysis **1**

Introduction 1

Study Objectives..... 1

Mitigation Fee Act 2

Organization of the Report..... 2

Fee Area 3

Population Projections..... 5

Chapter 2..... **10**

Public Building Facilities..... **10**

Service Population 10

Facility Standards and Fee 11

Facility Costs to Accommodate Growth..... 11

Implementation 11

Chapter 3..... **16**

Public Safety Facilities..... **16**

Service Population 16

Facility Standards and Fee 16

Facility Costs to Accommodate Growth..... 17

Implementation 17

Chapter 4..... **21**

Transportation Facilities **21**

Trip Generation 21

Transportation Projects Inventory..... 21

Transportation Development Impact Fee Calculations..... 21

Transportation Fee Summary..... 22

Implementation 22

Chapter 5..... **25**

Parks Facilities..... **25**

Service Population 25

Facility Standards and Fee 25

Facility Costs to Accommodate Growth..... 25

Implementation 26

Appendix A..... **29**

Appendix B..... **30**

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

List of Tables

Table 1.1: New Development Impact Fee Area Land Use and Population Estimates7
Table 1.2: Development Impact Fee Summary.....8
Table 1.3: Estimated Impact Fee Revenue Summary by Program at Build-Out.....9
Table 2.1: Public Buildings Facilities Fee – Population Projections10
Table 2.2: Public Buildings Unit Costs.....13
Table 2.3: Public Buildings Development Impact Fee14
Table 2.4: Estimated Revenues Public Buildings Development Impact Fee.....15
Table 3.1: Public Safety Facilities Fee - Population Projections16
Table 3.2: Public Safety Facilities Unit Costs.....18
Table 3.3: Public Safety Facilities Development Impact Fee19
Table 3.4: Estimated Revenues Public Safety Development Impact Fee.....20
Table 4.1: Trip Generation for Transportation Development Impact Fee23
Table 4.2: Transportation Development Impact Fee per Unit Calculations23
Table 4.3: Transportation Development Impact Fee Summary24
Table 4.4: Estimated Revenues Transportation Development Impact Fee24
Table 5.1: Parks Facilities Fee - Population Projections.....25
Table 5.2: Parks Unit Costs27
Table 5.3: Parks Development Impact Fee27
Table 5.4: Estimated Revenues Parks Development Impact Fee28

List of Figures

Figure A: City of Marina Development Impact Fee Area Map.....5

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

Chapter 1

Development Impact Fee Analysis

Introduction

This report is the second update to the *2007 Development Impact Fee Study* (RBF Consulting, July 20, 2007). The first update was prepared in 2011, *Development Impact Fee Study – 2010 Update* (RBF Consulting, April 25, 2011). The 2007 report presented an update of the analysis of the need for facilities to accommodate new development in the City of Marina and addressed five City development impact fee programs: Public Building Facilities, Public Safety Facilities, Roadways, Intersections and Park Facilities. The City currently imposes development impact fees on new development for all five of these programs. The City of Marina recently completed an update of their Capital Improvement Program (CIP) and it is currently being adopted.

The purpose of the Development Impact Fee Study – 2016 Update is to re-evaluate and update the fees developed from the 2011 study to incorporate the adopted CIP projects and additional recommended projects.

Study Objectives

The City of Marina is a rapidly growing community with planned development in several areas of the City, most notably the 1500 acres of former Fort Ord, which will be developed over the next 15-20 years. In order to provide adequate public facilities, the City must update the development impact fee on a regular basis. This study updates five of the City's development impact fees, which are described in more detail in the following chapters.

This report does not address all fees that will be required from developers for improvements not included in the Fee Program. Fees such as those associated with schools, The Fort Ord Reuse Authority (FORA), farmland preservation, or habitat conservation plans, are outside the scope of this project and have separate development fee agreements with the City of Marina. Development associated with California State University – Monterey Bay (CSUMB) is excluded from the Fee Program due to the peremptory writ of mandate issued by the California Superior Court (see copy of writ in Appendix A and additional discussion in Fee Area section at the end of this chapter).

The *Regional Impact Fee Nexus Study Update* (Transportation Agency for Monterey County, March 26, 2008) identified funding for the following project on the City's CIP list: widening of Imjin Parkway from Reservation Road to Imjin Road.

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

Mitigation Fee Act

Over the last 30 years, the changing fiscal situation in California has steadily under-funded local infrastructure. Accordingly, many cities have adopted a policy of “growth pays its own way,” requiring new development to fund infrastructure expansion through the imposition of public facilities fees, also known as development impact fees.

As a result of the widespread imposition of public facilities fees at the local level, the State Legislature passed the *Mitigation Fee Act* (Assembly Bill 1600) in 1988. The *Act*, contained in *California Government Code* Section 66000 *et seq.*, established ground rules for the imposition and administration of impact fee programs. The *Act* became law in January 1989 and requires local governments to document the following when adopting an impact fee:

1. Identify the purpose of the fee;
2. Identify the use of fee revenues;
3. Determine a reasonable relationship between the use of the fee and the type of development paying the fee;
4. Determine a reasonable relationship between the need for the fee and the type of development paying the fee; and
5. Determine a reasonable relationship between the amount of the fee and the cost of the facility attributable to development paying the fee.

In summary, a fee cannot be more than the cost of the public facility needed to accommodate the new development paying the fee, and the fee revenues can only be used for their intended purpose.

Organization of the Report

The first step in determining an impact fee begins with the selection of a planning horizon and the identification of projects needed to support the projected population and employment. These projections are used throughout the analysis of various facility categories.

Chapters 2 through 5 are devoted to documenting the following fees:

- Chapter 2 - Public Building Facilities Impact Fee - city hall, public works, and community center facilities
- Chapter 3 - Public Safety Facilities Impact Fee - police and fire facilities
- Chapter 4 - Transportation (Roadways & Intersections) Facilities Impact Fees
- Chapter 5 - Parks Facilities Impact Fee

Each chapter is organized under the following sections to clearly document the requirements of the *Mitigation Fee Act* discussed above:

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

- The chapter begins with a statement identifying the purpose of the fee by stating the types of facilities that would be funded.
- The *Service Population* section identifies whether only residents or both residents and businesses benefit from the facilities in the associated category. It identifies the appropriate population figures to use in the analysis, and also accounts for anticipated populations from those developments that have existing development agreements (DA's) with the City. For transportation facilities, the *Trip Generation* section defines the benefit relationship on the basis of daily vehicle trips rather than on service population.
- The *Facility Standards and Fee Schedule* section establishes a reasonable relationship between the need for the fee and type of development paying the fee. This section also establishes a reasonable relationship between the amount of the fee and the cost of the facility attributable to development paying the fee. Using a common factor for facility costs per capita or level of service, the schedule ensures that each development project pays its fair share of total facility costs. For Transportation facilities, the *Proportionate Share and Fee Schedule* section defines the relationship based on land use types.
- The *Facility Costs to Accommodate Growth* section establishes a reasonable relationship between the use of the fee revenues and the type of development paying the fee. This section also estimates the total facility costs associated with new development over the planning horizon. These costs equal the revenues that would be collected through the impact fee. Programming of revenues to specific projects would be done through the City's annual capital improvement planning and budget process.
- The *Implementation* section provides recommendations for the ongoing administration of the fee. The recommendations are meant to ensure compliance with the *Act*, and to ensure that fees are adjusted for inflation.

Fee Area

The areas of the City to which the fees will apply are shown in Figure A. This area includes the current City of Marina General Plan Boundary. The fee area includes the following approved and pending projects:

- Airport Business Park
- Airport EDC Parcel
- California State University Monterey Bay Campus expansion
- Cypress Knolls
- Downtown Redevelopment Plan
- The Dunes
- Imjin Office Park (remaining phases)
- K-8 School, Marina High, Marina Joint Use Facility

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

- Marina Station
- Marina Heights
- MPC Satellite Campus Phase II
- MBEST

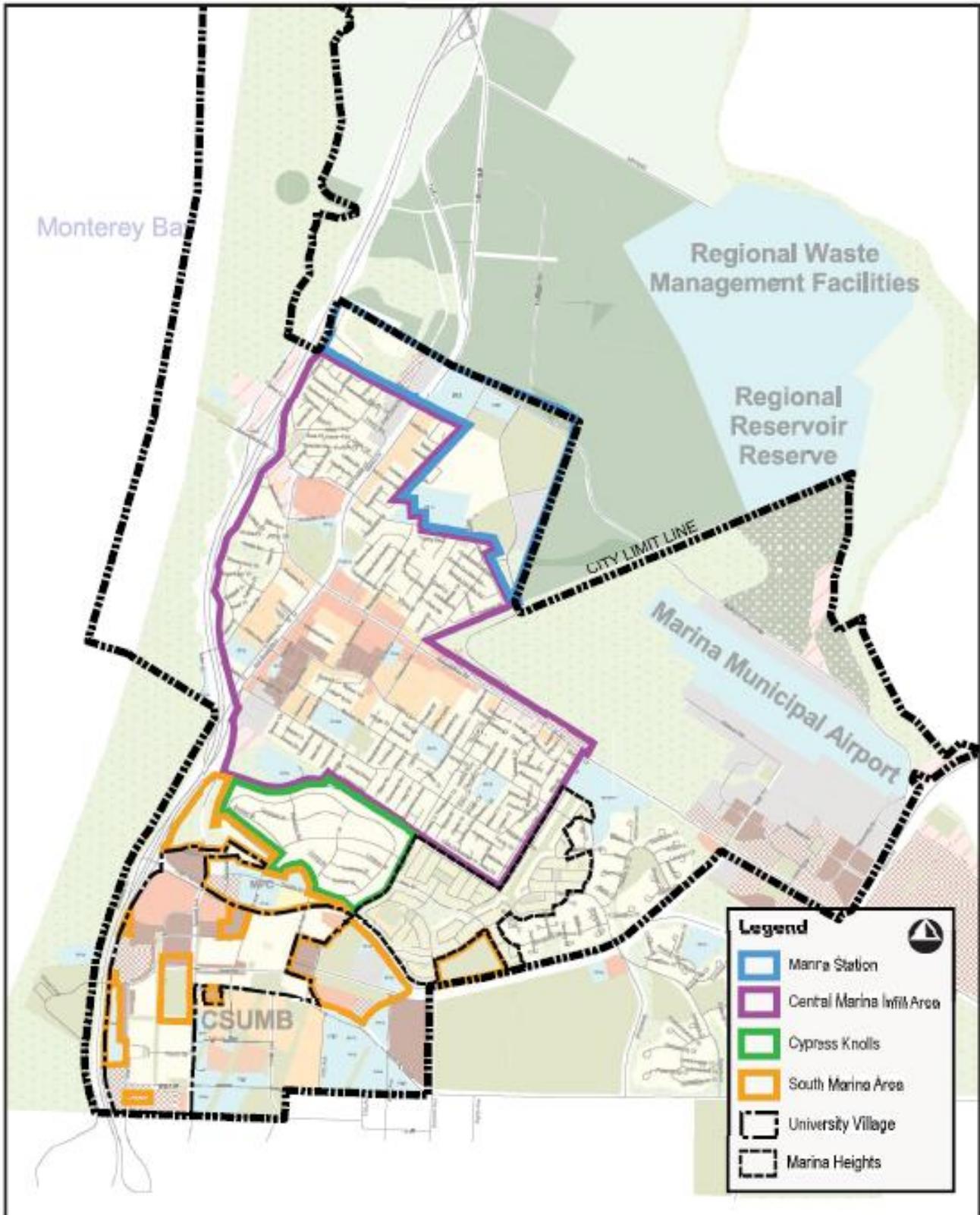
The fee area is anticipated to develop through the year 2020 and beyond. The Cypress Knolls, Marina Heights and Dunes projects have separate Development Agreements with the City for payment of fees. Their contributions are thus subtracted from the total cost of establishing a nexus, and the remainder of the cost is divided between the new General Plan buildout projects.

As stated in the September 14, 2009 Peremptory Writ of Mandate from California Superior Court (a copy of Writ is included in Appendix A), California State University-Monterey Bay was directed by the CSU Trustees to take all measures to ensure that the campus trip counts do not exceed the mitigation threshold of 4,361 additional trips over the baseline traffic level. If the CSUMB trips near this mitigation threshold, CSUMB would be required to increase transportation demand management measures or limit development. In the event that CSUMB trips exceed the mitigation threshold of 4,361 trips, further environmental review will be required. CSUMB will be required to adopt a TDM plan to reduce vehicle trips, to seek approval from Trustees to exceed the 4,361 trip threshold, and report to the Chancellor, FORA, and City of Marina any measures or modifications to the TDM plan to address an increase in trip levels. Thus according to the writ, this commitment shall be construed as an enforceable mitigation measure under Public Resources Code §21081.6. Therefore, development associated with CSUMB was excluded from the Impact Fee Program due to the agreement outlined in the writ.

The Cypress Knolls project has established fees for public building facilities, public safety, roadways and intersections, and parks. The list of all approved and pending projects included in the fee program are listed in **Table 1.1**.

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

Figure A: City of Marina Development Impact Fee Area Map



DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

Population Projections

The population estimates for the approved and pending developments were estimated by applying density factors for the number of people per dwelling unit (DU) to each of the residential land uses. The number of workers was estimated using density factors based on the number of building square feet for each worker. The land use, population, and employment estimates are summarized in **Table 1.1**. It is estimated that the growth in the impact fee area will increase the City population by approximately 9,500 people and will generate about 5,500 new jobs.

Development Impact Fees

Table 1.2 presents a summary of the updated development impact fees for the City of Marina in 2015 U.S. Dollars. Chapters 2 through 5 of the report provide a detailed discussion of how these fees were calculated.

The estimated revenue projected with build-out of all approved and pending projects within each fee program is shown in **Table 1.3**.

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

Table 1.1: New Development Impact Fee Area Land Use and Population Estimates

Projects ¹	Single Family	Assisted Living	Multi-Family	Office/Research	Retail Service	Industrial	Hotel	Resident	Worker
	Units	Units	Units	sq. ft	sq. ft	sq. ft	Rooms	Population	Population
Airport Business Park				87,500		87,500		0	350
Airport EDC Parcel								0	0
Downtown/Imjin Office Park/Other (2011 DIF Update)			2,400	149,476	252,000			6,000	1,002
Downtown/Imjin Office Park/Other (Funded Since 2011 DIF Update) ²	-4	-22	-174	-20,423				-468	-68
K-8 School, Marina High, Marina Joint Use Facility								0	0
Marina Station	816		688	143,808	60,000	651,624		3,923	1,034
MPC Satellite Campus Phase II								0	0
MBEST				676,000	287,000	326,000	150	0	3,180
Subtotal Units, sq. ft, and Beds	812	-22	2,914	1,036,361	599,000	1,065,124	150		
Density ³	2.7	1.0	2.5	300	500	1,500	0.9		
Total Population ⁴								9,455	5,498
Notes:									
¹ Only housing and commercial projects included in DIF fee calculations for Public Buildings, Public Safety, and Parks. All projects included in DIF fee calculations for roadway and intersection improvement projects. Dunes, Marina Heights, Cypress Knolls, and CSUMB projects have developer's agreements or other agreements to contribute fees and are not included in the DIF program.									
² Includes: Carmel Avenue Single Family Dwellings, Guest House Everett Circle Assisted Living, BLM Office, AMCAL Multi-Family Dwellings (Buildings A, B, and C), Dialysis Clinic, and Rockrose Garden Assisted Living.									
³ Numbers are from the Keyser Marston Associates Report 4-A dated August 28, 2005. Non-residential numbers are based on number of square feet per employee averages commonly used in the industry.									
⁴ Estimated population derived by applying density factors to size of new development.									

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

Table 1.2: Development Impact Fee Summary

Land Use	Public Buildings Fee	Public Safety Fee	Roadways Fee	Intersections Fee	Parks Fee	Total Fee ¹
Residential						
Single Family Dwelling Units	\$3,313	\$559	\$ 6,790	\$ 1,595	\$ 6,217	\$ 18,474
Senior Homes	\$2,208	\$373	\$ 2,625	\$ 616	\$ 4,145	\$ 9,967
Assisted Living - Senior	\$1,227	\$207	\$ 1,883	\$ 442	\$ 2,303	\$ 6,062
Multi-Family Dwellings	\$3,067	\$518	\$ 4,743	\$ 1,114	\$ 5,757	\$ 15,199
Mobile Home Park	\$3,067	\$518	\$ 3,559	\$ 836	\$ 5,757	\$ 13,737
Campground/RV Park	\$3,067	\$518	\$ 1,926	\$ 452	\$ 5,757	\$ 11,720
Non-residential						
Office/Research	\$169	\$345	\$ 7,867	\$ 1,848	\$ -	\$ 10,228
Retail/Service	\$101	\$207	\$ 13,221	\$ 3,105	\$ -	\$ 16,634
Industrial	\$34	\$69	\$ 4,971	\$ 1,167	\$ -	\$ 6,241
Hotel	\$46	\$93	\$ 5,827	\$ 1,369	\$ -	\$ 7,334
Church	\$34	\$69	\$ 6,497	\$ 1,526	\$ -	\$ 8,126
Day Care Center	\$135	\$276	\$ 52,820	\$ 12,405	\$ -	\$ 65,636
Animal Hospital/Veterinary Clinic	\$202	\$414	\$ 33,663	\$ 7,906	\$ -	\$ 42,186
Medical/Dental Office Building	\$202	\$414	\$ 25,768	\$ 6,052	\$ -	\$ 32,437
Casino/Video Lottery	\$202	\$414	\$ 95,783	\$ 22,496	\$ -	\$ *
Casino	\$202	\$414	\$ 28,122	\$ 6,605	\$ -	\$ *
Notes:						
¹ Fee in this table refers to "fee per dwelling unit or mobile home park/campground/RV space," "fee per 1,000 square feet of building space or gaming space," and "fee per hotel room."						
* Specifically for the Casino uses, the fees for Public Buildings, Public Safety, and Parks are based on the 1,000 square feet of gaming area, while Roadways and Intersection fees are based on 1,000 square feet of building space, excluding hotel uses.						

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

Table 1.3: Estimated Impact Fee Revenue Summary by Program at Build-Out

Facility Type	Citywide Revenue
Public Facilities	\$ 11,878,736
Public Safety	\$ 2,528,641
Roadways	\$ 53,513,854
Intersections	\$ 12,568,291
Parks	\$ 21,772,574
Total Revenue	\$ 102,262,096
Notes: 2015 US Dollars	

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

**Chapter 2
Public Building Facilities**

This chapter presents an analysis of the need for public building facilities to accommodate new development in the City of Marina. These public buildings include city hall, public works and community center facilities. A fee is presented based on the cost of these facilities to ensure that new development provides adequate funding to expand these facilities to meet its needs.

