



AGENDA

Wednesday, July 6, 2016

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

TELECONFERENCE LOCATION:¹

Holiday Inn Express
1030 West Pioneer Blvd., Rm 142
Mesquite, NV

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:** None

¹ Note: Pursuant to Government Code Section 54953(b), this meeting will include teleconference participation by Mayor Pro-Tem Frank O'Connell from the address above. This Notice and Agenda will be posted at the teleconference location

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

4. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)
5. SPECIAL PRESENTATIONS:
 - a. Certificate of Recognition
 - i. The Marina Shetland Baseball Regional Tournament Champions
 - b. Proclamations
 - i. Parks & Recreation Month
 - ii. Volunteers in Policing
 - c. 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*
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: 79097-79220, totaling \$268,641.15
Wire transfers totaling from Checking & Payroll: \$372,561.80

b. MINUTES:

- (1) June 14, 2016, Special City Council Meeting
- (2) June 21, 2016, Regular City Council Meeting

c. CLAIMS AGAINST THE CITY: None

d. AWARD OF BID:

- (1) City Council consider adopting Resolution No. 2016-, awarding the contract to Monterey Environmental Solutions and Services, of Monterey California, for the removal of asbestos pipe insulation, 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.

e. CALL FOR BIDS: None

f. ADOPTION OF RESOLUTIONS:

- (1) City Council consider adopting Resolution No 2016-, to amend Resolution 2016-81; changing the due dates for primary and rebuttal arguments for and against a ballot measure which, if approved by a majority of the electors of the City at the November 8, 2016 General Municipal Election, would amend the City Charter to allow for a four-year mayoral term commencing with the 2018 General Municipal Election; and for the City Attorney's impartial analysis of the measure.

g. APPROVAL OF AGREEMENTS:

- (1) City Council consider adopting Resolution No. 2016-, approving work plan and budget for Access Monterey Peninsula (AMP) for public, education and government (PEG) broadcasting services for FY 2016-17, and; authorizing the Finance Director to make the necessary budgetary and accounting entries and appropriate payments to Access Monterey Peninsula.

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE):

- (1) Monterey Regional Waste Management District, June 17, 2016 Highlights

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING): None

m. APPROVE APPOINTMENTS: None

9. PUBLIC HEARINGS:

- a. City Council open the public hearing and take any testimony from the public, and; Consider introducing Ordinance No. 2016-, amending chapter 3.26 of the Marina Municipal Code regarding mitigation fees for new development within the City of Marina.

- b. City Council open a public hearing and take any testimony from the public; consider adopting Resolution No. 2016-, authorizing an assessment not to exceed \$1,000.00 costs to be levied against Assessor’s Parcel Number 032051003000 not in compliance with “Notice to Abate”, and; direct the City Clerk to file levy with Monterey County Assessor’s office prior to August 1, 2016.

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 provide direction to staff on: Whether to consider revisions to the Resident Selection Policies in the Below Market Rate Housing; and whether to explore accepting an in lieu fee in lieu of certain moderate income housing units at Marina Heights.

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

CITY HALL HOLIDAYS
(City Hall Closed)

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

July 20, 2016
 August 17, 2016

September 21, 2016
 October 19, 2016

November 16, 2016
 December 21, 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.

September 1, 2016
 August 4, 2016

October 6, 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.

July 14, 2016
 July 28, 2016
 August 11, 2016
 August 25, 2016

September 8, 2016
 September 22, 2016
 October 13, 2016
 October 27, 2016

November 10, 2016
 November 24, 2016 (Cancelled)
 December 8, 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.

July 21, 2016
 August 18, 2016

September 15, 2016
 October 20, 2016

November 17, 2016
 December 15, 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.