Service Population

City Hall and Public works facilities serve both homes and businesses citywide. Consequently, a service population that includes both residents and workers reasonably represents the need for these facilities.

Community center facilities serve primarily residents in the City by providing space for recreation and similar programs. Consequently, a service population that only includes residents and not workers reasonably represents the need for these facilities. As population grows with new development, so does demand for recreation services provided by these facilities.

Table 2.1 shows the estimated future service population for public building facilities for 2020 and beyond. In calculating the service population, workers are weighted less than residents to reflect lower per capita service demand. Nonresidential buildings are typically occupied less intensively than dwelling units, so it is reasonable to assume that average per worker demand for services is less than average per-resident demand. The 0.24-weighting factor for workers is based on a 40-hour workweek divided by a total of 168 hours in a week.

Table 2.1: Public Buildings Facilities Fee – Population Projections

Timeframe	Residents	Workers	Ratio of Workers/Residents	Equivalent Resident¹	Total Service Population²
Total New Development (Table 1.1)	9,455	5,498	0.24	1,320	10,775
Notes:					
¹ Equivalent resident calculated by multiplying workers by ratio of workers/residents.					
² Total service population includes residents and equivalent residents.					

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

Facility Standards and Fee

Per capita facility standards are used in calculating the impact fee to ensure a reasonable relationship exists between new development and the need for new city hall, public works, and community center facilities.

As indicated in the **Appendix B**, the 5-year Capital Improvement Project (CIP) list includes several public facilities buildings (Civic Center, Senior Center, and Dunes PBC Rehab) that will be funded by the impact fee program. The total funded cost for these facilities is presented in **Table 2.2**. As noted in the previous section, several projects (Dunes, Marina Heights, and Cypress Knolls) have developer agreements (DA) and will be contributing fees towards the Public Facilities program in addition to the other fee programs. Thus, their anticipated revenues were indexed for inflation (from Year 2010 to 2015 resulting in an average increase of approximately 8.7 percent) and credited against the total funded costs. The resulting balance was allocated to the approved and pending projects in the fee program.

The costs associated with the future City Hall and Public Works facilities were divided by the service population that included both residents and workers (equivalent residents) to obtain a per capita cost. Since the future community facilities will be used by residents only, the costs were divided by the service population that only included residents. The resulting cost per resident of \$1,226.91 was obtained by adding the two costs attributable to residents i.e., costs for City Hall and Public Works facilities (\$210.94) and costs for future community facilities (\$1,015.97) together. The cost per worker is \$50.62 (0.24×210.94).

The cost per capita was then multiplied by the density assumptions to determine a fee for each land use, as shown in **Table 2.3**. It should be noted that the Public Building Facilities fee for the Casino uses is based on the “gaming” area rather than total building space.

Facility Costs to Accommodate Growth

Table 2.4 provides an estimate of the total revenue that will be generated at build-out in 2020 and beyond. The City would maintain a reasonable relationship between new development and the use of fee revenues by funding a variety of projects to expand city hall, public works, and community center facilities during this period.

Implementation

The public buildings impact fee would be collected at the time of building permit issuance. To implement the fee the City should:

- Annually update a capital improvement plan to indicate the specific use of fee revenues for facilities to accommodate growth;
- Comply with the annual and five-year reporting requirements of *Government Code 66000 et seq.*; and

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

- Identify appropriate inflation indexes in the fee ordinance and allow an inflation adjustment to the fee annually.

For the inflation indexes, the City should use separate indexes for land and construction costs. Calculating the land cost index may require use of a property appraiser every several years. The construction cost index can be based on the City's recent capital project experience or taken from any reputable source, such as the *Engineering News Record* (ENR).

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

Table 2.2: Public Buildings Unit Costs

Description	Service Population (Capita)	Cost	Cost per Capita
Future City Hall & Public Works Facilities (residents & resident equivalent)			
Amount to be Funded by Impact Fee Program (Civic Center)		\$ 8,200,000	
TIF Fees Paid (02/13/2012 to October 26, 2015) ¹		\$ (57,295)	
Contribution from Dunes Agreement ²		\$ (3,695,230)	
Dunes Fees Paid ³		\$ 341,396	
Contribution from Marina Heights Agreement ⁴		\$ (1,252,777)	
Contribution from Cypress Knolls Agreement ⁵		\$ (1,263,350)	
Subtotal Impact Fee Program Funding after Contributions (A)	10,775	\$ 2,272,743	\$ 210.94
Future Community Center Facilities (residents only)			
Amount to be Funded by Impact Fee Program (Senior Center, Dunes PBC Rehab)		\$ 10,950,000	
TIF Fees Paid (02/13/2012 to October 26, 2015) ¹		\$ (227,100)	
Contribution from Dunes Agreement ²		\$ (746,152)	
Dunes Fees Paid ³		\$ 137,310	
Contribution from Marina Heights Agreement ⁴		\$ (252,965)	
Contribution from Cypress Knolls Agreement ⁵		\$ (255,100)	
Subtotal Impact Fee Program Funding after Contributions (B)	9,455	\$ 9,605,993	\$ 1,015.97
Total Capita Cost per Resident (A + B)			\$ 1,226.91
Total Capita Cost per Worker (A) x Weighting Factor (0.24)			\$ 50.62

Notes:

¹ Fees paid include: Carmel Avenue Single Family Dwellings, Guest House Everett Circle Assisted Living, BLM Office, AMCAL Multi-Family Dwellings (Buildings A, B, and C), Dialysis Clinic, and Rockrose Garden Assisted Living.

² Anticipated contribution per developer agreement (see Exhibit D of July 20, 2007 Development Impact Fee Study) and indexed for inflation.

³ Dunes fees paid include: Dunes Housing Single Family Dwellings (75 units), VA clinic (148.401 KSF), University Village Multi-Family Dwellings (108 units).

⁴ Anticipated contribution per developer agreement (see Exhibit E of July 20, 2007 Development Impact Fee Study) and indexed for inflation.

⁵ Anticipated contribution per developer agreement (see Exhibit F of July 20, 2007 Development Impact Fee Study) and indexed for inflation.

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

Table 2.3: Public Buildings Development Impact Fee

Land Use	Units	Cost per Capita	Density ¹	Total Fee per Dwelling Unit or 1,000 sq. ft of Building Space ²
Residential				
Single Family Dwelling Units	Dwelling Unit	\$ 1,226.91	2.70	\$ 3,313
Senior Homes	Dwelling Unit	\$ 1,226.91	1.80	\$ 2,208
Assisted Living - Senior	Dwelling Unit	\$ 1,226.91	1.00	\$ 1,227
Multi-Family Dwellings	Dwelling Unit	\$ 1,226.91	2.50	\$ 3,067
Mobile Home Park ³	Space	\$ 1,226.91	2.50	\$ 3,067
Campground/RV Park ³	Space	\$ 1,226.91	2.50	\$ 3,067
Non-Residential⁴				
Office/Research	1,000 sq. ft	\$ 50.62	300	\$ 169
Retail/Service	1,000 sq. ft	\$ 50.62	500	\$ 101
Industrial	1,000 sq. ft	\$ 50.62	1500	\$ 34
Hotel	Hotel Room	\$ 50.62	0.90	\$ 46
Church ⁵	1,000 sq. ft	\$ 50.62	1500	\$ 34
Day Care Center ⁶	1,000 sq. ft	\$ 50.62	375	\$ 135
Animal Hospital/Veterinary Clinic ⁷	1,000 sq. ft	\$ 50.62	250	\$ 202
Medical/Dental Office Building ⁸	1,000 sq. ft	\$ 50.62	250	\$ 202
Casino/Video Lottery ⁹	1,000 gaming sq. ft	\$ 50.62	250	\$ 202
Casino ⁹	1,000 gaming sq. ft	\$ 50.62	250	\$ 202

Notes:

¹ Density is "persons per dwelling unit or mobile home park/campground/RV space," "square foot per worker," "workers per hotel room," and "gaming square foot per worker).

² Fee in this table refers to "fee per dwelling unit or mobile home park/campground/RV space," "fee per 1,000 square feet of building space or gaming space," and "fee per hotel room."

³ Assumed same density as Multi-family Dwelling.

⁴ Non-residential fees only pay for City Hall & Public Works facilities.

⁵ Density estimated based on Synagogue data in ITE Trip Generation (Institute of Transportation Engineers, 9th Edition).

⁶ Density estimated based on data in ITE Trip Generation (Institute of Transportation Engineers, 9th Edition).

⁷ Assumed same density as medical office building.

⁸ Density estimated based on Orange County Subarea Modeling Guidelines Manual, July 2005.

⁹ Density assumed as an average from three casinos in Las Vegas, Nevada.

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

Table 2.4: Estimated Revenues Public Buildings Development Impact Fee

Description	Revenue
Citywide Fee Revenue (Future City Hall & Public Works Facilities)	
Service Population Growth (to 2020+) ¹	10,775
Citywide Facilities Cost per Capita ²	\$ 210.94
Total Fee Revenue City Hall & Public Works	\$ 2,272,743
Citywide Fee Revenue (Future Community Center Facilities)	
Service Population Growth (to 2020+) ¹	9,455
Citywide Facilities Cost per Capita ²	\$ 1,015.97
Total Fee Revenue City Hall & Public Works	\$ 9,605,993
TOTAL PUBLIC BUILDINGS DEVELOPMENT IMPACT FEE REVENUE	\$ 11,878,736
Notes:	
¹ From Table 2.1	
² From Table 2.2	

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

**Chapter 3
Public Safety Facilities**

This chapter presents an analysis of the need for public safety facilities to accommodate new development in the City of Marina. A fee schedule is presented based on the cost of these facilities to ensure that new development provides adequate funding to meet its needs.

Service Population

Public safety facilities serve both homes and businesses citywide. Consequently, a service population that includes both residents and workers reasonably represents the need for these facilities.

Table 3.1 shows the estimated service population for public safety facilities for 2020 and beyond. In calculating the service population, workers are weighted less than residents to reflect lower per capita service demand. The 0.50-weighting factor for workers is based the estimated number of service calls per employee compared to a resident.

Table 3.1: Public Safety Facilities Fee - Population Projections

Timeframe	Residents	Workers	Ratio of Workers/Residents	Equivalent Resident¹	Total Service Population²
Total New Development (Table 1.1)	9,455	5,498	0.50	2,749	12,204
Notes:					
¹ Equivalent resident calculated by multiplying workers by ratio of workers/residents.					
² Total service population includes residents and equivalent residents.					

Facility Standards and Fee

Per capita facility standards are used in calculating the impact fee to ensure a reasonable relationship exists between new development and the need for new public safety facilities.

Appendix B lists two projects, fire station and animal impound facility expansion, in the 5-year Capital Improvement Project list that will be funded by the impact fee program. The total funded cost for these facilities is presented in **Table 3.2**. Similar to the methodology presented for Public Buildings, revenues for the projects with DA agreements were credited against the Traffic Impact Fee funding totals.

The costs associated with the future Public Safety Facilities were divided by the service population that included both residents and workers (equivalent residents) to obtain a per resident cost of \$207.20, as shown in **Table 3.2**. A weighting factor of 0.50 was applied to residential per capita costs to obtain the non-residential per capita costs. The cost per worker is \$103.60 (0.50 x \$207.20). The cost per capita was then multiplied by the density assumptions to determine a fee for each residential land use, as shown in **Table 3.3**. It should be noted that the

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

Public Safety Facilities fee for the Casino uses is based on the “gaming” area rather than total building space.

Facility Costs to Accommodate Growth

Table 3.4 provides an estimate of the total revenue that will be generated for public safety facilities at build-out in 2020 and beyond. The City would maintain a reasonable relationship between new development and the use of fee revenues by funding a variety of projects to expand public safety facilities during this period.

Implementation

The public safety facilities impact fee would be collected at the time of building permit issuance. To implement the fee the City should:

- Annually update a capital improvement plan to indicate the specific use of fee revenues for facilities to accommodate growth;
- Comply with the annual and five-year reporting requirements of *Government Code 66000 et seq.*; and
- Identify appropriate inflation indexes in the fee ordinance and allow an inflation adjustment to the fee annually.

For the inflation indexes, the City should use separate indexes for land and construction costs. Calculating the land cost index may require use of a property appraiser every several years. The construction cost index can be based on the City’s recent capital project experience or taken from any reputable source, such as the *Engineering News Record* (ENR).

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

Table 3.2: Public Safety Facilities Unit Costs

Description	Service Population (Capita)	Cost	Cost per Capita
Future Public Safety Facilities (residents & resident equivalent)			
Amount to be Funded by Impact Fee Program (Fire Station, Animal Impound)		\$ 6,300,000	
TIF Fees Paid (02/13/2012 to October 26, 2015) ¹		\$ (36,701)	
Contribution from Dunes Agreement ²		\$ (2,547,459)	
Dunes Fees Paid ³		\$ 71,702	
Contribution from Marina Heights Agreement ⁴		\$ (185,098)	
Contribution from Cypress Knolls Agreement ⁵		\$ (1,073,803)	
Subtotal Impact Fee Program Funding after Contributions (A)	12,204	\$ 2,528,641	\$ 207.20
Total Cost per Worker: (A) x Weighting Factor (0.50)			\$ 103.60

Notes:

¹ Fees paid include: Carmel Avenue Single Family Dwellings, Guest House Everett Circle Assisted Living, BLM Office, AMCAL Multi-Family Dwellings (Buildings A, B, and C), Dialysis Clinic, and Rockrose Garden Assisted Living.

² Anticipated contribution per developer agreement (see Exhibit D of July 20, 2007 Development Impact Fee Study) and indexed for inflation.

³ Dunes fees paid include: Dunes Housing Single Family Dwellings (75 units), VA clinic (148.401 KSF), University Village Multi-Family Dwellings (108 units).

⁴ Anticipated contribution per developer agreement (see Exhibit E of July 20, 2007 Development Impact Fee Study) and indexed for inflation.

⁵ Anticipated contribution per developer agreement (see Exhibit F of July 20, 2007 Development Impact Fee Study) and indexed for inflation.

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

Table 3.3: Public Safety Facilities Development Impact Fee

Land Use	Units	Cost per Capita	Density ¹	Total Fee per Dwelling Unit or 1,000 sq. ft of Building Space ²
Residential				
Single Family Dwelling Units	Dwelling Unit	\$ 1,226.91	2.70	\$ 3,313
Senior Homes	Dwelling Unit	\$ 1,226.91	1.80	\$ 2,208
Assisted Living - Senior	Dwelling Unit	\$ 1,226.91	1.00	\$ 1,227
Multi-Family Dwellings	Dwelling Unit	\$ 1,226.91	2.50	\$ 3,067
Mobile Home Park ³	Space	\$ 1,226.91	2.50	\$ 3,067
Campground/RV Park ³	Space	\$ 1,226.91	2.50	\$ 3,067
Non-Residential⁴				
Office/Research	1,000 sq. ft	\$ 50.62	300	\$ 169
Retail/Service	1,000 sq. ft	\$ 50.62	500	\$ 101
Industrial	1,000 sq. ft	\$ 50.62	1500	\$ 34
Hotel	Hotel Room	\$ 50.62	0.90	\$ 46
Church ⁵	1,000 sq. ft	\$ 50.62	1500	\$ 34
Day Care Center ⁶	1,000 sq. ft	\$ 50.62	375	\$ 135
Animal Hospital/Veterinary Clinic ⁷	1,000 sq. ft	\$ 50.62	250	\$ 202
Medical/Dental Office Building ⁸	1,000 sq. ft	\$ 50.62	250	\$ 202
Casino/Video Lottery ⁹	1,000 gaming sq. ft	\$ 50.62	250	\$ 202
Casino ⁹	1,000 gaming sq. ft	\$ 50.62	250	\$ 202
Notes:				
¹ Density is "persons per dwelling unit or mobile home park/campground/RV space," "square foot per worker," "workers per hotel room," and "gaming square foot per worker).				
² Fee in this table refers to "fee per dwelling unit or mobile home park/campground/RV space," "fee per 1,000 square feet of building space or gaming space," and "fee per hotel room."				
³ Assumed same density as Multi-family Dwelling.				
⁴ Non-residential fees only pay for City Hall & Public Works facilities.				
⁵ Density estimated based on Synagogue data in ITE Trip Generation (Institute of Transportation Engineers, 9th Edition).				
⁶ Density estimated based on data in ITE Trip Generation (Institute of Transportation Engineers, 9th Edition).				
⁷ Assumed same density as medical office building.				
⁸ Density estimated based on Orange County Subarea Modeling Guidelines Manual, July 2005.				
⁹ Density assumed as an average from three casinos in Las Vegas, Nevada.				

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

Table 3.4: Estimated Revenues Public Safety Development Impact Fee

Description	Revenue
Citywide Fee Revenue (Future Fire Station & Animal Impound)	
Service Population Growth (to 2020+) ¹	12,204
Citywide Facilities Cost per Capita ²	\$ 207.20
Total Fee Revenue Public Safety Facilities	\$ 2,528,641
TOTAL PUBLIC SAFETY DEVELOPMENT IMPACT FEE REVENUE	\$ 2,528,641
Notes: ¹ From Table 3.1 ² From Table 3.2	

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

Chapter 4

Transportation Facilities

This chapter presents an analysis of the need for transportation facilities to accommodate new development in the City of Marina. These include both roadway and intersection projects. A fee schedule is presented based on the cost of these facilities to ensure that new development provides adequate funding to meet its needs.

Trip Generation

Transportation facilities serve both homes and businesses citywide. Consequently, trip generation rates based on both residential and non-residential land uses reasonably represents the need for these facilities.

Different development projects impact the transportation network at different rates based on the number of primary trips generated as indicated in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 9th Edition. The amount of daily primary trips generated by the approved and pending projects in the Traffic Impact Fee program were obtained from the Marina High School Traffic Impact Analysis (November 10, 2009), the Draft Environmental Impact Report for the Downtown Redevelopment Plan, or estimated using trip rates from ITE.

Table 4.1 presents the daily trips generated by the projects in the Traffic Impact Fee program. The projects are estimated to generate approximately 75,000 daily primary trips. These daily trip estimates are used in calculating fees for both roadways and intersections.

Transportation Projects Inventory

Appendix B contains the list of roadway and intersection improvement projects in the CIP program. The list also indicates which projects will or are expected to receive funding from other sources including FORA, TAMC, CSUMB, grants, and developers.

Table 4.2 summarizes the total roadway and intersection project costs that will be funded by the Traffic Impact Fee program, after accounting for contributions from Dunes, Marina Heights, and Cypress Knolls Developer Agreements. As noted in Chapter 1, the CIP list includes the funded TAMC roadway widening project on Imjin Parkway between Reservation Road and Imjin Road.