September 7, 2016

December 7, 2016

City of Marina
Certificate of
Recognition

PRESENTED TO

Marina Shetland
Baseball Team

Honored as the 2016 Regional Tournament Champions

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



July 6, 2016

**Parks
Make
Life
Better!**



Proclamation

July 2016 is Parks Make Life Better!® Month

Whereas, Parks and Recreation makes lives and communities better now and in the future; and

Whereas, it is established through statewide public opinion research, 98% of California households visit a local park at least once a year; two in three households visit a park once a month; 50% of households participate in an organized recreation program; and most park use is with family and friends; and

Whereas, residents value recreation as it provides positive alternatives for children and youth to reduce crime and mischief especially during non-school hours; it promotes the arts, it increases social connections; aids in therapy; and promotes lifelong learning; and

Whereas, residents value their parks for access to outdoor spaces for children and adults to play and be active; exercise and group sports; and

Whereas, parks provide access to the serenity and the inspiration of nature and outdoor spaces as well as preserve and protect the historic, natural and cultural resources in our community; and

Whereas, the residents of Marina including children, youth, families, adults, seniors, businesses, community organizations, and visitors benefit from the wide range of parks, trails, open space, sports fields, tennis courts, facilities and programs including City supported Senior, Teen, and Youth programs, Gloria Jean Tate Park, Windy Hill Park, Preston Park, DiMaggio Park, Locke Padden Park part of the county park system, Marina Beech State Park, the Equestrian Center and Water City along with our bike and trail systems provided by and or within the city limits of the City of Marina; and

Whereas, the City of Marina urges all its residents to recognize that parks and recreation enriches the lives of its residents and visitors as well as adding value to the community's homes and neighborhoods; and

Whereas, July is celebrated across the nation as Parks and Recreation Month,

THEREFORE BE IT RESOLVED, I, Bruce C. Delgado, Mayor of Marina, California, do hereby proclaim July 2016 as Parks Make Life Better! Month and in doing so, urges all its citizens to use and enjoy its parks, trails, open space, facilities, and recreation opportunities.

Approved this 6th day of July 2016



Bruce C. Delgado, Mayor

LIVE Marina, CA *LIVE*

AP Check Register 06-24-16

Bank Account: 024 - Accounts Payable ZBA
Batch Date: 06/24/2016

Agenda Item: 8a
City Council Meeting of
July 6, 2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: 024 - Accounts Payable ZBA					
Check	06/24/2016	79097 Accounts Payable	Ace Hardware		296.71
	Invoice	Date	Description		Amount
	059021	06/14/2016	Bldg Maint & Repair		3.89
	059014	06/14/2016	Bldg Maint & Repair		19.53
	058958	06/09/2016	Bldg Maint & Repair		83.60
	058938	06/08/2016	Bldg Maint & Repair		3.85
	058936	06/08/2016	Bldg Maint & Repair		14.09
	058978	06/10/2016	Bldg Maint & Repair		4.56
	059005	06/13/2016	Bldg Maint & Repair		43.43
	058965	06/09/2016	Bldg Maint & Repair		5.41
	058960	06/09/2016	Bldg Maint & Repair		35.46
	058905	06/06/2016	Bldg Maint & Repair		3.12
	059036	06/15/2016	Fasteners		6.24
	059053	06/16/2016	Bldg Maint & Repair		10.85
	059050	06/16/2016	Door Stop - Community Ctr		4.32
	059044	06/16/2016	Bldg Maint & Repair - Community Center		54.03
	059075	06/17/2016	Battery for Fire Alarm @ Tate Park		4.33
Check	06/24/2016	79098 Accounts Payable	American Supply Co.		406.15
	Invoice	Date	Description		Amount
	2729076	06/15/2016	Cleaning Supply		406.15
Check	06/24/2016	79099 Accounts Payable	Andon Laundrymat Service		301.45
	Invoice	Date	Description		Amount
	03A	06/18/2016	Animal Shelter Laundrymat Service 6/18/16		226.00
	Invoice5	06/18/2016	Fire Dept laundry service - towels & rags		75.45
Check	06/24/2016	79100 Accounts Payable	Aramark Uniform Service		167.80
	Invoice	Date	Description		Amount
	757423484	06/13/2016	Uniform Service - Public Works Crew		44.40
	757423485	06/13/2016	Uniform Service - Public Works Crew		41.95
	757423486	06/13/2016	Uniform Service - Public Works Crew		38.01
	757423487	06/13/2016	Uniform Service - Public Works Crew		43.44
Check	06/24/2016	79101 Accounts Payable	AT & T		147.30