Transportation Development Impact Fee Calculations

To calculate the fee for transportation projects, the balance of the project costs (approximately \$54 million for roadways and \$13 million for intersections) were divided by the total number of trips generated in **Table 4.1** to get a cost per trip. These costs were then multiplied by the trip rates to determine the fee for each land use category, as shown in **Table 4.3**. It should be noted

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

that the Transportation Facilities fee for the Casino uses is based on the total building space rather than “gaming” area.

This method of calculation assures that fairness exists between new and existing development and that new development only funds expanded facilities to maintain the current level of service standards.

Transportation Fee Summary

Table 4.3 provides a summary of the impact fees for roadway and intersection projects. **Table 4.4** provides an estimate of total revenues for transportation facilities that should be generated at build-out in 2020 and beyond.

Implementation

The transportation facilities impact fee would be collected at the time of building permit issuance. To implement the fee the City should:

- Annually update a capital improvement plan to indicate the specific use of fee revenues for facilities to accommodate growth;
- Comply with the annual and five-year reporting requirements of *Government Code 66000 et seq.*; and
- Identify appropriate inflation indexes in the fee ordinance and allow an inflation adjustment to the fee annually.

For the inflation indexes, the City should use separate indexes for land and construction costs. Calculating the land cost index may require use of a property appraiser every several years. The construction cost index can be based on the City’s recent capital project experience or taken from any reputable source, such as the *Engineering News Record* (ENR).

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

Table 4.1: Trip Generation for Transportation Development Impact Fee

Projects ¹	Primary Daily Trips (2011 DIF Update) ²	Funded Since 2011 DIF Update ³	New Daily Trips
Airport Business Park	585		585
Airport EDC Parcel (Golf Course)	3,676		3,676
Downtown/Imjin Office Park/Other	24,135	1,797	22,338
K-8 School, Marina High, Marina Joint Use Facility	5,193		5,193
Marina Station	25,837		25,837
MPC Satellite Campus Phase II	510		510
MBEST	16,894		16,894
Total Daily Trips	76,830	1,797	75,033

Notes:

¹ Dunes, Marina Heights, Cypress Knolls, and CSUMB projects have developer's agreements or other agreements to contribute fees and are not included in the Traffic Impact Fee program.

² Daily trip estimates obtained from Marina High School Traffic Impact Analysis (November 10, 2009), Draft EIR for Downtown Redevelopment Plan, or estimated.

³ Includes: Carmel Avenue Single Family Dwellings, Guest House Everett Circle Assisted Living, BLM Office, AMCAL Multi-Family Dwellings (Buildings A, B, and C), Dialysis Clinic, and Rockrose Garden Assisted Living.

Table 4.2: Transportation Development Impact Fee per Unit Calculations

Description	Roadways	Intersections
Amount to be Funded by Impact Fee Program	\$ 79,178,632	\$ 26,739,000
TIF Fees Paid (02/13/2012 to October 26, 2015) ¹	\$ (716,306)	\$ (352,920)
Contribution from Dunes Agreement ²	\$ (21,982,149)	\$ (13,677,867)
Dunes Fees Paid ³	\$ 1,493,147	\$ 736,733
Contribution from Marina Heights Agreement ⁴	\$ (2,954,072)	\$ (109,280)
Contribution from Cypress Knolls Agreement ⁵	\$ (1,505,397)	\$ (767,375)
Subtotal Impact Fee Program Funding after Contributions (A)	\$ 53,513,854	\$ 12,568,291
Total Number of Daily Trips (Table 4.1) (B)	75,033	75,033
Cost Per Trip (A / B)	\$ 713.20	\$ 167.50

Notes:

¹ Fees paid include: Carmel Avenue Single Family Dwellings, Guest House Everett Circle Assisted Living, BLM Office, AMCAL Multi-Family Dwellings (Buildings A, B, and C), Dialysis Clinic, and Rockrose Garden Assisted Living.

² Anticipated contribution per developer agreement (see Exhibit D of July 20, 2007 Development Impact Fee Study) and indexed for inflation.

³ Dunes fees paid include: Dunes Housing Single Family Dwellings (75 units), VA clinic (148.401 KSF), University Village Multi-Family Dwellings (108 units).

⁴ Anticipated contribution per developer agreement (see Exhibit E of July 20, 2007 Development Impact Fee Study) and indexed for inflation.

⁵ Anticipated contribution per developer agreement (see Exhibit F of July 20, 2007 Development Impact Fee Study) and indexed for inflation.

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

Table 4.3: Transportation Development Impact Fee Summary

Land Use	Units	Trip Rates ¹	Cost per Unit or 1,000 sq. ft. of Building Space		Total Fee per Dwelling Unit, Hotel Room, or 1,000 sq. ft
			Roadways	Intersections	
Residential					
Single Family Dwelling Units	Dwelling Unit	9.52	\$ 6,790	\$ 1,595	\$ 8,384
Senior Homes	Dwelling Unit	3.68	\$ 2,625	\$ 616	\$ 3,241
Assisted Living - Senior	Dwelling Unit	2.64	\$ 1,883	\$ 442	\$ 2,325
Multi-Family Dwellings	Dwelling Unit	6.65	\$ 4,743	\$ 1,114	\$ 5,857
Mobile Home Park	Space	4.99	\$ 3,559	\$ 836	\$ 4,395
Campground/RV Park ²	Space	2.70	\$ 1,926	\$ 452	\$ 2,378
Non-Residential					
Office/Research	1,000 sq. ft	11.03	\$ 7,867	\$ 1,848	\$ 9,714
Retail/Service ³	1,000 sq. ft	18.54	\$ 13,221	\$ 3,105	\$ 16,326
Industrial	1,000 sq. ft	6.97	\$ 4,971	\$ 1,167	\$ 6,139
Hotel	Hotel Room	8.17	\$ 5,827	\$ 1,369	\$ 7,195
Church	1,000 sq. ft	9.11	\$ 6,497	\$ 1,526	\$ 8,023
Day Care Center	1,000 sq. ft	74.06	\$ 52,820	\$ 12,405	\$ 65,225
Animal Hospital/Veterinary Clinic ²	1,000 sq. ft	47.20	\$ 33,663	\$ 7,906	\$ 41,569
Medical/Dental Office Building	1,000 sq. ft	36.13	\$ 25,768	\$ 6,052	\$ 31,820
Casino/Video Lottery ²	1,000 sq. ft	134.30	\$ 95,783	\$ 22,496	\$ 118,279
Casino ⁴	1,000 sq. ft	39.43	\$ 28,122	\$ 6,605	\$ 34,726
Notes:					
¹ Trip Rates from ITE <i>Trip Generation</i> (Institute of Transportation Engineers, 9th Edition).					
² Daily rates not available in ITE <i>Trip Generation</i> ; Assumed PM rates times 10 to estimate daily rates.					
³ Primary trip rate per ITE Land Use Code 820.					
⁴ Trip rate from Graton Casino Traffic Impact Study (Graton Rancheria Casino and Hotel, 2011) per 1,000 sq. ft of casino, restaurants, food court, lobby, and other ancillary functions.					

Table 4.4: Estimated Revenues Transportation Development Impact Fee

Description	Revenue
Citywide Fee Revenue Roadways	
Number of Daily Trips (to 2020+) ¹	75,033
Cost per Trip ²	\$ 713.20
Total Fee Revenue Roadways	\$ 53,513,854
Citywide Fee Revenue Intersections	
Number of Daily Trips (to 2020+) ¹	75,033
Cost per Trip ²	\$ 167.50
Total Fee Revenue Intersections	\$ 12,568,291
TOTAL TRANSPORTATION DEVELOPMENT IMPACT FEE REVENUE	\$ 66,082,145
Notes:	
¹ From Table 4.1	
² From Table 4.2	

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

**Chapter 5
Parks Facilities**

This chapter presents an analysis of the need for parks facilities to accommodate new development in the City of Marina. A fee schedule is presented based on the cost of these facilities to ensure that new development provides adequate funding to meet its needs.

Service Population

Parks facilities serve primarily residents in the City by providing space for recreation and similar programs. Consequently, a service population that only includes residents and not workers reasonably represents the need for these facilities. As population grows with new development, so does demand for recreation services provided by these facilities.

Table 5.1 shows the estimated service population for parks facilities for 2020 and beyond.

Table 5.1: Parks Facilities Fee - Population Projections

Timeframe	Residents	Total Service Population¹
Total New Development (Table 1.1)	9,455	9,455
Notes:		
¹ Only residential land uses pay park fees.		

Facility Standards and Fee

Per capita facility standards are used in calculating the impact fee to ensure a reasonable relationship exists between new development and the need for new park facilities. A per capita cost was calculated based on the estimated cost of new park facility, as shown in **Table 5.2**. This cost was then multiplied by the density assumptions to determine a fee, as shown in **Table 5.3**.

This method of calculation assures that fairness exists between new and existing development and that new development only funds expanded facilities to maintain the current level of service standards.

Facility Costs to Accommodate Growth

Table 5.4 provides an estimate of the total revenue for park facilities (neighborhood, community and green belts/open space) that will be generated at build-out in 2020 and beyond. The City would maintain a reasonable relationship between new development and the use of fee revenues by funding a variety of projects to expand park facilities during this period.

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

Implementation

The parks facilities impact fee would be collected at the time of building permit issuance. To implement the fee the City should:

- Annually update a capital improvement plan to indicate the specific use of fee revenues for facilities to accommodate growth;
- Comply with the annual and five-year reporting requirements of *Government Code 66000 et seq.*; and
- Identify appropriate inflation indexes in the fee ordinance and allow an inflation adjustment to the fee annually.

For the inflation indexes, the City should use separate indexes for land and construction costs. Calculating the land cost index may require use of a property appraiser every several years. The construction cost index can be based on the City's recent capital project experience or taken from any reputable source, such as the *Engineering News Record* (ENR).

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

Table 5.2: Parks Unit Costs

Description	Service Population (Capita)	Cost	Cost per Capita
Future Park Facilities (residents)			
Amount to be Funded by Impact Fee Program (parks)		\$ 39,910,500	
TIF Fees Paid (02/13/2012 to October 26, 2015) ¹		\$ (734,956)	
Contribution from Dunes Agreement ²		\$ (9,279,064)	
Dunes Fees Paid ³		\$ 1,036,680	
Contribution from Marina Heights Agreement ⁴		\$ (2,858,461)	
Contribution from Cypress Knolls Agreement ⁵		\$ (6,302,125)	
Subtotal Impact Fee Program Funding after Contributions	9,455	\$ 21,772,574	\$ 2,302.76
Total Capita Cost per Resident			\$ 2,302.76

Notes:
¹ Fees paid include: Carmel Avenue Single Family Dwellings, Guest House Everett Circle Assisted Living, BLM Office, AMCAL Multi-Family Dwellings (Buildings A, B, and C), Dialysis Clinic, and Rockrose Garden Assisted Living.
² Anticipated contribution per developer agreement (see Exhibit D of July 20, 2007 Development Impact Fee Study) and indexed for inflation.
³ Dunes fees paid include: Dunes Housing Single Family Dwellings (75 units), VA clinic (148.401 KSF), University Village Multi-Family Dwellings (108 units).
⁴ Anticipated contribution per developer agreement (see Exhibit E of July 20, 2007 Development Impact Fee Study) and indexed for inflation.
⁵ Anticipated contribution per developer agreement (see Exhibit F of July 20, 2007 Development Impact Fee Study) and indexed for inflation.

Table 5.3: Parks Development Impact Fee

Land Use	Units	Cost per Capita	Density ¹	Total Fee per Dwelling Unit or 1,000 sq. ft of Building Space ²
Residential				
Single Family Dwelling Units	Dwelling Unit	\$ 2,302.76	2.70	\$ 6,217
Senior Homes	Dwelling Unit	\$ 2,302.76	1.80	\$ 4,145
Assisted Living - Senior	Dwelling Unit	\$ 2,302.76	1.00	\$ 2,303
Multi-Family Dwellings	Dwelling Unit	\$ 2,302.76	2.50	\$ 5,757
Mobile Home Park ³	Space	\$ 2,302.76	2.50	\$ 5,757
Campground/RV Park ³	Space	\$ 2,302.76	2.50	\$ 5,757

Notes:
¹ Density is "persons per dwelling unit or mobile home park/campground/RV space."
² Fee in this table refers to "fee per dwelling unit or mobile home park/campground/RV space."
³ Assumed same density as Multi-family Dwelling.

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

Table 5.4: Estimated Revenues Parks Development Impact Fee

Description	Revenue
Citywide Fee Revenue	
Resident Population Growth (to 2020+) ¹	9,455
Citywide Facilities Cost per Capita ²	\$ 2,302.76
Total Fee Revenue Parks Facilities	\$ 21,772,574
TOTAL PARKS DEVELOPMENT IMPACT FEE REVENUE	\$ 21,772,574
Notes: ¹ From Table 5.1 ² From Table 5.2	

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

Appendix A

California Superior Court Peremptory Writ of Mandate

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FILED

SEP 14 2008

CONNIE MAZZEI
CLERK OF THE SUPERIOR COURT
DEPUTY

J. CEDILLO

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MONTEREY**

CITY OF MARINA,)
)
) Petitioner,)
)
) v.)
)
) BOARD OF TRUSTEES OF CALIFORNIA)
) STATE UNIVERSITY,)
) Respondents.)
)
)
)
) FORT ORD REUSE AUTHORITY,)
)
) Petitioner,)
)
) v.)
)
) BOARD OF TRUSTEES OF CALIFORNIA)
) STATE UNIVERSITY,)
) Respondents.)

Case No. M 41781
(Consolidated with M 41795)

STIPULATION TO DISCHARGE
PEREMPTORY WRIT OF
MANDATE; [~~PROPOSED~~] ORDER

Assignment for all purposes:
Honorable Robert O'Farrell

1 2. In the Fall 2008, CSUMB generated approximately 8,550 trips per day from off-
2 campus to on-campus and from on-campus to off-campus. This number was determined by a
3 combination of methodologies, including traffic tube counts and on-campus observational studies.
4 That number is the baseline traffic level against which future increases in campus traffic will be
5 measured.

6 3. In the event CSU determines, based on the CSUMB annual traffic reports, that
7 CSUMB trips will exceed the mitigation threshold of 4,361 additional trips within the upcoming
8 year, CSU will undertake further environmental review, consistent with the provisions of the
9 California Environmental Quality Act, Public Resources Code §21000 et seq., ("CEQA") to assess
10 the environmental impacts associated with such additional trips prior to exceeding said threshold.

11 4. Consistent with the Trustees resolution approving the CSUMB 2007 Campus
12 Master Plan, CSUMB will:

13 (i) Adopt a TDM plan referred to in section 1(iii) to reduce vehicle trips; report
14 annual traffic increases to the Chancellor, FORA, and Marina; and,

15 (ii) Seek approval from the Trustees to exceed the threshold of 4,361 additional
16 trips,

17 (iii) Report to the Chancellor, FORA, and Marina any measures or modifications
18 made to the TDM plan to address an increase in trip levels.

19 CSUMB's above commitment shall be construed as an enforceable mitigation measure
20 under Public Resources Code §21081.6.

21 5. Additional mitigation measure 11-5.1, adopted by the Trustees May 13, 2009, as
22 part of its approval of the 2007 CSUMB Campus Master Plan, does not preclude CSUMB from
23 making direct payments to Monterey Salinas Transit in connection with programs developed as
24 part of the TDM plan to be implemented pursuant to the MOU entered into between FORA and
25 CSU.

26 6. The Statement of Overriding Considerations ("SOC") adopted by the Trustees May
27 13, 2009 relative to its approval of the CSUMB 2007 Campus Master Plan applies to the
28 significant unavoidable impacts to: (i) on-campus roadways; (ii) off-campus transit facilities; and

1 (iii) off-campus water supply infrastructure facilities. The SOC does not apply to impacts relative
2 to off-campus traffic impacts. As previously noted, the Trustees determined that to the extent
3 CSUMB vehicle trips draw near (i.e., within 5% of) the 4,361 mitigation threshold, trip generation
4 shall be frozen below the threshold. As a result, the 2007 CSUMB Campus Master Plan will not
5 result in potentially significant impacts to off-campus roadways.

6 7. Prior to the commencement of development of Phase II of the North Campus
7 Faculty/Staff housing, CSU shall request from the Legislature through the state budget process its
8 fair-share of the costs to implement the Regional Urban Water Augmentation Project ("RUWAP"),
9 determined to be \$1,347,530. [See additional mitigation measure 7-2.2, adopted by the Trustees on
10 May 13, 2009]

11 If the Legislature denies CSU's initial funding request, CSU shall:

- 12 (i) Resubmit the request during the following CSU budget cycle, and
13 (ii) Continue to resubmit the request annually until the funding is appropriated
14 or until the Marina Coast Water District ("MCWD") commences construction of the
15 RUWAP (or its replacement project), whichever comes first.

16 If the Legislature has not funded CSUMB's \$1,347,530 fair-share costs when MCWD
17 commences construction of the RUWAP or its replacement project, CSUMB shall seek authority
18 from the Trustees to engage in discussions with representatives of FORA and Marina regarding the
19 availability of alternative funding sources, if any, for CSU's \$1,347,530 fair-share costs. CSUMB
20 may seek CSU authorization to engage in such discussions prior to the time of commencement of
21 construction of the RUWAP or its alternate project. The Parties acknowledge that the
22 determination of the availability of any such alternative funding sources shall be consistent with
23 state and federal law, the California Supreme Court's ruling in *City of Marina* and its progeny.

24 8. CSU shall request funding from the Legislature for its remaining fair-share of the
25 costs to prepare the Habitat Conservation Plan ("HCP") for the former Fort Ord. That sum is
26 expected to be \$47,800. The costs to manage the CSU Borderlands property are expected to be
27 \$4,784.91 annually. [See additional mitigation measure 8-1.1, adopted by the Trustees May 13,
28 2009].

1 If the Legislature denies CSU's initial funding request, CSU shall:

2 (i) Resubmit the request during the following CSU budget cycle, and

3 (ii) Continue to resubmit the request annually until the funding is appropriated
4 or until the HCP is completed and executed by all parties thereto, whichever comes first.

5 If the Legislature has not appropriated the funding at the time the HCP is executed, CSU
6 shall seek authority from the Trustees to engage in discussions with representatives of FORA and
7 Marina regarding the availability of alternative funding sources, if any, for CSU's one-time
8 payment of \$47,800 and its annual payments of \$4,784.91. The Parties acknowledge that the
9 determination of the availability of any such alternative funding sources shall be consistent with
10 state and federal laws, the *City of Marina* and its progeny.

11 9. The Parties request that the Court discharge the writ.

12 10. If any party or its legally recognized successor in interest contends that another
13 party has breached this Stipulation and Order, the party contending breach shall give the other
14 party/parties written notice thereof. Within thirty (30) days of delivery of such notice, the Parties
15 shall meet and confer in good faith to try to resolve the dispute. If the dispute is not resolved
16 through the meet and confer process within sixty (60) days of the initial written notice of breach,
17 the Parties shall submit the matter to non-binding mediation or some other form of non-binding
18 Alternative Dispute Resolution ("ADR"), to be agreed upon by all Parties. If the Parties are unable
19 to reach agreement on the appropriate ADR forum, the matter shall be submitted to non-binding
20 mediation. The mediator shall be selected by mutual agreement. If the dispute is not resolved
21 through ADR within nine (9) months of the initial written notice of breach, any party may file a
22 judicial proceeding in the Superior Court of California, County of Monterey, to enforce this
23 Stipulation. In that event, all parties waive discovery. The intent of the Parties in drafting this
24 provision is that any dispute arising under this Stipulation be resolved by the least expensive and
25 prompt means possible.

26 11. By executing this Stipulation, the signatories warrant that he or she has the legal
27 authority to do so.

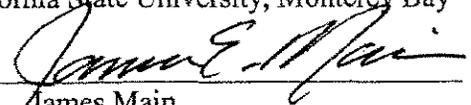
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

For CSU

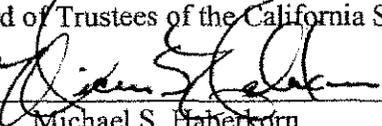
September 2, 2009

James Main
Vice President for Administration & Finance
California State University, Monterey Bay

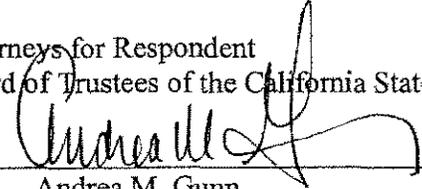
By: 
James Main

Approved as to Form and Substance

Michael S. Haberkorn
Gatzke Dillon & Balance LLP

Attorneys for Respondent
Board of Trustees of the California State University
By: 
Michael S. Haberkorn

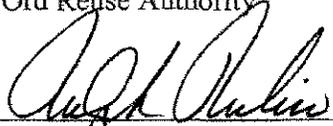
Andrea M. Gunn
Office of General Counsel
The California State University, Office of the
Chancellor

Attorneys for Respondent
Board of Trustees of the California State University
By: 
Andrea M. Gunn

For FORA

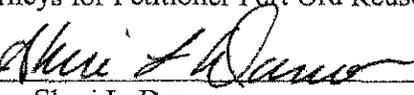
September 2, 2009

Ralph Rubio
Chair
Fort Ord Reuse Authority

By: 
Ralph Rubio

Approved as to Form and Substance

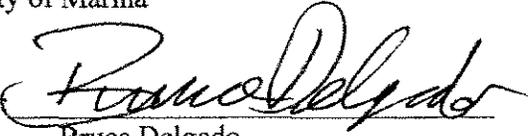
Sheri L. Damon
Damon Law Offices

Attorneys for Petitioner Fort Ord Reuse Authority
By: 
Sheri L. Damon

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

For City of Marina
September 1, 2009

The Honorable Bruce Delgado
Mayor
City of Marina

By 
Bruce Delgado

Approved as to Form and Substance

Kenneth D. Buchert
Wellington Law Offices

Attorneys for Petitioner City of Marina

By 
Kenneth D. Buchert

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

In light of the stipulation entered into among the parties, and for good cause shown, the Court hereby orders that the peremptory writ of mandate issued May 11, 2007, be discharged.

Dated: SEP 14 2009

KAY KINGSLEY

Judge of the Monterey County Superior Court

DEVELOPMENT IMPACT FEE STUDY - 2016 Update FINAL REPORT

Appendix B

City of Marina CIP List



DRAFT 5 Year CIP Project List

Revised Date: Mar 2016

ID #	Fund #62	Funding	Project/Development Source	Development Mitigation No.	Cost Years	2015/2016 1	2016/2017 2	2017/2018 3	2018/2019 4	2019/2020 5	2020 to 2035 6-20	Remarks
Traffic Intersections - FUNDED					Total							
TI 04		Impact Fee	Marina Station	Mit. 4.13-3	\$1,200,000						\$1,200,000	Signalize or Roundabout
TI 06		Impact Fee	Cypress Knolls	Mit. D-2, D-5, D-10	\$1,200,000						\$1,200,000	Signalize or Roundabout
TI 07		Impact Fee	Dunes	Mit. TR-5.8	\$550,000						\$550,000	Signalize changes and widen intersection
TI 08	701	Impact Fee	Dunes	Mit. TR-5.7	\$1,120,000		\$48,000	\$48,000			\$1,024,000	Implement modern roundabout.
TI 09		Impact Fee	Cypress Knolls	Mit. D-3, D-6	\$500,000						\$500,000	Signalize and widen intersection
TI 11		Impact Fee	FOR A		\$1,100,000						\$1,100,000	Implement modern roundabout. Tied to R 34 B
TI 15	717	Impact Fee	Marina Station	Mit. 4.13-4, 4.13-9	\$2,250,000						2,250,000	Signalize or Roundabout
TI 16		By Developer	Marina Heights		N/A							Developer to improve the intersection (traffic signal)
TI 17		Impact Fee/FORA	Marina Station-Heights/FORA CIP	Mit. 4.13-11	\$1,120,000						\$1,120,000	Signalize or Roundabout. See R56 roadway project for Salinas Ave. extension.
TI 18		By Developer	Dunes		N/A							Signalize or Roundabout
TI 20		By Developer	Dunes		N/A							Signalize or Roundabout
TI 22A	727	Impact Fee	Dunes, Cypress Knolls	Dunes TR-1.3b, CK D-1	\$400,000	\$200,000	\$200,000					Signalize SB Highway 1 off-ramp
TI 22B	727	Impact Fee	Dunes	Mit. TR-1.3b	\$26,000			\$26,000				Provide two WB lanes on the Imjin SR 1 bridge
TI 22C	727	Impact Fee	Dunes, Cypress Knolls	Dunes TR-3.2b, CK D-8	\$2,000,000					\$2,000,000		Convert the SB off ramp to a loop configuration, or functional equivalent
TI 23 A	727	Impact Fee	Dunes	Mit. TR-2.1b, TR-1.4b	\$590,000	\$295,000	\$295,000					Widen the off ramp to accommodate two lanes at the ramp terminal.signal is not warranted.
TI 23 B	727	Impact Fee	Dunes, Cypress Knolls	Dunes TR-2.2b, CK D-13	\$500,000			\$500,000				Widen the SB on-ramp to accommodate two lanes
TI 25		Impact Fee	Dunes, Cypress Knolls	Dunes TR-3.4, 5.4, CK D-7	\$2,500,000						\$2,500,000	Signalize and restripe; change NBR to RTO & add 2nd EBL & WBL or Roundabout, including ROW acquisition
TI 26		Impact Fee	Dunes	Mit. TR-5.3	\$1,054,000						1,054,000	Signalize and restripe (Developer); or Roundabout (Impact Fee)
TI 27		By Developer	Dunes	Mit. TR-1.7	N/A							Install double left turn and right turn lanes on Imjin Pkwy, left and right turn lanes on Abrams Drive, signalize, and restripe. See Imjin Pkwy widening \$2,000,000.
TI 28		By Developer/Impact Fee	Marina Heights	Mit. 3.3	\$870,000						\$870,000	Signalize or Roundabout
TI 29	717	\$1,340,000 HSIP Grant \$660,000 Impact Fee	CIP/AB1600, Marina Sta.	Mit. 4.13-5	\$2,000,000	\$1,000,000	\$1,000,000					Widen/Construct new RR Gates and signal intersection- Roundabout
TI 30		Impact Fee/CSUMB	Dunes, CSUMB	Dunes TR-1.8, 3.7	\$675,000						675,000	Signalize or Roundabout. To be coordinated with CSUMB
TI 32		Impact Fee	Dunes, MH & MS	Dun. TR-1.2, 5.1, MS 4.13-8	\$1,250,000						\$1,250,000	Signalize changes and restripe; change NBR to RTO
TI 33	713	Impact Fee	Dunes, Cypress Knolls	Dun. TR-1.5 & 3.3, CK D-9	\$4,307,000						\$4,307,000	Signalize and restripe; two phasing of lane additions and widening; triple left turn lanes on NB 2nd Ave and WB Imjin Pkwy. Trigger - Phase II Building Permit
TI 34		Impact Fee	Marina Heights	Mit. 3.5	\$106,000						\$106,000	Rechannelization of intersection
TI 35		Impact Fee	Marina Sta.	Mit. 4.13-12	\$151,000						\$151,000	Rechannelization of intersection
TI 38A		By Developer	Marina Station	Mit. 4.13-6	N/A							AWS and NB-SB left turn pockets
TI 39		Impact Fee	Marina Heights	Mit. 3.1	\$870,000						\$870,000	Signalize or Roundabout
TI 40		Impact Fee	CSUMB		\$870,000						\$870,000	Signalize or Roundabout. Requires CSUMB coordination
TI 49		By Developer	Marina Heights	Mit. 3.2	N/A							Signalize or Roundabout
TI 50		TAMC/Caltrans/Impact Fee	TAMC		\$870,000						\$870,000	Roundabout
Traffic Intersections - UNFUNDED												
TI 42		CSU	CSU DEIR		\$399,000						\$399,000	Signalize, Add EB/WB left-turn pockets, WB free right
TI 43		CSU	CSU DEIR		\$399,000						\$399,000	Signalize, Add NB left and right-turn, WB/EB left-turn, LT channelization
TI 44		CSU	CSU DEIR		\$399,000						\$399,000	Signalize, Add SB free right turn, 2nd SB left-turn
TI 45		CSU	CSU DEIR		\$399,000						\$399,000	Signalize
TI 46		CSU	CSU DEIR		\$200,000						\$200,000	Add right-turns on 5th, LT channelization
TI 47		TBD	PWS		\$200,000	\$100,000	\$100,000					Regrading of intersection
TI 48		TBD	PWS		\$100,000	\$50,000	\$50,000					Eliminate 2nd RT lane & island. Create 2nd NB lane
Impact Fee Funding Subtotal (including Grant funding)					\$28,079,000							
HSIP Grant: TI 29					\$1,340,000							
Impact Fee Subtotal (less HSIP Grant)					\$26,739,000							
Other Funding Subtotal (Including HSIP Grant)					\$3,436,000							
Traffic Intersection Subtotal					\$30,175,000	\$1,645,000	\$1,693,000	\$574,000	\$0	\$2,000,000	\$24,263,000	



DRAFT 5 Year CIP Project List

Revised Date: Mar 2016

ID #	Fund #62	Funding	Project/Development Source	Development Mitigation No.	Cost Years	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	2020 to 2035	Remarks
						1	2	3	4	5	6-20	
Roadways - FUNDED												
R 05	713	2nd Avenue Extension- Reindollar to Imjin Parkway	FORA	CIP/AB1600/FOR A		\$ 9,900,000				\$9,900,000		Construct new road between Imjin Parkway and Reindollar
R 28	714	Del Monte Blvd. - Beach Road to Marina Greens Drive	Impact Fee	Marina Station	Mit. 4.13-15	\$1,856,000					\$1,856,000	Construct sidewalk and pavement
R 28 B		Del Monte Blvd. - Sta. 42+00 to Sta. 48+00	Impact Fee	Marina StationPWS		\$280,000	\$280,000					Construct sidewalk, pavement & drainage improvements @ Cosky Dr.
R 34 A		8th Street - 2nd Avenue to California Avenue	By Developer	FORA/UVTIS		N/A						Reconstruct road to be completed by the Dunes Development
R 34 B	701	8th Street - California Avenue to Intergarrison	FORA	FORA		\$7,000,000		\$150,000	\$150,000	\$2,859,000	\$3,841,000	Reconstruct road (see TI 08)
R 37		Patton (Abrams) Parkway - Del Monte to Crescent Avenue Ext.	FORA	FORA		\$ 1,150,000					\$1,150,000	Extension of Patton Parkway from 2nd Ave. Extension to Marina High School
R 46 A		Imjin Parkway - Reservation Road to Imjin Road	TAMC	05RTP, Dunes	Mit. TR-3.5	\$2,200,000					\$2,200,000	Install Class II bikelanes, sidewalk, ADA ramps, Intersection video cameras (Substantially Completed)
R 46 B		Imjin Parkway - Reservation Road to Imjin Road	TAMC/Impact Fee	05RTP, Dunes	TR-1.2, 1.6, 3.5, 3.6, 5.5, 5.6	\$ 22,289,632	\$400,000	\$1,200,000	\$800,000	\$800,000	\$19,089,632	Widen road to four lanes
R 46 C		Imjin Parkway - Imjin Road to 2nd Ave	TAMC/Abrams/Gas/Impact Fee	PWS		\$ 21,413,000					\$21,413,000	Connect bike lane from Imjin Rd. to 2nd Ave. Widen to 6-lanes. BRT excluded. Widen to six lanes (PSR equivalent to be conducted in upcoming year). Included in R46.
R 47		Imjin Parkway - Imjin Road to SR-1	Impact Fee	05RTP, Dunes, Cyp. Knolls	Dunes TR-1.5, CK D-15	\$ -						
R 49 A		Imjin Parkway (12th) & SR1 Interchange	Caltrans/Regional Fee/TAMC	Caltrans TIP		\$12,375,000					\$12,375,000	Construct new interchange. On Caltrans Regional TIP
R 49 B		Del Monte & SR 1 Interchange	Caltrans/Regional Fee/TAMC	Caltrans TIP		\$12,375,000					\$12,375,000	Construct new interchange. On Caltrans Regional TIP
R 55	717	Reservation Road - Beach to SR1	Impact Fee	PWS, Marina Station	Mit. 4.13-13	\$ 1,735,000	\$150,000	\$150,000		\$717,000	\$718,000	Widen Roadway to the north and modify traffic signals
R 56	716	Salinas Avenue - Reservation Road to Carmel Avenue	FORA	FORA		\$ 1,915,000					\$1,915,000	Construct new 2 lane arterial
R 68		Sign Retroreflectivity Program	Abrams B	PWS		\$ 91,200	\$91,200					City wide sign inventory & upgrade as required by new FHWA standards
R 69		Pavement Management Program	Gas Tax/RSTP	PWS		\$ 17,052,000	\$2,000	\$150,000	\$1,300,000	\$1,300,000	\$13,000,000	Complete MTC Pavement Condition Index on city streets to use for grant funding opportunities
R 70		Sidewalk and Pedestrian Improvement Management Program	Abrams B	PWS		\$ 48,600					\$48,600	City wide survey of sidewalk and pedestrian needs utilizing the PBMP
R 71		ADA Compliance Program	Abrams B	PWS		\$ 48,600					\$48,600	City wide survey of ADA compliance needs
R 74 B		Reservation Road - Seacrest Ave to Crescent Ave	Abrams B/Gas/RSTP	PWS		\$ 510,000	\$510,000					Resurfacing of roadway
R 29	710	Del Monte Blvd. - Beach Road to Reservation Road	Impact Fee	PBMP		\$ 262,000					\$262,000	Install Class II bikelanes and sidewalks. Moved from unfunded projects.
R 65		Reservation Road - Imjin Road to Blanco Road	Impact Fee	UVTIS		\$ 8,193,000					\$8,193,000	Widen to six lanes. Moved from unfunded projects.