AP Check Register 06-24-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 06/24/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
	Invoice		Date	Description	Amount
	06-14-16		06/14/2016	Alarm. EOC & PEBST Equipment 6/14/16	147.30
Check	06/24/2016	79102 Accounts Payable	AT & T		438.44
	Invoice		Date	Description	Amount
	000008104249		05/20/2016	Airport Phone Service	165.95
	000008126978		05/28/2016	Phone Service for Fire Alarm Systems, B524 & 533	36.49
	000008194113		06/13/2016	CALNET3-9391023436 (239-461-6578)	70.05
	000008194150		06/13/2016	Radio Repeater 6/13/16	165.95
Check	06/24/2016	79103 Accounts Payable	Avaya, Inc.		322.97
	Invoice		Date	Description	Amount
	2733689532		06/04/2016	CW - Phone System	322.97
Check	06/24/2016	79104 Accounts Payable	Aviation Management Consulting Group		2,150.00
	Invoice		Date	Description	Amount
	3821		04/05/2016	Airport Rent Study Consultant Services	2,150.00
Check	06/24/2016	79105 Accounts Payable	Bogner Sheet Metal		250.00
	Invoice		Date	Description	Amount
	11285		02/18/2016	Checked the Electric Air Cleaner	250.00
Check	06/24/2016	79106 Accounts Payable	Burton's Fire, Inc.		639.53
	Invoice		Date	Description	Amount
	S 33136		06/15/2016	Valve and Ball Valve Kit	639.53
Check	06/24/2016	79107 Accounts Payable	California Department of Conservation		2,751.47
	Invoice		Date	Description	Amount
	03-31-16		03/31/2016	Strong Motion Instrum & Seismic Haz Map Fee (01/01/16-03/31/16)	1,772.22
	12-31-15		12/31/2015	Strong Motion Instrum & Seismic Haz Map Fee (10/01/15-12/31/15)	979.25
Check	06/24/2016	79108 Accounts Payable	Campos Collision		1,723.56
	Invoice		Date	Description	Amount
	06-06-16		06/06/2016	Removed decals on fire engine	1,723.56
Check	06/24/2016	79109 Accounts Payable	Capitol Barricade, Inc.		1,050.69
	Invoice		Date	Description	Amount

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Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
	101820		06/07/2016	Street Material & Repair	904.05
	101865		06/09/2016	Custom Sign 12x36	146.64
Check	06/24/2016	79110 Accounts Payable	Carmel Fire Protection Associates		700.00
	Invoice		Date	Description	Amount
	116247		06/09/2016	Plan review and required inspection - Dunes at Monterey Bay	350.00
	116260		06/19/2016	Plan review & fire final inspection for new Starbucks	350.00
Check	06/24/2016	79111 Accounts Payable	Celestino Ruiz		500.00
	Invoice		Date	Description	Amount
	05-21-16 cc		05/21/2016	Refunds	500.00
Check	06/24/2016	79112 Accounts Payable	ChromaGraphics		270.77
	Invoice		Date	Description	Amount
	54493		05/06/2016	Jr. Giants Banners	270.77
Check	06/24/2016	79113 Accounts Payable	Cintas Corporation		61.40
	Invoice		Date	Description	Amount
	630130311		06/13/2016	Mat Service Police/Fire 6/13/16	61.40
Check	06/24/2016	79114 Accounts Payable	James Clegg		230.00
	Invoice		Date	Description	Amount
	01-26-16		01/26/2016	Tuition Reimbursement - Spring 2016	230.00
Check	06/24/2016	79115 Accounts Payable	Comcast		49.61
	Invoice		Date	Description	Amount
	06-14-16		06/14/2016	Teen Center Cable Bill - May-June 2016	49.61
Check	06/24/2016	79116 Accounts Payable	Crop Production Services		8,727.81
	Invoice		Date	Description	Amount
	30286551		06/07/2016	Round Up	8,727.81
Check	06/24/2016	79117 Accounts Payable	Cypress Coast Ford Lincoln		144.00
	Invoice		Date	Description	Amount
	315488		06/09/2016	Veh - Maint & Repair	144.00
Check	06/24/2016	79118 Accounts Payable	Dave's Repair Service		1,061.43