DRAFT 5 Year CIP Project List

Revised Date: Mar 2016

ID #	Fund #62	Funding	Project/Development Source	Development Mitigation No.	Cost Years	2015/2016 1	2016/2017 2	2017/2018 3	2018/2019 4	2019/2020 5	2020 to 2035 6-20	Remarks
Roadways - UNFUNDED												
R 46D			Imjin Pkwy Bus Way Reservation to Imjin Road		\$ 6,268,966						\$6,268,966	Bus way to be funded by MST/FTA.
R 06		TBD	Carmel Avenue - Crescent to Seacrest	PBMP	\$ 725,000						\$725,000	Fill in gap in sidewalk on both sides
R 10		TBD	Abdy Way - Cardoza to Healy	05RTP	\$ 200,000						\$200,000	Construct sidewalk and pavement
R 11		TBD	Eucalyptus Street - Reservation to Peninsula	05RTP	\$ 550,000						\$550,000	Construct sidewalk and pavement
R 12		TBD	Healy Avenue - Abdy Way to Marina Drive	05RTP	\$ 109,000						\$109,000	Construct sidewalk and pavement
R 13		TBD	Lake Drive - Lake Ct. to Reservation Road	05RTP	\$ 101,000						\$101,000	Construct sidewalk, pavement widening and stripe Class II Bikelane.
R 14		TBD	Lake Court - Lake Drive to end	PBMP	\$ 406,000						\$406,000	Install Class II bikelanes
R 15		TBD	Marina Drive - Beach Road to Healy	05RTP	\$ 600,000						\$600,000	Construct sidewalk and pavement
R 16		TBD	Marina Drive - Paddon Place to southern end	05RTP	\$ 1,860,000						\$1,860,000	Construct sidewalk and pavement
R 17		TBD	Michael Drive - Sells to Cosky	05RTP	\$ 1,639,000						\$1,639,000	Construct new street
R 18		TBD	Paddon Place - Lake Drive to Marina Drive	PBMP	\$ 223,000						\$223,000	Sidewalk fill gap on south side
R 20		TBD	Palm Avenue - Lake Drive to Del Monte	05RTP	\$ 210,000						\$210,000	Install Class II bikelanes and sidewalks
R 22A		TBD	Redwood Drive - 140'N of Hillcrest to Reindollar	05RTP	\$ 403,936						\$403,936	Construct sidewalk and pavement
R 23		TBD	Reindollar Avenue - Del Monte to Redwood		\$ 936,000						\$936,000	Construct sidewalk and pavement
R 23		TBD	Reindollar Avenue - Del Monte to Redwood		\$ 936,000						\$936,000	Construct intermittent sidewalk and pavement
R 25		TBD	Cardoza Avenue - Abdy Way to Ora		\$ 700,000						\$700,000	Construct sidewalk and pavement
R 25 A		TBD	Cardoza Avenue - Reservation Road to Abdy Way	PWS	\$ 25,000	\$25,000						Traffic Calming Measures
R 29	710	Impact Fee	Del Monte Blvd. - Beach Road to Reservation Road	PBMP	\$ 262,000						\$262,000	Install Class II bikelanes and sidewalks - Moved to funded projects.
R 26		TBD	Cardoza Avenue - Reservation Road to End	05RTP	\$ 615,000						\$615,000	Install Class II bikelanes
R 32		Impact Fee	Beach Road - Del Monte to DeForest	-	\$ 2,152,000						\$2,152,000	Construct sidewalk, widen pavement and stripe bikelanes. Removed from the list.
R 33		Impact Fee	California Avenue - 8th Street to Imjin Parkway		\$ 1,980,000						\$1,980,000	Reconstruct road
R 34C		TBD	8th Street Realignment	05RTP	\$ -							Plan line realignment of 8th Street
R 35 B		TBD	Carmel Avenue - Crescent Avenue to Salinas Avenue	05RTP	\$ 70,000						\$70,000	Install Class II bikelanes
R 38	710	TBD	Del Monte Blvd. - Reindollar to Reservation	CIP/AB1600	\$ 340,000						\$340,000	Sidewalk fill gap on east side and install Class II bikelanes
R 40		TBD	Reservation Road - Salinas Avenue to Imjin Parkway	05RTP	\$ 400,000						\$400,000	Install Class II bikelane, North side only
R 41		TBD	Reservation Road Crescent Avenue to Del Monte Blvd.	05RTP	\$ 2,704,000						\$2,704,000	Traffic Calming Crescent to Del Monte
R 43		TBD	Seaside Cir. - Reservation to east end	05RTP	\$ 101,000						\$101,000	Construct sidewalk and pavement
R 44		TBD	Seaside Ct. - Reservation to west end	05RTP	\$ 209,000						\$209,000	Construct sidewalk and pavement
R 57		TBD	Reservation Rd Downtown Vitalization Plan	CIP/AB1600	\$ -							(Unfunded per Council Resolution No. _____)
R 59		Impact Fee	Imjin Road Widening Project - Imjin to 8th St	CSUMB	\$ 2,075,000						\$2,075,000	Reconstruct and widen road to four lanes. Imjin Parkway to 8th Street
R 60		Impact Fee	Crescent Ave South of Reservation	PWS	\$ 190,000						\$190,000	Reconstruct curb, gutter, sidewalk on west w/ paveout and restriping. Removed from the list.
R 61		Impact Fee	2nd Avenue from 10th Street to Intergarrison (3rd St.)	PWS	\$ 92,000						\$92,000	Remove class II bike lanes and restripe for two lanes each direction
R 64		TBD	Median Landscape Improvements	05RTP	\$ 250,000						\$250,000	Improve irrigation & landscape on medians throughout central Marina
R 65		Impact Fee	Reservation Road - Imjin Road to Blanco Road	UVTIS	\$ 8,193,000						\$8,193,000	Widen to six lanes. Moved to funded projects.
R 66		CSUMB	InterGarrison - Abrams to Eastside	CSUMB	\$ -							Improve to arterial standards
R 67		CSUMB	General Jim Moore - 8th to Inter-Garrison	CSUMB	\$ -							Improve to arterial standards
R 72		TBD	Reservation Road - Salinas Ave. to Blanco Rd.	PWS	\$ -							Construct median improvements
R 73		TBD	Imjin Parkway - 2nd Ave. to Reservation Rd.	PWS	\$ -							Construct median improvements
R 74C		TBD	Reservation Road - De Forest to 500' E of Greseent Ave	PWS	\$ 370,000						\$370,000	Resurfacing of roadway. Completed as part of R 74B.
R 75		TBD	Flower Circle - Carmel Ave. to End	PWS	\$ 95,000						\$95,000	Resurfacing of roadway
R 76		TBD	Marina Drive - Drainage Improvements	PWS	\$ 100,000	\$100,000						Drainage Improvements in roadway
R 77		TBD	Reservation Rd. - 300ft. E of Crescent Ave.	PWS	\$ 100,000	\$100,000						Revise medians for new turn pocket
Impact Fee Funding Subtotal (including Grant funding)					\$ 80,778,632							
Federal Grant: R 46B Design Fee Only					\$ 1,600,000							
Impact Fee Funding Subtotal (less Federal Grant)					\$ 79,178,632							
Other Funding Subtotal (Including Federal Grant)					\$66,539,302							
Roadways Subtotal					\$145,717,934	\$1,378,200	\$1,780,000	\$2,250,000	\$2,250,000	\$33,865,632	\$104,194,102	

DEVELOPMENT IMPACT FEE STUDY – 2011 Update

Table 1.2: Development Impact Fee Summary

Land Use	Public Buildings Fee	Public Safety Fee	Roadways Fee	Intersections Fee	Parks Fee	Total Fee ¹
Residential						
Single Family Dwellings	\$2,186	\$269	\$ 4,658	\$ 2,299	\$ 5,924	\$ 15,334
Senior Homes	\$1,457	\$179	\$ 1,806	\$ 891	\$ 3,949	\$ 8,282
Assisted Living - Senior	\$809	\$99	\$ 1,334	\$ 658	\$ 2,194	\$ 5,095
Multi-Family Dwellings	\$2,024	\$249	\$ 3,227	\$ 1,592	\$ 5,485	\$ 12,577
Non-residential						
Office/Research	\$648	\$166	\$ 5,359	\$ 2,644	\$ -	\$ 8,817
Retail/ Service ²	\$389	\$99	\$ 9,706	\$ 4,789	\$ -	\$ 14,983
Industrial	\$216	\$55	\$ 3,393	\$ 1,674	\$ -	\$ 5,338
Hotel	\$130	\$33	\$ 3,977	\$ 1,962	\$ -	\$ 6,102

¹ Fee in this table refers to "fee per dwelling unit", "fee per hotel room", or "fee per 1,000 square feet of building space for non-residential land uses"

CONTINUED FROM APRIL 19, 2016

April 15, 2016

Item No. **11b**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of April 19, 2016
May 3, 2016

**RECOMMENDATION TO CONSIDER ADOPTING RESOLUTION NO. 2016-,
RECEIVING INFORMATION REGARDING UTILITY USERS TAX FOR THE
CITY OF MARINA AND PROVIDING FURTHER DIRECTION TO CITY
STAFF**

RECOMMENDATION:

It is recommended that the City Council:

1. Consider adopting Resolution No. 2016-, receiving information regarding Utility Users Tax for the City of Marina and to provide staff with further direction.

BACKGROUND:

For many years now, the City Council, City staff and community members have been discussing options for balancing the City's budget and for addressing unmet City needs. The City has eliminated many staff positions, reduced or eliminated services, improved operational efficiencies, expanded economic development opportunities and added to its revenue base by approving a card room tax and increasing the Transient Occupancy Tax from 10% to 12%. However, even with these additional revenue sources there are significant city needs that are unmet.

Specifically these unmet needs are:

1. City infrastructure which includes the complete city road system, city facilities and parks.
2. Public safety – police officers for patrol, firefighters to provide minimum staff for simultaneous calls, and code enforcement to respond to city code violations.
3. Staffing in other city departments to meet required state laws and federal mandates, recommendations by city auditors, and service level demands of the public.
4. City facilities including city hall, community center, recreational buildings, and parks

While one aspect of the city's revenue strategy has focused on the expansion and enhancement of economic development, it is understood that this mechanism will take time before it generates significant new revenue to the city and that economic development revenue will primarily only offset new service demands caused by future growth and inflationary and cost of living increases. Even though some of this revenue can be redirected to meet some of the current and future unmet needs, this approach alone will not address the core unmet needs that are becoming critical. There appears to be a general consensus around the concept that the City has significant unmet needs, however, there are mixed opinions about what defines a need and whether new revenue should be pursued to address those needs.

At the City Council Strategic Planning and Goal Setting Retreat on February 19-20, 2016, one of the issues discussed by the City Council was consideration of another Utility Users Tax. The Council directed staff to bring additional information regarding a Utility Users Tax back to the Council for additional discussion.

The Utility Users Tax was established and approved by the voters of Marina in 1993 and was an important component of the city's revenue tax base. The Utility Users Tax was enacted solely to raise revenue for the general government purposes of the City. The tax was placed on the telephone, electricity, gas, water and cable television users. It was set at five percent (5%) for both residential and commercial and raised approximately \$1.2 million dollars annually for the city's general fund. The tax provided exemptions for low income households. The initial tax was for a period of one year. The following is the UUT history:

- 1993 – approved for one year
- 1994 – approved a two year extension to 1996
- 1996 – approved a two year extension to 1998
- 1998 – approved a six year extension to 2004
- 2000 – approved a reduction of extension to 2002
- 2002 - approved a two year extension to 2004
- 2004 – extension was **not** approved by a vote of 3,170 No and 3,059 Yes.

During the period of time the UUT was approved, it was designated to provide for a basic level of essential city services for public health and safety, and activities and services for city youth and senior citizens. It was estimated to account for approximately 13% of the City's annual revenue and generated approximately \$1.2 million dollars a year.

In 2012 the voters approved increasing the Transient Occupancy Tax (TOT) from 10% to 12% and also approved a 1% additional sales tax measure which was extended by the voters in 2014 to 2026. This additional 1% sales tax was designated to continue preserving funds for general city services, including maintaining firefighters and police officers for adequate emergency response, reducing crime and criminal gang and drug activity, maintaining city streets and parks, and youth after school programs.

While the sales tax and TOT new tax measures have helped the city maintain its current bare minimum level of service, it does not address the unmet needs listed above.

ANALYSIS:

Utility User Tax

Utility user taxes are levied as a percentage of the direct cost of the utility service delivered, and may be levied on utilities such as gas, electric, telephone/communications, water, sewer, solid waste and cable TV. The tax appears in the monthly billing paid by the customer and the tax is paid to the utility, which in turn remits the taxes to the local government that levied the tax. Many California cities levy a utility user tax and it is often a substantial revenue stream for their general fund. Utility user tax tracks with inflation, it applies to a broad range of the population (e.g. homeowners, renters, businesses) and it is not as sensitive to economic downturns as the other general city taxes (e.g. property, sales, TOT, and franchise).

About 50% of the population and 1/3 of the cities in California pay a UUT. City utility user tax rates range from 1 percent to 11 percent. In some cities different rates apply to residential versus commercial users. However, the most common rate is 5 percent applied evenly among the various utility types. The Utility User Tax is a vital element in the funding of critical city services. On average, the UUT provides 15 percent of the general purpose revenue in cities that levy it.

In Monterey County nine (9) out of the twelve (12) cities have a Utility User Tax and depend on it as a major revenue source for the General Fund. Only Carmel and Del Ray Oaks in addition to Marina do not have a UUT. “**EXHIBIT A**” is a Utility User Tax summary for Monterey County which shows the percentage UUT charged, the amount collected and the per capita paid by city. The chart also shows how Marina would compare to other cities in the County if it collected \$1.2 million from a 5% UUT.

At the strategic planning retreat, Council requested a breakdown of the utility bill collections by residential and commercial customer. Staff has been unable to get this, but can provide the following information. In the 2010 Census, there were 7,200 reported housing units and 1,383 total number of firms in Marina. In Central Marina there are 3,960 residential water accounts and 273 business water accounts.

Unmet Needs

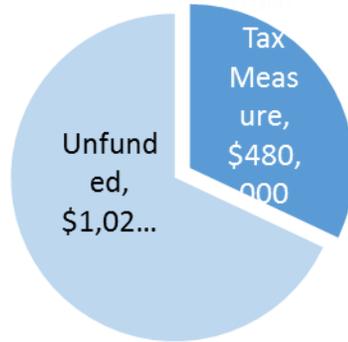
In previous budget years, the Council has had extensive discussions about unmet service needs. The focus has been on getting to a balanced operating budget where on-going expenditures are funded by on-going revenues. While we have achieved this goal strictly from a daily operating expenditures point of view, we still do not have on-going revenue sources that are able to fund critical pavement maintenance, vehicle, equipment and facility maintenance and replacement costs. These critical infrastructure assets continue to deteriorate. The demands of our community exceed the current staffing needs not only in police and fire, but in all other city departments. For this report we’ll only discuss three needs, pavement maintenance, police officers and firefighters.

Pavement Maintenance

The City has 156 lane miles of arterial, collector and residential paved streets. The street network is divided into 336 sections including 39 arterial, 51 collector and 246 residential/local sections. A Pavement Management Inspection Report was completed in 2013 which identified how much maintenance was required to keep the streets throughout the city in fair to good operating condition. In 2013, it was estimated that the City needed to allocated \$1.2 million dollars annually to keep city streets from deteriorating significantly. The City has only about \$200,000 available annually to allocate for street maintenance. To put it into perspective, we have only the ability to fund pavement maintenance annually from city hall down to Sunset Avenue. Because the City does not have a funding source for city streets, the street conditions have continued to deteriorate at a quickened pace. Staff estimates now that at least \$1.5 million is now needed annually to meet street maintenance repair costs. This number will continue to increase exponentially as streets move from needed slurry and chip seal treatments to reconstruction due to lack of regular maintenance.

Cities throughout Monterey County are in the exact same position as Marina. The Transportation Agency of Monterey County will be placing a 3/8 percent sales tax measure on the ballot in November 2016 which if passed will provide \$480,000 annually for street maintenance in Marina. While this is great and will certainly help Marina if passed, it will still fall significantly short of the funded needed for our city streets. The City of Marina will still need to find an additional \$1.0 million annually to maintain our streets even if the TAMC measure passes as shown in the following chart.

**Pavement Maintenance -
Annual Funding Need**



Police

The City of Marina received a \$250,000 annual COPS grant that kept the City from eliminating another two patrol officer positions. This grant is funded for one more year 2016-17 and then the City is required to pay the annual \$250,000 for these two patrol officer positions in 2017-18. After 2018 if the city is not able to fund these positions, they will be eliminated.

Fire

The City's fire department is staffed to only be able to respond one engine at a time to a single incident. "EXHIBIT B" shows that not only are the total number of fire responses increasing annually, the number of overlapping incidents that require a response from a neighboring agency are also increasing. We are also advised that when the VA/DOD clinic becomes operational this fall, an estimated 300 annual responses from the fire department will be required.

CONCLUSION:

This information is submitted to the City Council to facilitate further discussion regarding the Utility User Tax.

Respectfully submitted,

Layne Long
City Manager
City of Marina

RESOLUTION NO. 2016-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
RECEIVING INFORMATION REGARDING UTILITY USERS TAX FOR THE CITY OF MARINA
AND PROVIDING FURTHER DIRECTION TO CITY STAFF

WHEREAS, for many years now, the City Council, City staff and community members have been discussing options for balancing the City's budget and for addressing unmet City needs. The City has eliminated many staff positions, reduced or eliminated services, improved operational efficiencies, expanded economic development opportunities and added to its revenue base by approving a card room tax and increasing the Transient Occupancy Tax from 10% to 12%. However, even with these additional revenue sources there are significant city needs that are unmet; and

WHEREAS, the Utility Users Tax was established and approved by the voters of Marina in 1993 and was an important component of the city's revenue tax base. The Utility Users Tax was enacted solely to raise revenue for the general government purposes of the City. The tax was placed on the telephone, electricity, gas, water and cable television users; and

WHEREAS, in Monterey County nine (9) out of the twelve (12) cities have a Utility User Tax and depend on it as a major revenue source for the General Fund. "EXHIBIT A" is a Utility User Tax summary for Monterey County which shows the percentage UUT charged, the amount collected and the per capita paid by city. The chart also shows how Marina would compare to other cities in the County if it collected \$1.2 million from a 5% UUT.

WHEREAS, At the City Council Strategic Planning and Goal Setting Retreat on February 19-20, 2016, one of the issues discussed by the City Council was consideration of another Utility Users Tax. The Council directed staff to bring additional information regarding a Utility Users Tax back to the Council for additional discussion

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Marina does hereby:

1. Adopt Resolution No. 2016-, receiving information regarding Utility Users Tax for the City of Marina and to provide staff with further direction

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 3rd day of May 2016 by the following vote:

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

Bruce C. Delgado, Mayor

ATTEST:

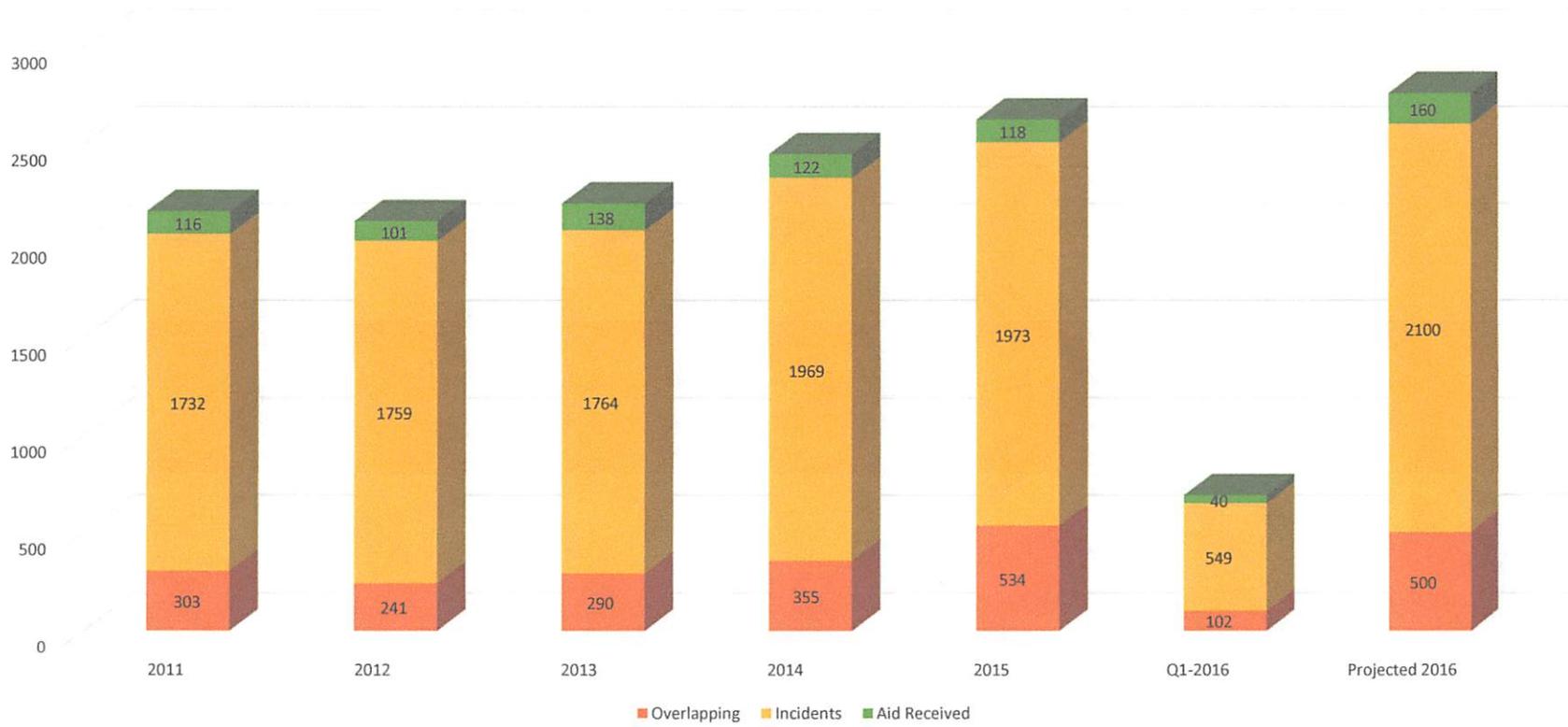
Anita Sharp, Deputy City Clerk

**UTILITY USERS TAX SUMMARY - As of April 2016
Monterey County**

UUT Rate	Seaside	Sand City	Pacific Grove	Salinas	King City	Soledad	Monterey	Gonzales	Greenfield	Del Ray Oak	Carmel	Current Marina	Proposed Marina
Telephone Intrastate	6%		5%	5%	2%	5%	2% R/5% NR	4% R/4% NR	3%	-	-	-	5% to 6%
Telephone Wireless			5%	5%		5%	2% R/5% NR	4% R/4% NR	3%	-	-	-	5% to 6%
Electricity	6%	5%	5%	6%	2%	5%	2% R/5% NR	4% R/2% NR	3%	-	-	-	5% to 6%
Gas	6%	5%	5%	6%	2%	5%	2% R/5% NR	4% R/2% NR	3%	-	-	-	5% to 6%
CATV	6%		5%	5%	2%	5%			3%	-	-	-	5% to 6%
Water	6%		5%	6%	2%		2% R/5% NR			-	-	-	5% to 6%

	Seaside	Sand City	Pacific Grove	Salinas	King City	Soledad	Monterey	Gonzales	Greenfield	Del Ray Oak	Carmel	Current Marina	Proposed Marina
UUT Revenues	\$ 2,491,000	\$ 120,000	\$ 1,600,000	\$ 12,370,000	\$ 253,000	\$ 570,719	\$ 2,776,359	\$ 300,000	\$ 1,265,000	-	-	-	\$ 1,100,000
Population	33,672	362	15,388	154,815	13,417	24,540	28,163	8,357	16,870	-	-	-	20,872
UUT Per Capita	\$ 73.98	\$ 331.49	\$ 103.98	\$ 79.90	\$ 18.86	\$ 23.26	\$ 98.58	\$ 35.90	\$ 74.99	-	-	-	\$ 52.70

Call Volume in Gold
 Overlapping Incidents in Orange
 Mutual & Auto Aid in Green



April 15, 2016

Item No. **11c**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of May 3, 2016

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2016-
RECEIVING BUSINESS LICENSE TAX INFORMATION AND
PROVIDE STAFF WITH ANY FURTHER DIRECTION IN THE
MATTER**

REQUEST:

1. Adopting Resolution No. 2016-, receiving Business License Tax information and provide staff with any further direction in the matter.

BACKGROUND:

The City Council held its Strategic Planning and Goal Setting Retreat on February 19 and 20th, 2016. During the retreat, the Council discussed various goals, strategies and priorities for improving the community, City service levels and City financial position. Staff informed the Council that the Marina business license tax is significantly lower than its neighboring jurisdictions and a review of the business license tax may be warranted.

The Marina business license tax took effect in 1978 and based upon the municipal code, the tax rates have not changed since 1978 (or 38 years). The business license tax rates were not index (i.e. to Consumer Price Index CPI) so the tax rates remained the same since 1978. For example, many business license categories pay \$25 per year.

Any expansion and/or increase of the Marina business license tax would require the City voter approval at a general election.

ANALYSIS:

At a summary level, the City annual business license revenue is \$120,000 (tax approx.\$80k and processing fee approx.\$40k). As of March 2016, there were 1,056 active Marina business licenses, with 540 businesses located within the city limits. The detail are as follows:

Count of BusinessName	
Classifications	Total
Advertising - outdoor structures	1
Any person conducting a business exclusively with a vehicle	25
Card Rooms	2
Coin operated machines - generally	9
Coin operated machines, laundry equipment	3
Contractors	348
Industrial Manufacturing	12
Motel, Apartment, etc. (living facility with ten or more units or spaces)	63
Professional Establishments	77
Retail, wholesale sales (services dealing with the public)	514
Soliciting, hawking, peddling	2
Grand Total	1,056

Classifications	Located within Marina
Advertising - outdoor structures	1
Any person conducting a business exclusively with a vehicle	2
Card Rooms	2
Coin operated machines - generally	7
Coin operated machines, laundry equipment	1
Contractors	50
Industrial Manufacturing	11
Motel, Apartment, etc. (living facility with ten or more units or spaces)	63
Professional Establishments	40
Retail, wholesale sales (services dealing with the public)	363
Soliciting, hawking, peddling	
Grand Total	540

For comparison purpose, **Exhibit A, B and C** provides the business license tax rates for Marina, Seaside and Salinas, respectively. Below is are examples of business license tax due by agency:

Description	Marina	Seaside	Salinas
Retail with gross revenues of \$1,500,000	\$135	\$1,343	\$1,050
Hotel with 80 rooms or gross revenues of \$2,000,000	\$80	\$3,700	\$300
Professional = owner only (no employee) or gross revenues of \$500,000	\$50	\$893	\$200
Contractors = owner only (no employee) or gross revenues of \$500,000	\$50	\$394	\$100

FISCAL IMPACT: No fiscal impact to receive this information.

CONCLUSION: This request is submitted for City Council consideration and possible action.

Lauren Lai, CPA
Finance Director
City of Marina

REVIEWED/CONCUR:

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2016-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
RECEIVING BUSINESS LICENSE TAX INFORMATION AND PROVIDE
STAFF WITH ANY FURTHER DIRECTION IN THE MATTER

WHEREAS, the City Council held its Strategic Planning and Goal Setting Retreat on February 19 and 20th, 2016; and

WHEREAS, during the retreat, the Council discussed various goals, strategies and priorities for improving the community, City service levels and City financial position; and

WHEREAS, the City Council requested that Staff provide additional information regarding the Marina business license tax.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Marina do hereby receives the business license tax information and provides staff with any further direction in the matter.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 19th day of April 2016, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

New Business License Applicants

- Every business is required to have a business license. An application must be made to the Finance Officer stating the party to whom the license is issued, the nature of the trade or business to be pursued and place of business. New business license applicants are required to pay a non-refundable application review fee (\$55.00 for businesses located outside of Marina or \$130.00 if located in Marina) *and* applicable business license tax (see business license classifications below to determine tax).
- Business license are not assignable or transferable.
- For the protection of the public, various types of business operations are regulated through City of Marina Police, Fire, Building, Planning Departments and the Monterey County Health Department. Your business may or may not be so regulated.
- The law provides that a Business License is necessary before any business, occupation, or calling is conducted within the City. A City of Marina Business License is required even though the business may be located outside the City or have a Business License from another City. Any persons who by the use of signs, circulars, cards, telephone book, newspaper or other means of communication or advertisement, holds or represents that he/she is engaged in business in the city shall be evidence of liability to pay tax on business conducted within the City.
- A separate license must be obtained for each branch, location or type of business operating in one location.
- All Business Licenses must be displayed at a fixed location. For businesses that do not have a fixed place, the responsible party must carry the Business Licenses on his/her person.

Business License Classifications & Tax Rates

(The tax rates below are annual tax rates, please call (866) 240-3665 for prorated tax payment amounts for new businesses.)

I. Retail, wholesale sales, businesses dealing directly with the public.

- **Code 1.00** – Retail/Wholesale: Based on Gross Receipts. See Gross Receipts Table.

II. Industrial, Manufacturing & Research and Development Firms

- **Code 2.00** – Industrial Manufacturing: Based on Gross Payroll. See Gross Payroll Table.

III. Professional establishments or skilled services

Option 1 – Based on # of Employees

- **Code 3.00** - Professional Option 1(a) – # of Professionals
- **Code 3.01** - Professional Option 1(b) - # of Non-professionals

Note: Schedules 3.00 and 3.01 are linked and must be reported at the same time if the business elects to pay based on # of employees.

Min Fee = \$50.00 (includes 1 professional and 1 non-professional)

Additional fee of \$50.00 for each additional professional and \$5.00 for each additional non-professional.

Option 2 – Based on Gross Receipts

- **Code 3.02** - Based on Gross Receipts. See Gross Receipts Table.

Note: Also have the option to pay based on employee count. See schedules 3.00 and 3.01.

IV. Contractors

- **Code 4.00** - Contractors - A, B Contractors; Owner/Builder; Sub-Contractors: \$50.00 flat fee

Includes:

- General Engineering Contractors (A)
- General Building Contractors (B)
- Swimming Pool Contractors (C-53)
- Owner/Builder Contractor
- Subcontractor Misc (Not C-53, C-36, C-10)

- **Code 4.01** - Contractors - Plumbing (C-36); Electrical (C-10): \$50.00 flat fee. Includes: Plumbing or Electrical Contractor (C-36, C-10)

- **Code 4.02** - Contractors – Specialty (Not C-53, C-36, C-10): \$25.00 flat fee. Includes: Specialty Contractor (Not C-53, C-36, C-10)

Additional Contractor Fees (if applicable). Contractors who conduct one or more of the below businesses in conjunction with a contracting business, must pay the additional fee as well.

- **Code 4.95** - Contractors – Additional Retail Store, Wholesale, Service. Based on Gross Receipts. See Gross Receipts Table. Must also pay Code 4.00, 4.01 or 4.02.

- **Code 4.96** - Contractors Fixed Place City Limits – Additional Vehicle # of Vehicles. \$25.00 for first vehicle, \$5.00 for each additional vehicle. Must also pay Code 4.00, 4.01 or 4.02.

- **Code 4.97** - Contractors Outside City Limits – Additional Vehicle # of Vehicles. \$50.00 for first vehicle, \$10.00 for each additional vehicle. Must also pay Code 4.00, 4.01 or 4.02.

- **Code 4.98** - Contractors –Additional Vehicle Gross Receipts – Based on Gross Receipts. See Gross Receipts Table. Must also pay Code 4.00, 4.01 or 4.02

V. Vehicle Business

- **Code 5.00** - Vehicle Business Option 1 – Fixed City Limits # of Vehicles. \$25.00 for first vehicle, \$5.00 for each additional vehicle. # of Vehicles required.

Note: Vehicle Businesses with a fixed location inside the city limits of Marina also have the option to pay based on gross receipts instead.

- **Code 5.01** - Vehicle Business Option 1 – Outside City Limits # of Vehicles. \$50.00 for first vehicle, \$10.00 for each additional vehicle. # of Vehicles required.

Note: Option 2 is NOT available for Vehicle Businesses located outside of the city limits of Marina.

- **Code 5.02** - Vehicle Business Option 2 – Gross receipts.

Based on Gross Receipts. See Gross Receipts Table.

Note: Also have the option to pay based on # of vehicles instead.

VI. Coin Operated Machines - Vending, Laundry, Rental, Leasing, Operating

- **Code 6.00** - Coin Operated Machines – Vending, Laundry, Rental, Leasing, Operating. 1% of gross receipt

Minimum Fee = \$25.00. Gross receipts required.

VII. Coin Operated Generally – Select all that apply.

- **Code 7.00** - Coin operated Generally – Amusement. \$25.00 per machine, # of machines required.

- **Code 7.01** - Coin operated Generally – Beverage. \$10.00 per machine, # of machines required.

- **Code 7.02** - Coin operated Generally – Food. \$10.00 per machine, # of machines required.

- **Code 7.03** - Coin operated Generally – Laundry Machine. \$5.00 per machine, # of machines required.

- **Code 7.04** - Coin operated Generally – Photograph. \$25.00 per machine, # of machines required.

- **Code 7.05** - Coin operated Generally – Service Machine. \$5.00 per machine, # of machines required.

- **Code 7.06** - Coin operated Generally – One Cent. \$25.00 for first 25 machines, plus \$0.50 for each machine over 25, # of machines required.

- **Code 7.07** - Coin operated Generally – Other Machines. \$5.00 per machine, # of machines required.

VIII. Sporting Events or Carnivals

- **Code 8.00** - Sporting Events or Carnivals, First Day = \$100.00, \$50.00 Each Additional Day. Must report # of days.

IX. Soliciting, Hawking, Peddling

Option 1 – Based on the # of individuals

- **Code 9.00** - Soliciting/Hawking/Peddling Option 1 – Pay on # of Individuals. \$100.00 per year per individual. # of Individuals required. *Note: Also have the option to pay based on gross receipts instead.*

Option 2 – Based on Gross Receipts

- **Code 9.01** - Soliciting/Hawking/Peddling Option 2 – Pay on Gross Receipts. See Gross Receipts Table. *Note: Also have the option to pay based on # of individuals instead.*

X. Auctioneering

Option 1 – Based on # of Days

- **Code 10.98** - Auctioneering Option 1 – Per Day. \$ 50.00 per day. # of days required. *Note: Also have the option to pay by # of quarters.*

Option 2 – Based on # of Quarters

- **Code 10.99** - Auctioneering Option 2 – Per Quarter. \$ 300.00 per quarter. # of quarters required. *Note: Also have the option to pay by # of days.*

XI. Bankrupt Sales

- **Code 11.00** - Bankrupt Sales \$100.00 per day. # of days required.

XII. Advertising – Outdoor Structures – Select all that apply.

- **Code 12.00** - Advertising Outdoor – Single faced. Based on # of signs. \$50.00 base fee, plus \$ 5.00 for each sign. # of signs required.
- **Code 12.01** - Advertising Outdoor – Double faced. Based on # of signs. \$50.00 base fee, plus \$ 10.00 for each sign. # of signs required.

XIII. Motel, Apartment, Leasing/Rental Units

- **Code 13.00** - Motel/Apartments/Lease/Rental Units – Based on # of Units. 1 to 25 units/spaces = \$25.00. Additional \$1.00 for each unit/space over 25. # of units required.

XIV. Cardrooms

- **Code 14.00** - Cardrooms-Based on # of Tables. \$ 300.00 per year for first table \$150.00 per year for each additional. # of tables required.

XV. Temporary Retail, Exhibits or Shows

- **Code 15.10** - 1 - 4 Outside Temporary Retail Booths-Based on # of Days. \$ 25.00 per day for 1-4 booths, \$ 1.00 per day for each additional booth. # of days and # of booths required.
- **Code 15.11** - 5+ Outside Temporary Retail Booths – Based on # of Days. \$ 25.00 per day for 1-4 booths, \$ 1.00 per day for each additional booth. # of days and # of booths required.
- **Code 15.98** - Exhibits or Shows Temporary. \$25.00 per day. # of days required.
- **Code 15.99** - Temporary Lectures, Seminars, Performances. \$25.00 per day. # of days required.

Gross Receipts Table

Gross Receipts to and including \$40,000 = \$25.00
 Over \$40,000 but less than \$100,000 = \$30.00
 Over \$100,000 but less than \$250,000 = \$41.00
 Over \$250,000 but less than \$500,000 = \$60.00
 Over \$500,000 but less than \$750,000 = \$79.00
 Over \$750,000 but less than \$1,000,000 = \$98.00
 Over \$1,000,000 but less than \$1,500,000 = \$135.00
 Over \$1,500,000 but less than \$2,000,000 = \$172.00
 Over \$2,000,000 but less than \$3,000,000 = \$247.00
 Over \$3,000,000 but less than \$5,000,000 = \$397.00
 Over \$5,000,000 but less than \$7,500,000 = \$585.00
 Over \$7,500,000 but less than \$10,000,000 = \$773.00

Gross receipts greater than \$10,000,000 – Use the fee schedule to calculate both the base fee and the additional amount due on gross receipts amounts greater than 10,000,000.

Example: Total License Fee Due for Gross Receipts of \$12,000,000, \$10,000,000=\$773 / \$2,000,000 = \$172. Sum \$773 + \$172 = \$945.00.

Gross Payroll Table

Gross annual payroll to and including \$100,000 = \$25.00
 Over \$100,000 but less than \$250,000 = \$55.00
 Over \$250,000 but less than \$500,000 = \$105.00
 Over \$500,000 but less than \$750,000 = \$155.00
 Over \$750,000 but less than \$1,000,000 = \$205.00
 Over \$1,000,000 but less than \$1,500,000 = \$305.00
 Over \$1,500,000 but less than \$2,000,000 = \$405.00
 Over \$2,000,000 but less than \$3,000,000 = \$605.00
 Over \$3,000,000 but less than \$5,000,000 = \$1,205.00
 Over \$5,000,000 but less than \$7,500,000 = \$1,705.00
 Over \$7,500,000 but less than \$10,000,000 = \$2,205.00

Gross annual payroll greater than \$10,000,000 – Use the fee schedule to calculate both the base fee and the additional amount due on gross annual payroll amount greater than 10,000,000.

Example: Total License Fee Due for Gross Annual Payroll of \$12,000,000, \$10,000,000=\$2,205 / \$2,000,000 = \$405. Sum \$2,205 + \$405 = \$2,610.00.

Business License Renewals

- All business licenses expire on June 30th.
- Renewal fees include a \$39.00 renewal fee and applicable business license tax.
- Failure to pay a business tax prior to due date will result in a 10% penalty on the 15th day of the succeeding month, and 25% for each succeeding month but not exceeding 50% of the total tax due.

Business License Fees/Tax Waived

- Charitable-nonprofit organizations, with proof of qualification for Section 501 of the IRS.
- Disabled veterans, with certificate of physical disability executed by a qualified Military physician.
- Minors whose annual income within the City does not exceed \$800 annually.
- Artists and art exhibits incidental to the primary business and primarily for cultural and educational purposes.
- Artists whose gross income within the City does not exceed \$1,000 annually.
- Any person claiming an exemption shall file a sworn statement with the Finance Officer stating facts upon which the exemption is claimed, and in the absence of such a statement substantiating the claim, such person shall be liable for the payment of the tax imposed by this ordinance.

Disclaimer

A business license does not authorize any person to conduct any unlawful business or lawful business in an illegal manner or without strictly complying with all provisions of the City Ordinances requiring a permit from any department, board, commission or office of the City. A Business license does not constitute a permit to conduct the business. It is solely for the purpose of collecting revenue.

CITY OF SEASIDE CALIFORNIA BUSINESS LICENSE FEES

All **NEW** businesses located inside the city limits of the City of Seaside are required to pay a Fire Inspection Fee, in addition to the Admin Fee and License Fee. Home Based Businesses are not required to pay the Fire Inspection Fee.

All new businesses located inside the city limits of Seaside will require city approval prior to the issuance of a business license.