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Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
		Invoice	Date	Description	Amount
		23797	06/06/2016	Annual Tank Inspections	1,061.43
Check	06/24/2016	79119 Accounts Payable	Directv		5.00
		Invoice	Date	Description	Amount
		28621079765	05/26/2016	TV Service - Pilot's Lounge	5.00
Check	06/24/2016	79120 Accounts Payable	Emergency Vehicle Specialists		3,115.72
		Invoice	Date	Description	Amount
		5659	06/21/2016	Tablet mount & antenna 878	1,557.86
		5660	06/21/2016	Tablet mount & antenna 862	1,557.86
Check	06/24/2016	79121 Accounts Payable	Epic Aviation		17,067.24
		Invoice	Date	Description	Amount
		6862438	06/01/2016	Airport_Jet A Fuel Purchase	17,067.24
Check	06/24/2016	79122 Accounts Payable	Ewing		9.25
		Invoice	Date	Description	Amount
		1586863	06/08/2016	Staking Flags (yellow)	9.25
Check	06/24/2016	79123 Accounts Payable	Farmer Brothers Co.		219.52
		Invoice	Date	Description	Amount
		63867230	06/16/2016	Fire Dept Coffee	219.52
Check	06/24/2016	79124 Accounts Payable	FedEx		119.03
		Invoice	Date	Description	Amount
		5-430-98172	05/27/2016	Ship Bid Docs	25.40
		5-445-10423	06/10/2016	Ship Bid Docs	29.32
		5-452-53535	06/17/2016	Shipping Fees - Marina Heights Documents	29.67
		5-453-31064	06/17/2016	Postage/Shipping 6/17/16	34.64
Check	06/24/2016	79125 Accounts Payable	Gavilan Pest Control		1,225.00
		Invoice	Date	Description	Amount
		0098802	05/31/2016	Airport Pest Control Service	1,150.00
		0098803	05/31/2016	Airport Pest Control Service, B504	75.00
Check	06/24/2016	79126 Accounts Payable	Goldfarb & Lipman		3,952.00

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Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
	Invoice		Date	Description	Amount
	119774		06/14/2016	General Matters	832.00
	119775		06/14/2016	Marina Heights Matters	3,120.00
Check	06/24/2016	79127 Accounts Payable		Government Financial Solutions	3,187.50
	Invoice		Date	Description	Amount
	38		06/14/2016	UUT Research & Rates	3,187.50
Check	06/24/2016	79128 Accounts Payable		Green Rubber-Kennedy AG	35.97
	Invoice		Date	Description	Amount
	S - 534350		06/03/2016	T-Bolt Clamos	35.97
Check	06/24/2016	79129 Accounts Payable		Hardee Investigations	97.50
	Invoice		Date	Description	Amount
	Marina FD16-03		05/31/2016	Background for new RFF Trevor Rackley	97.50
Check	06/24/2016	79130 Accounts Payable		Hayon Inc,	300.00
	Invoice		Date	Description	Amount
	march2016		06/18/2016	Carwash monthly charge	100.00
	april2016		06/18/2016	Carwash monthly charge	100.00
	may2016		06/18/2016	Carwash monthly charge	100.00
Check	06/24/2016	79131 Accounts Payable		Home Depot Credit Service	342.79
	Invoice		Date	Description	Amount
	06-13-16		06/13/2016	Bldg Maint & Repair	342.79
Check	06/24/2016	79132 Accounts Payable		Jeff Straubel	235.00
	Invoice		Date	Description	Amount
	Straubel01		06/20/2016	Refund of Over payment for Aircraft Space Lease	235.00
Check	06/24/2016	79133 Accounts Payable		John Companion	250.00
	Invoice		Date	Description	Amount
	06-05-16 VD		06/05/2016	Refunds	250.00
Check	06/24/2016	79134 Accounts Payable		Johnson Associates	759.46
	Invoice		Date	Description	Amount
	360407		06/14/2016	3 - LED Surface (Amber)	301.19