<u>Schedule Number</u>	<u>Schedule Code</u>	<u>BUSINESS OPERATIONS TAX DESCRIPTIONS</u>	<u>Pay Amount Due or See Fee Schedule Indicated</u>
541	00	ABTRACTOR	B
541211	00	ACCOUNTANT (CPA)	B
541810	00	ADVERTISING AGENT	B
621910	00	AMBULANCE SERVICE - PER VEHICLE	\$37.50 PER VEHICLE
		<p>APARTMENTS</p> <p>Additional Info: Apartments located in the city limits of Seaside must also pay an annual fire inspection based on the number of units as noted below.</p> <p>Four (4) or less units \$219.00 Five (5) to twenty (20) units \$219.00 Twenty-one (21) to fifty (50) units \$438.00 More than fifty (50) units \$584.00</p>	<p>\$7.50 per rental unit, plus fire inspection fee based on units</p> <p>Note: License fees are required only for apartments with 3 or more units.</p>
531311	00	See Fire Inspection Fee - Schedule 1.00	
531320	00	APPRAISER	B
541310	00	ARCHITECT	B
541380	00	ASSAYER	B
541110	00	ATTORNEY	B
		<p>AUCTION AND CLOSING OUT SALES</p> <p>Additional Information: Each application for a Class A or Class B permit under Chapter 5.12 of the City Ordinance must be accompanied by a bond in the principal sum of \$2,500.00, the form of which shall be approved by the city attorney, with one or more sureties, thereon, to be approved by the city clerk. Upon receipt of permit, license can be applied for/purchased.</p>	
561990	00		D
541211	01	AUDITOR	B

All **NEW** businesses located inside the city limits of the City of Seaside are required to pay a Fire Inspection Fee of \$219.00, in addition to the Admin Fee and License Fee. All new businesses located inside the city limits of Seaside will require city approval prior to the issuance of a business license.

<u>Schedule Number</u>	<u>Schedule Code</u>	<u>BUSINESS OPERATIONS TAX DESCRIPTIONS</u>	<u>Pay Amount Due or See Fee Schedule Indicated</u>
811111	00	AUTO REPAIR BUSINESS Additional Information: All Auto Repair Businesses that are physically located within the city limits of Seaside are required to pay an ANNUAL Fire Inspection Fee (Schedule 1.01) of \$219.00.	Schedule B – plus fire inspection fee
441	00	AUTO, TRUCK, TRAILER, MOTORCYCLE & BOAT SALES - ANY COMBINATION - INCLUDES RENT OR LEASE Additional Info: All "NEW" businesses are required to provide a copy of their Sellers Permit.	E
999999	00	AUTOMOBILE OR TRUCKS FOR HIRE OR RENT - PER VEHICLE	\$37.50 PER VEHICLE
441110	00	AUTOMOBILE SALES - NEW OR USED - INCLUDES RENT OR LEASE Additional Info: All "NEW" businesses are required to provide a copy of their Sellers Permit.	E
541710	00	BACTERIOLOGIST	B
812199	00	BATHS, PUBLIC, STEAM	B
812112	00	BEAUTY SALON	B
713290	00	BINGO Additional Information: All "New" businesses require city approval	\$50.00
441222	00	BOAT SALES - NEW OR USED - INCLUDES RENT OR LEASE Additional Info: All "NEW" businesses are required to provide a copy of their Sellers Permit.	E
425	00	BROKERS	B
812990	00	BUSINESS DEALING IN PERSONAL SERVICES - NOT OTHERWISE SPECIFIED	B
611410	00	BUSINESS SCHOOL	B
541710	01	CHEMISTS	B
621391	00	CHIROPODISTS	B
621310	00	CHIROPRACTOR	B
454390	00	CHRISTMAS TREE LOTS - with no permanent location within the city limits of Seaside or not in conjunction with an established business. Additional Information: A surety bond is required.	\$20.00 per day with a maximum of \$75.00 per month "Temp License"
713990	00	CIRCUSES AND CARNIVALS	\$1,125.00 for the first 3 days, or any part thereof, and \$75.00 per day thereafter "Temp License"

All **NEW** businesses located inside the city limits of the City of Seaside are required to pay a Fire Inspection Fee of \$219.00, in addition to the Admin Fee and License Fee. All new businesses located inside the city limits of Seaside will require city approval prior to the issuance of a business license.

Schedule Number	Schedule Code	BUSINESS OPERATIONS TAX DESCRIPTIONS	Pay Amount Due or See Fee Schedule Indicated
541330	00	CIVIL ENGINEER	B
999999	01	CLEANING AND/OR LAUNDRY TRUCKS - PER VEHICLE - NO FIXED PLACE OF BUSINESS	\$37.50 PER VEHICLE
812990	01	CLEANING BUILDINGS, WINDOWS	B
561440	00	COLLECTION AGENCY	B
488410	01	CONTRACT -PATROL TOWING OPERATIONS - All "NEW" businesses require approval from the city	B
238210	01	CONTRACTORS - INSIDE CITY LIMITS Additional Information: All "NEW" businesses carrying on the business of general engineering or building contractor, or plumbing or electrical roofing contractor, or other specialty contractor - must provide valid state contractors license and be approved by the city. All renewal licenses must provide a valid state contractors license.	F
238210	00	CONTRACTORS - OUTSIDE OF CITY LIMITS Additional Information: All "NEW" and "Renewal" businesses carrying on the business of general engineering or building contractor, or plumbing or electrical roofing contractor, or other specialty contractor - must provide valid state contractors license.	F
561450	00	CREDIT BUREAU	B
812220	00	CREMATORIUM	B
999999	02	DAIRY PRODUCTS, RETAIL - PER VEHICLE - NO FIXED PLACE OF BUSINESS	\$37.50 PER VEHICLE
713990	01	DANCES	\$7.50 per dance, Max of \$37.50 per quarter "Temp License"
611610	00	DANCING SCHOOL	B
812990	02	DANCING TEACHER	B
999999	03	DELIVERY OF GASOLINE, OIL, OR OTHER PETROLEUM PRODUCTS - PER VEHICLE	\$75.00 PER VEHICLE
339116	00	DENTAL LABORATORY	B
621210	00	DENTAL TECHNICIAN	B
621210	01	DENTIST	B
621111	00	DERMATOLOGIST	B

All NEW businesses located inside the city limits of the City of Seaside are required to pay a Fire Inspection Fee of \$219.00, in addition to the Admin Fee and License Fee. All new businesses located inside the city limits of Seaside will require city approval prior to the issuance of a business license.

<u>Schedule Number</u>	<u>Schedule Code</u>	<u>BUSINESS OPERATIONS TAX DESCRIPTIONS</u>	<u>Pay Amount Due or See Fee Schedule Indicated</u>
812990	03	DESIGNER	B
561611	00	DETECTIVE	B
621	00	DOCTOR	B
812320	00	DRY CLEANER	B
541330	01	ELECTRICAL ENGINEER	B
541612	00	EMPLOYMENT AGENT	B
541330	02	ENGINEER	B
522	00	FINANCE COMPANY	B
451110	00	FIREARM SALES Additional Information: All Business must provide a copy of their Federal Firearms Permit along with a permit from the City of Seaside.	D
1	00 or 01, 03 (see to right)	FIRE INSPECTION FEE Additional Information: ALL NEW BUSINESSES PHYSICALLY LOCATED WITHIN THE CITY LIMITS OF SEASIDE must pay the Fire Inspection Fee of \$219.00 (Schedule 1.03). There is a REQUIRED ANNUAL FEE for Auto Repair, that fee is \$219.00 (Schedule 1.01) Apartments and Hotels/Motels located in the city limits of Seaside pay an annual fire inspection based on the number of units as noted below. (Schedule 1.00) Four (4) or less units \$219.00 Five (5) to twenty (20) units \$219.00 Twenty-one (21) to fifty (50) units \$438.00 More than fifty (50) units \$584.00	
812210	00	FUNERAL DIRECTOR	B
561730	00	GARDENING/MAINTENANCE	B
999999	08	GENERAL BUSINESS - Not otherwise classified	B
541	01	GEOLOGIST GRINDER	B
812990	04	GUNSMITH	B
236118	00	HANDYMAN	B
721110	00	HOTEL/MOTEL Additional Information: All Hotel/Motels that are physically located in the city limits of Seaside are required to pay an ANNUAL Fire Inspection Fee based on the number of units. See schedule 1.00	Schedule B - plus fire inspection fee based on units
561720	01	HOUSE CLEANING	B

All **NEW** businesses located inside the city limits of the City of Seaside are required to pay a Fire Inspection Fee of \$219.00, in addition to the Admin Fee and License Fee. All new businesses located inside the city limits of Seaside will require city approval prior to the issuance of a business license.

<u>Schedule Number</u>	<u>Schedule Code</u>	<u>BUSINESS OPERATIONS TAX DESCRIPTIONS</u>	<u>Pay Amount Due or See Fee Schedule Indicated</u>
541213	00	INCOME TAX EXPERT	B
524291	00	INSURANCE ADJUSTER	B
541410	00	INTERIOR DECORATOR	B
541930	00	INTERPRETER	B
561720	00	JANITOR/JANITORIAL	B
541910	00	LABORATORY TECHNICIAN	B
541320	00	LANDSCAPE ARCHITECT	B
541910	01	LAPIDARY	B
812310	00	LAUNDROMAT	B
115210	00	LIVERY STABLE	B
561622	00	LOCKSMITH	B
721	00	LODGING PLACES	B
339	00	MANUFACTURING - If any person carrying on the business of manufacturing also engages in the retail business, whether selling products manufactured by him or not, he shall be required to obtain a license and pay the tax specified for such retail business in addition to this license: provided, that any person engaged in the business of manufacturing shall not be required to obtain a license in addition to his manufacturing license to engage in the wholesale or jobbing business with respect to products manufactured by him.	A
812990	05	MASSEUR	B
541330	03	MECHANICAL ENGINEER	B
621511	00	MEDICAL LABORATORY	B
492210	00	MESSENGER SERVICE	B
812199	01	MINERAL BATH	B
531190	00	MOBILE HOME PARKS	B
441229	01	MOTORCYCLE SALES - NEW OR USED - INCLUDES RENT OR LEASE Additional Info: All "NEW" businesses are required to provide a copy of their Sellers Permit.	E
611610	01	MUSIC SCHOOL	B
812199	02	MUSIC TEACHER	B
812113	00	NAIL SALON	B

All **NEW** businesses located inside the city limits of the City of Seaside are required to pay a Fire Inspection Fee of \$219.00, in addition to the Admin Fee and License Fee. All new businesses located inside the city limits of Seaside will require city approval prior to the issuance of a business license.

Schedule Number	Schedule Code	BUSINESS OPERATIONS TAX DESCRIPTIONS	Pay Amount Due or See Fee Schedule Indicated
541850	00	NONAPPURTENANT OUTDOOR ADVERTISING STRUCTURES - shall pay fifteen cents per square foot of reader board area per year	\$.15 cents per square foot
999999	09	NON-PROFIT Additional Information: All NEW Non-Profit businesses physically located inside the city limits are required to pay the one time Fire Inspection Fee of \$219.00 plus the administration fee. See schedule 1.03 All RENEWALS only pay the administration fee.	All Renewals only pay the administration fee
621320	00	OCULIST	B
621320	01	OPTICIAN	B
621320	02	OPTOMETRIST	B
621111	01	ORTHOPEDIST	B
621310	01	OSTEOPATH	B
812930	00	PARKING LOT	B
621	01	PATHOLOGIST	B
561612	00	PATROL SERVICE	B
522298	00	PAWNSHOPS AND PAWNBROKERS Additional Information: All "NEW" businesses must present a certificate of clearance from the Chief of Police certifying that the business conforms in all respects with the laws and regulations of the city and the State.	\$150.00
454390	01	PEDDLERS, ITINERANT VENDORS, SOLICITORS, HAWKERS - All "NEW" businesses must present proof of clearance from the Chief of Police "Temp Licenses"	\$20.00 per day with a maximum of \$75.00 per month "Temp Licenses"
561710	00	PEST CONTROL	B
621	02	PHYSICIAN	B
621340	00	PHYSIOTHERAPIST	B
812990	06	PIANO TUNER	B
713990	02	PINBALL MACHINES AND JUKEBOXES	4% of gross receipts
812990	07	PLUNGE	B
621	03	POSTURE CORRECTION	B
812990	08	PRACTITIONER NATURE, ETC...	B

All **NEW** businesses located inside the city limits of the City of Seaside are required to pay a Fire Inspection Fee of \$219.00, in addition to the Admin Fee and License Fee. All new businesses located inside the city limits of Seaside will require city approval prior to the issuance of a business license.

Schedule Number	Schedule Code	BUSINESS OPERATIONS TAX DESCRIPTIONS	Pay Amount Due or See Fee Schedule Indicated
561	00	PRIVATE POLICE Additional Information: - "Private investigators" and "street patrol officers" includes all persons who furnish, supervise, agree to furnish or otherwise provide patrol, guard, watchmen or other protection services for property or help prevent theft, unlawful taking, loss, embezzlement, misappropriation or concealment of any property - must provide permit issued by chief of police	B
999999	07	PROPERTY MANAGEMENT	\$7.50 per rental unit
812990	09	PUBLIC STENOGRAPHER	B
221	00	PUBLIC UTILITIES	A
812990	10	RADIOGRAPHER	B
531210	00	REAL ESTATE BROKER	C
531110	00	REAL PROPERTY RENTAL - Every person engaged in the business of owning, conducting or operating an apartment house, dwelling houses, house court, bungalow, or contiguous dwelling units, containing three or more rental units or other accommodations for dwelling, sleeping or lodging in such place shall pay a business operations tax for each fiscal year per rental unit. Additional Information: An ANNUAL Fire Inspection Fee is due based upon the number of units for Apartments and Hotels/Motels only. See schedules for Apartments and Hotels/Motels.	\$7.50 per rental unit
722110	00	RESTAURANTS - full service	D
722211	00	RESTAURANTS - limited service	D
44	00	RETAIL BUSINESSES Additional Information: All "NEW" Retail Licenses require city approval if physically located inside Seaside and must provide a copy of their Sellers Permit.	D

All **NEW** businesses located inside the city limits of the City of Seaside are required to pay a Fire Inspection Fee of \$219.00, in addition to the Admin Fee and License Fee. All new businesses located inside the city limits of Seaside will require city approval prior to the issuance of a business license.

<u>Schedule Number</u>	<u>Schedule Code</u>	<u>BUSINESS OPERATIONS TAX DESCRIPTIONS</u>	<u>Pay Amount Due or See Fee Schedule Indicated</u>
445	00	RETAIL LIQUOR AND BEVERAGE STORES - Establishments selling liquor and other beverages and/or retail food items in conjunction with the sale of retail liquor for off-site consumption as the principal sales items. This rate shall not apply to retail food establishments and similar establishments which do not sell liquor or alcoholic beverages as the principal item. Additional Information: All NEW businesses must provide a copy of the Alcoholic Beverage Control (ABC) Board of California license to the city. Upon City approval of the new business and payment in full a license will be issued.	\$75.00
999999	04	SCOOTERS OR MOTORBIKES, RENTAL - PER VEHICLE	\$37.50 PER VEHICLE
561612	01	SECURITY	B
812990	11	SIGN PAINTER	B
713940	00	SPAS	B
493120	00	STORAGE WAREHOUSE	B
541330	04	STRUCTURAL ENGINEER	B
621111	02	SURGEON	B
541990	00	SURVEYOR	B
812199	04	TANNING SALON	B
485310	00	TAXICABS - PER VEHICLE - certificate and drivers permit required by the city	\$37.50 PER VEHICLE
711510	00	TAXIDERMIST	B
524127	00	TITLE INSURANCE	B
441229	00	TRAILER SALES - NEW OR USED - INCLUDES RENT OR LEASE Additional Info: All "NEW" businesses are required to provide a copy of their Sellers Permit.	E
441110	01	TRUCK SALES - NEW OR USED - INCLUDES RENT OR LEASE Additional Info: All "NEW" businesses are required to provide a copy of their Sellers Permit.	E
812199	03	TURKISH BATHS	B
812210	01	UNDERTAKER	B
621111	03	UROLOGIST	B

All **NEW** businesses located inside the city limits of the City of Seaside are required to pay a Fire Inspection Fee of \$ 219.00, in addition to the Admin Fee and License Fee. All new businesses located inside the city limits of Seaside will require city approval prior to the issuance of a business license.

<u>Schedule Number</u>	<u>Schedule Code</u>	<u>BUSINESS OPERATIONS TAX DESCRIPTIONS</u>	<u>Pay Amount Due or See Fee Schedule Indicated</u>
488410	00	VEHICLE TOWING AND GARAGE SERVICES - All "NEW" businesses require approval from the city.	B
532490	00	VENDING MACHINES - The owner of the business establishment and/or premises whereat vending machines are located shall be liable and responsible for the licensing of such vending machines.	G
541940	00	VETERINARIAN	B
811490	00	WATCH REPAIRING	B
812990	12	WEIGHING MACHINE	B
999999	05	WHOLESALE DELIVERY - PER VEHICLE	\$52.50 PER VEHICLE
42	00	WHOLESALE OR JOBBING BUSINESS	A
999999	06	WHOLESALE PICKUP - PER VEHICLE	\$52.50 PER VEHICLE
621	04	X-RAY TECHNICIAN	B

All **NEW** businesses located inside the city limits of the City of Seaside are required to pay a Fire Inspection Fee of \$219.00, in addition to the Admin Fee and License Fee. All new businesses located inside the city limits of Seaside will require city approval prior to the issuance of a business license.

**Seaside, CA Business License Fee Schedules
Reference Tables**

SCHEDULE "A"

Gross receipts of \$100,000.00 or less per year, the sum of \$37.50. Gross receipts in excess of \$100,000.00 per year, the sum of \$37.50 **plus** \$37.50 for each \$100,000.00 of gross receipts, or fraction thereof, in excess of \$100,000.00 per year.

SCHEDULE "B"

Gross receipts of \$25,000.00 or less per year, the sum of \$37.50. Gross receipts in excess of \$25,000.00 per year, the sum of \$37.50 **plus** \$9.00 for each \$5,000.00 of gross receipts, or fraction thereof, in excess of \$25,000.00 per year.

SCHEDULE "C"

Gross receipts of \$25,000.00 or less per year, the sum of \$45.00. Gross receipts in excess of \$25,000.00 per year, the sum of \$45.00 **plus** \$10.00 for each \$5,000.00 of gross receipts, or fraction thereof, in excess of \$25,000.00 per year.