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Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
	360306		06/13/2016	60" Wedge chest box	458.27
Check	06/24/2016	79135 Accounts Payable	Kimley-Horn & Associates		13,347.00
	Invoice		Date	Description	Amount
	7473805		01/31/2016	Finalize CIP Project List	1,689.00
	7796297		04/30/2016	Finalize CIP Project List	1,689.00
	7897794		05/31/2016	Finalize CIP Project List (Changer Order #1)	9,969.00
Check	06/24/2016	79136 Accounts Payable	Lawrence Escoban		250.00
	Invoice		Date	Description	Amount
	05-21-16 VD		05/21/2016	Refunds	250.00
Check	06/24/2016	79137 Accounts Payable	John Lundgren		464.91
	Invoice		Date	Description	Amount
	06-16-16		06/16/2016	Wildland Fire Boots - Reimbursement	464.91
Check	06/24/2016	79138 Accounts Payable	Mandell Municipal Counseling		1,534.00
	Invoice		Date	Description	Amount
	06-07-16		06/07/2016	Revenue Advice - May 2016	1,534.00
Check	06/24/2016	79139 Accounts Payable	Marina Coast Water District		3,542.62
	Invoice		Date	Description	Amount
	000056032 061016		06/10/2016	000056 032 - Crescent & Costa Mont Bay Est (05/07/16 - 06/10/16)	55.55
	000056030 061016		06/10/2016	000056 030 - Ctr Med. Reserv, Ramada Inn (05/07/16 - 06/10/16)	34.00
	000056085 061016		06/10/2016	000056 085 - Center Median 3192 Crescent (05/07/16 - 06/10/16)	23.69
	000056086 061016		06/10/2016	000056 086 - Center Median 3208 Crescent (05/07/16 - 06/10/16)	21.07
	000056087 061016		06/10/2016	000056 087 - Center Median 3218 Crescent (05/07/16 - 06/10/16)	21.07
	000056015 061016		06/10/2016	000056 015 - Cypress Cove II (05/07/16 - 06/10/16)	66.03
	000056084 061016		06/10/2016	000056 084 - Ctr Med3172 Cres- Shuler (05/07/16 - 06/10/16)	21.07
	000056014 061016		06/10/2016	000056 014 - Vince DiMaggio 3200 Del Monte (05/07/16 - 06/10/16)	1,121.02
	000056011 061016		06/10/2016	000056 011 - Tate Park 3254 Del Monte (05/07/16 - 06/10/16)	327.39
	000056008 061016		06/10/2016	000056 008 - Reservation Rd and Del Monte (05/07/16 - 06/10/16)	21.07
	000056034 061016		06/10/2016	000056 034 -3240 DeForest, Windy Hill Park (mm/dd/yy - mm/dd/yy)	392.64
	000056035 061016		06/10/2016	000056 035 - Cardoza/Res,Tate Park (05/07/16 - 06/10/16)	1,438.02
Check	06/24/2016	79140 Accounts Payable	Microsoft		1,733.50
	Invoice		Date	Description	Amount

AP Check Register 06-24-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 06/24/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
		1946989733	06/14/2016	Office Supplies - Admin 6/14/16	60.75
Check	06/24/2016	79151 Accounts Payable	Office Depot		424.02
		Invoice	Date	Description	Amount
		843055995001	06/02/2016	Step Stool	51.71
		843161665001	06/02/2016	Misc Office Supplies	107.70
		843055994001	06/02/2016	Misc Office Supply	264.61
Check	06/24/2016	79152 Accounts Payable	Pacific Gas & Electric		18,653.20
		Invoice	Date	Description	Amount
		694-1.JUN16	06/10/2016	PG&E - 7269284694-1	978.38
		085-2.JUN16	06/10/2016	PG&E - 5434906085-2	91.25
		608-2.JUN16	06/10/2016	PG&E - 7383993608-2	187.40
		202-3.JUN16	06/10/2016	PG&E - 6594070202-3	83.13
		720-0.JUN16	06/10/2016	PG&E - 0167505720-0	404.00
		290-2.JUN16	06/10/2016	PG&E - 4300583290-2	8.16
		288-5.JUN16	06/10/2016	PG&E - 7175660288-5	172.24
		148-6.JUN16	06/13/2016	PG&E - 5593414148-6	125.29
		562-0.JUN16	06/13/2016	PG&E - 4758891562-0	1,250.38
		311-8.JUN16	06/13/2016	PG&E - 6513132311-8	9.86
		827-8.JUN16	06/14/2016	PG&E - 0423929827-8	6.25
		535-3.JUN16	06/14/2016	PG&E - 6161832535-3	320.56
		809-3.JUN16	06/09/2016	Utilities, B510	616.10
		483-6.JUN16	06/15/2016	PG&E - 3982644483-6	14,132.65
		06-09-16	06/09/2016	PG&E Service/South Field Office 6/9/16	267.55
Check	06/24/2016	79153 Accounts Payable	Pitney Bowes		1,064.19
		Invoice	Date	Description	Amount
		3100253149	06/04/2016	Postage Meter Lease - June 2016	1,064.19
Check	06/24/2016	79154 Accounts Payable	Robert R. Wellington		1,473.00
		Invoice	Date	Description	Amount
		23492	06/06/2016	Airport Legal Services _ City Attorney	1,473.00
Check	06/24/2016	79155 Accounts Payable	Roto-Rooter Sewer & Plumbing		151.67
		Invoice	Date	Description	Amount