SCHEDULE "D"

Gross receipts of \$49,999.99 or less per year, the sum of \$37.50 **plus** \$4.50 for each additional \$5,000.00 of gross receipts, or fraction thereof

SCHEDULE "E"

Gross receipts of \$100,000.00 or less per year, the sum of \$75.00. Gross receipts in excess of \$100,000.00 per year, the sum of \$75.00 **plus** \$1.00 for each \$5,000.00 of gross receipts, or fraction thereof, in excess of \$100,000.00 per year.

All **NEW** businesses located inside the city limits of the City of Seaside are required to pay a Fire Inspection Fee of \$219.00, in addition to the Admin Fee and License Fee. All new businesses located inside the city limits of Seaside will require city approval prior to the issuance of a business license.

**Seaside, CA Business License Fee Schedules
Reference Tables**

SCHEDULE "F"

<u>FROM</u>	<u>TO</u>	<u>FEE DUE</u>
ZERO	\$24,999.99	\$18.75
\$25,000.00	\$49,999.99	\$37.50
\$50,000.00	\$74,999.99	\$56.25
\$75,000.00	\$100,000.00	\$75.00
\$100,000.01	\$124,999.99	\$93.75
\$125,000.00	\$149,999.99	\$112.50
\$150,000.00	\$174,999.99	\$131.25
\$175,000.00	\$200,000.00	\$150.00
\$200,000.01	\$224,999.99	\$168.75
\$225,000.00	\$249,999.99	\$187.50
\$250,000.00	\$274,999.99	\$206.25
\$275,000.00	\$300,000.00	\$225.00
\$300,000.01	\$324,999.99	\$243.75
\$325,000.00	\$349,999.99	\$262.50
\$350,000.00	\$374,999.99	\$281.25
\$375,000.00	\$400,000.00	\$300.00
\$400,000.01	\$424,999.99	\$318.75
\$425,000.00	\$449,999.99	\$337.50
\$450,000.00	\$474,999.99	\$356.25
\$475,000.00	\$500,000.00	\$375.00
\$500,000.01	\$524,999.99	\$393.75
\$525,000.00	\$549,999.99	\$412.50
\$550,000.00	\$574,999.99	\$431.25
\$575,000.00	\$600,000.00	\$450.00
\$600,000.01	\$624,999.99	\$468.75
\$625,000.00	\$649,999.99	\$487.50
\$650,000.00	\$674,999.99	\$506.25
\$675,000.00	\$700,000.00	\$525.00
\$700,000.01	\$724,999.99	\$543.75
\$725,000.00	\$749,999.99	\$562.50
\$750,000.00	\$774,999.99	\$581.25
\$775,000.00	\$800,000.00	\$600.00
\$800,000.01	\$824,999.99	\$618.75
\$825,000.00	\$849,999.99	\$637.50
\$850,000.00	\$874,999.99	\$656.25
\$875,000.00	\$900,000.00	\$675.00
\$900,000.01	\$924,999.99	\$693.75
\$925,000.00	\$949,999.99	\$712.50
\$950,000.00	\$974,999.99	\$731.25
\$975,000.00	\$1,000,000.00	\$750.00

For additional gross receipts beyond \$1,000,000.00, the license tax will follow the above scale in increments of \$18.75, \$37.50, \$56.25 and \$75.00.

All NEW businesses located inside the city limits of the City of Seaside are required to pay a Fire Inspection Fee of \$219.00, in addition to the Admin Fee and License Fee. All new businesses located inside the city limits of Seaside will require city approval prior to the issuance of a business license.

**Seaside, CA Business License Fee Schedules
Reference Tables**

SCHEDULE "G"

FROM	TO	FEE DUE
ZERO	\$1,000.00	\$7.50
\$1,000.01	\$2,000.00	\$15.00
\$2,000.01	\$10,000.00	\$30.00
\$10,000.01	\$20,000.00	\$97.50
\$20,000.01	\$30,000.00	\$172.50
\$30,000.01	\$40,000.00	\$247.50
\$40,000.01	\$50,000.00	\$322.50
\$50,000.01	\$60,000.00	\$405.00
\$60,000.01	\$70,000.00	\$487.50
\$70,000.01	\$80,000.00	\$577.50
\$80,000.01	\$90,000.00	\$667.50
\$90,000.01	\$100,000.00	\$757.50

If gross receipts exceed \$100,000.00 then an additional fee is due based upon an increment scale as noted above.

All NEW businesses located inside the city limits of the City of Seaside are required to pay a Fire Inspection Fee of \$219.00, in addition to the Admin Fee and License Fee. All new businesses located inside the city limits of Seaside will require city approval prior to the issuance of a business license.

EXHIBIT C

Article II. - License Tax Rates.

Sec. 19-23. - Retail sales and general business.

Every person conducting, carrying on or managing any business consisting of selling at retail any goods, wares, merchandise or commodities, or conducting or carrying on any trade, occupation, calling or business not otherwise specifically licensed by other sections of this chapter, shall pay an annual license tax based on annual gross receipts as per the schedule and rates set forth herein:

Annual Gross Receipts	Annual Fee
Less than \$25,000	\$ 25
25,001—50,000	50
50,001—100,000	100
100,001—200,000	150
200,001—300,000	200
\$300,001—400,000	300
400,001—500,000	400
500,001—600,000	500
600,001—700,000	600
700,001—800,000	700
800,001—900,000	800
900,001—1,000,000	900
1,000,001 and greater	1,000 plus \$100 for each \$100,000 of gross receipts over \$1,000,000.

(Ord. No. 1353 (NCS), § 1; Ord. No. 2231 (NCS), § 2; Ord. No. 2271 (NCS), § 3; Ord. No. 2431 (NCS), § 4.)

Sec. 19-24. - Water utility.

- (a) Every person conducting, managing or carrying on in the city the business of selling and distributing water as a public utility shall pay an annual license tax in a sum equal to three and three-quarter percent of the gross annual receipts of such business conducted within the limits of the city.
- (b) If any section, subsection, sentence, clause, phrase or portion of this section is for any reason held void, invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and an independent provision, and such decision shall not affect the validity of the remaining portions thereof.

(Ord. No. 1353 (NCS), § 1; Ord. No. 2112 (NCS), § 2; Ord. No. 2231 (NCS), § 3; Ord. No. 2271 (NCS), § 4; Ord. No. 2431 (NCS), § 5.)

Sec. 19-25. - Wholesalers.

Every person conducting, carrying on or managing a business selling at wholesale any goods, wares, merchandise or commodities within the limits of the city, shall pay an annual license tax of one hundred dollars, plus an additional tax of ten dollars per annum for each employee.

(Ord. No. 1353 (NCS), § 1; Ord. No. 2231 (NCS), § 4; Ord. No. 2271 § 5; Ord. No. 2431 (NCS), § 6.)

Sec. 19-26. - Contractors.

- (a) Every person conducting, carrying on or managing a business who is licensed as a contractor by the state and who undertakes to, or offers to undertake to, or purports to have the capacity to undertake to, or submits bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck, or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith, is defined as a contractor, and shall pay an annual license tax of either: (1) one hundred dollars per annum, plus an additional tax of ten dollars per annum for each employee; or (2) fifty dollars per quarter, plus an additional tax of ten dollars per quarter for each employee.
- (b) Any contractor conducting or carrying on the business of selling goods, wares or merchandise or a retailer or wholesaler in addition to his contracting business shall, in addition to the contractor's business license provided herein, secure a license for such retail or wholesale business as required under this chapter.
- (c) The term contractor as used in this section includes subcontractor and specialty contractor and whether operating within the city or from outside the city with no fixed place of business in the city.

(Ord. No. 1353 (NCS), § 1; Ord. No. 2231 (NCS), § 5; Ord. No. 2431 (NCS), § 7.)

Sec. 19-27. - Professions.

Every person conducting, managing, carrying on or engaging in any business, profession, occupation or service hereinafter enumerated in this subsection or similar thereto, shall pay a license tax of two hundred dollars per annum for each person practicing his or her profession or occupation other than a salaried employee, plus an additional tax of ten dollars per annum for each employee.

- Abstract and title
- Accountant or auditor
- Appraiser
- Architect
- Attorney

EXHIBIT C

Auctioneer
 Bacteriologist
 Business school
 Certified public accountant
 Chemist
 Chiropodist
 Chiropractor
 Civil, electrical, mining, chemical, structural, consulting or hydraulic engineer
 Collection agency
 Credit reporting bureau
 Dentist and dental laboratories
 Dermatologist
 Detective agency and/or private patrol
 Draftsman
 Employment office
 Entomologist
 Feed, grain and fruit broker
 Finance companies—savings and loan
 Geologist
 Landscape architect
 Medical laboratory
 Mercantile agency
 Optician
 Optometrist
 Osteopath
 Physician
 Physiotherapist
 Podiatrist
 Real estate broker
 Roentgenologist
 Stock broker
 Surgeon
 Telephone answering service
 Travel agency

(Ord. No. 1353 (NCS), § 1; Ord. No. 1444 (NCS), § 2; Ord. No. 2131 (NCS), § 2 (B); Ord. No. 2231 (NCS), § 6; Ord. No. 2271 (NCS), § 7; Ord. No. 2431 (NCS), § 8.)

Sec. 19-27.1. - Occupations and services.

Every person conducting, managing, carrying on or engaging in any business, profession, occupation or service enumerated in this subsection or similar thereto, shall pay a license tax of one hundred dollars per annum for each person practicing his or her profession or occupation other than a salaried employee, plus an additional tax of ten dollars per annum for each employee.

Advertising agent
 Artist
 Assayer
 Blue printer
 Book agent
 Broker or commission agent
 Dancing school

EXHIBIT C

- Designer, illustrator or decorator
- Drugless practitioner
- Electrologist
- Engraver
- Gardener service
- Herbist
- Illustrator or show card writer
- Insurance or claims adjuster
- Interpreter
- Janitor service
- Lapidary
- Locksmith
- Masseuse
- Naturopath
- News agency
- Oculist
- Outdoor advertiser
- Pest control
- Piano tuner
- Public relations
- Public stenographer
- Sign painter
- Surveyor
- Taxidermist
- Termite inspector
- Trading stamps

(Ord. No. 2231 (NCS), § 7; Ord. No. 2271 (NCS), § 8; Ord. No. 2431 (NCS), § 9.)

Sec. 19-28. - Taxicabs, trucks and public transportation.

Every person conducting, carrying on or managing a business of operating a taxi service within the limits of the city or conducting or carrying on the business of running or operating any motor-driven vehicle for the transportation for hire of freight or merchandise shall pay an annual license of one hundred dollars for each such vehicle.

(Ord. No. 1353 (NCS), § 1; Ord. No. 2231 (NCS), § 8; Ord. No. 2271 (NCS), § 9; Ord. No. 2431 (NCS), § 10.)

Sec. 19-29. - Motels, hotels, inns, motor courts, etc.

Every person conducting, carrying on or managing a business of a hotel, motel, auto court, motor court, trailer court, inn or convalescent home shall pay an annual license tax as follows:

1 to 15 units	\$100.00 per annum
16 to 25 units	150.00 per annum
26 to 70 units	250.00 per annum
Over 70 units	300.00 per annum

For the purpose of this section, the term "unit" shall be defined to be such room or rooms rented for sleeping purposes and shall not include dining rooms, kitchens, bathrooms, lobbies or balconies.

(Ord. No. 1353 (NCS), § 1; Ord. No. 2231 (NCS), § 9; Ord. No. 2271 (NCS), § 10; Ord. No. 2431 (NCS), § 11.)

Sec. 19-30. - Coin-operated devices and vending machines.

EXHIBIT C

Every person conducting, managing or carrying on a business of distributing, renting, leasing or placing of coin-operated machines for public patronage in the city shall pay an annual license tax of one hundred dollars. In addition, an individual license tax, as indicated, shall be paid annually for each coin-operated machine installed for public patronage, except in penny arcades. Payment of individual license tax is the responsibility of the owner or operator of the business where machine is installed; provided, however, that distributor of machine may pay all individual license fees for all machines installed in the city, if prior arrangements are made with the city license collector.

Pinball or other coin-operated machine installed for amusement	\$50.00 per annum
Music device, coin-operated	\$50.00 per annum
Vending machine over five cents per sale	\$10.00 per annum

Each coin-operated or vending machine placed, distributed or located in the city shall have affixed thereto, in printing, plainly visible to the public, the name, address and telephone number of the owner of such machine.

(Ord. No. 1353 (NCS), § 1; Ord. No. 2231 (NCS), § 10; Ord. No. 2271 (NCS), § 11; Ord. No. 2431 (NCS), § 12.)

Sec. 19-31. - Transportation and sales of goods or services by person having no fixed place of business in city.

For every person, outside of those conducting a regular place of business, conducting, managing or carrying on the business of running, driving or operating any automobile, automobile truck, automobile tank wagon, or any other vehicle, used for the transportation, selling, collection or delivery of goods, wares, merchandise or other personal property of any kind, at retail or wholesale, from a vehicle, either as his or its principal business or in connection with any other business, or of soliciting for work, labor or services to be performed upon the public streets in or from a vehicle, or to be performed on goods, wares, merchandise, towels, laundry, or other personal property, to be taken for such purpose to a plant, laundry or establishment, inside or outside of the limits of the city, one hundred dollars per annum, in advance, per vehicle so used in such business in the city, except when a different license tax is specially provided by any other section of this chapter.

Each vehicle so used in such business in the city shall be separately licensed, and the license collector shall provide a separate windshield stamp or sticker for each such vehicle, which stamp or sticker shall identify by number or other description the vehicle for which the same is issued.

Each vehicle so used in such business shall at all times have such windshield stamp or sticker displayed on the windshield of such vehicle which such vehicle is being used for business purposes in the city. Any other vehicle may be substituted for the vehicle licensed at any time upon application to the city collector; provided, that a substitute windshield stamp or sticker shall be issued for such substituted vehicle showing the number or other identification of the substituted vehicle and the number or other identification of the vehicle for which the same was substituted. Such substitute stamp or sticker shall at all times be displayed on the windshield of the substituted vehicle while the same is being used for business in the city.

(Ord. No. 1353 (NCS), § 1; Ord. No. 2231 (NCS), § 11; Ord. No. 2271 (NCS), § 12; Ord. No. 2431 (NCS), § 13.)

Sec. 19-32. - Public amusement.

Every person conducting, managing or carrying on in the city the business of public amusement will pay a license tax as specified below:

Business	Fee
Amusement rides, except where carnival or circus license is obtained	\$10 per day, \$50 per quarter
Billiards, bagatelle, pool table (per table)	\$50 per annum
Bowling alley (per lane)	\$25 per annum
Carnival	\$150 per day
Circus	\$150 per day
Exhibitions, boxing, wrestling, public dancing, stage shows	\$100 per event
Penny arcade	\$300 per annum

(Ord. No. 1353 (NCS), § 1; Ord. No. 1983 (NCS), § 2; Ord. No. 2231 (NCS), § 12; Ord. No. 2271 (NCS), § 13; Ord. No. 2431 (NCS), § 14.)

Sec. 19-32.1. - License tax; bingo facility.

Every person providing a structure, building or facility, without or for consideration or remuneration to the holder of a bingo license which was obtained from the city of Salinas pursuant to Article 5 of Chapter 6 of this Code for the operation of bingo games, shall pay a license tax of fifteen dollars for each session of bingo played in said structure, building or facility. Said tax shall be due and payable monthly on or before the last day of each month for the taxes owed for the prior calendar month.

(Ord. No. 2231 (NCS), § 13; Ord. No. 2271 (NCS), § 14; Ord. No. 2431 (NCS), § 15.)

Sec. 19-33. - Newspapers, radio stations, television stations, and other communication services.

Every person conducting, carrying on or managing a business of a daily newspaper, radio station, television station or other similar communication service shall pay an annual license tax of two hundred dollars, plus an additional tax of ten dollars per annum for each employee.

(Ord. No. 1353 (NCS), § 1; Ord. No. 2231 (NCS), § 14; Ord. No. 2271 (NCS), § 15; Ord. No. 2431 (NCS), § 16.)

Sec. 19-34. - Barbers, beauty shops and schools of cosmetology or beauty culture.

Every person conducting, carrying on or managing a business of barber, beauty shop, school of cosmetology or beauty culture shall pay an annual license tax of fifty dollars, plus an additional tax of ten dollars per annum for each employee. Employees shall include operators, additional barbers, students, and other employees.

(Ord. No. 1353 (NCS), § 1; Ord. No. 2231 (NCS), § 15; Ord. No. 2271 (NCS), § 16; Ord. No. 2431 (NCS), § 17.)

EXHIBIT C

Sec. 19-35. - Miscellaneous businesses enumerated.

Every person conducting, carrying on or managing a business listed below shall pay the license tax specified:

Bootblack, whether or not operated in conjunction with any other business	\$25 per annum
Handyman	\$50 per annum
Lunch Wagon/Caterer	\$50 per annum
Pawnbroker	\$500 per annum
Route salesman	\$50 per annum
Soliciting, peddling and other transient business not at a fixed location in the city or otherwise covered in this chapter	\$50 per day or \$200 per quarter
Warehouse space	\$100 per annum

Any person who engages in a business not otherwise taxed by this section and not exempt by state or federal law that produces gross receipts as defined in Section 19-1 of this chapter shall pay the license tax specified:

Annual Gross Receipts	Annual Fee
Less than \$25,000	\$ 25
25,001—50,000	50
50,001—100,000	100
100,001—200,000	150
200,001—300,000	200
300,001—400,000	300
400,001—500,000	400
500,001—600,000	500
600,001—700,000	600
700,001—800,000	700
800,001—900,000	800
900,001—1,000,000	900
1,000,001 and greater	1,000 plus \$100 for each \$100,000 of gross receipts over \$1,000,000.

(Ord. No. 1353 (NCS), § 1; Ord. No. 1955 (NCS), § 2; Ord. No. 2131 (NCS), § 2 (A); Ord. No. 2231 (NCS), § 16; Ord. No. 2271 (NCS), § 17; Ord. No. 2431 (NCS), § 18.)

Sec. 19-35.1. - Residential rental—Four units or more.

On January 1 of each year, beginning 1995, every person engaged in the business of conducting, operating or renting, for a period of thirty days or more, four or more residential units situated on one assessor's parcel, regardless of the number of units rented, shall pay the license tax of twelve dollars per annum for each residential rental unit.

(Ord. No. 2226, § 4.)

Sec. 19-35.2. - Manufacturers, processors, agricultural businesses.

Every person engaging in a business consisting mainly of extracting natural resources, manufacturing, packing, or processing any goods, wares, merchandise, produce or agricultural products at a fixed place of business within the city shall pay an annual license tax of two hundred dollars, plus an additional tax of ten dollars per annum for each employee.

(Ord. No. 2431 (NCS), § 19.)