AP Check Register 06-24-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 06/24/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
		82322	06/10/2016	Bldg Maint & Repair	151.67
Check	06/24/2016	79156 Accounts Payable	Ryan Ranch Printers		89.59
	Invoice		Date	Description	Amount
		17950	05/20/2016	Bid Specs for Del Monte Blvd - Beach Road Project	89.59
Check	06/24/2016	79157 Accounts Payable	S.B.R.P.S.T.C.		70.00
	Invoice		Date	Description	Amount
		216377	03/22/2016	Tuition-FTO Update-J.Magana 3/14-3/16/16	70.00
Check	06/24/2016	79158 Accounts Payable	Sam & Ron Inc.		2,500.00
	Invoice		Date	Description	Amount
		5159	06/07/2016	Counter tops for Teen Center	2,500.00
Check	06/24/2016	79159 Accounts Payable	San Jose BMW		77.70
	Invoice		Date	Description	Amount
		249161	06/15/2016	Headlight Bulb for 2015 BMW Bike	77.70
Check	06/24/2016	79160 Accounts Payable	Sierra Springs & Alhambra		165.72
	Invoice		Date	Description	Amount
		9696351 061116	06/11/2016	CDD - Sierra Spring - Water Svc	135.87
		14225799 061316	06/13/2016	CDD - Sierra Spring - Water Svc	29.85
Check	06/24/2016	79161 Accounts Payable	SKN Properties		2,403.84
	Invoice		Date	Description	Amount
		2016-2347	03/17/2016	Refund for General Stillwell & 2nd Avenue	2,403.84
Check	06/24/2016	79162 Accounts Payable	Tartaglia Engineering		10,466.50
	Invoice		Date	Description	Amount
		GCS01_2016	05/20/2016	Airport General Consulting Services	10,466.50
Check	06/24/2016	79163 Accounts Payable	TechRx Technology Services		3,628.47
	Invoice		Date	Description	Amount
		6309	06/14/2016	Citywide Computer Endpoint Antivirus	3,628.47
Check	06/24/2016	79164 Accounts Payable	Toshiba Financial Services		323.71
	Invoice		Date	Description	Amount

AP Check Register 06-24-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 06/24/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
		306219411	06/03/2016	Toshiba Copier Monthly Fees	323.71
Check	06/24/2016	79165 Accounts Payable	Transparent Glass Coatings, Inc.		865.00
		Invoice	Date	Description	Amount
		3782	06/15/2016	Glass Tinting for Records Area 6/15/16	865.00
Check	06/24/2016	79166 Accounts Payable	Tri County Fire Protection		126.95
		Invoice	Date	Description	Amount
		SY 96363	06/09/2016	Fire Protection Maint - VD Park	126.95
Check	06/24/2016	79167 Accounts Payable	Trucksis Enterprises		278.08
		Invoice	Date	Description	Amount
		9110	06/20/2016	Special Events Banners	278.08
Check	06/24/2016	79168 Accounts Payable	United Site Services		182.07
		Invoice	Date	Description	Amount
		114-4077985	05/31/2016	Toilet Rentals - Corner Beach Rd - De Forest	182.07
Check	06/24/2016	79169 Accounts Payable	Valley Saw & Garden Equipment		318.83
		Invoice	Date	Description	Amount
		102538	06/14/2016	Veh - Maint & Repair	318.83
Check	06/24/2016	79170 Accounts Payable	Vapor Cleaners, Inc.		182.00
		Invoice	Date	Description	Amount
		274666	05/10/2016	Turnout Drycleaning for J. Lundgren	41.50
		274933	05/09/2016	Turnout Drycleaning for J. Lundgren	6.50
		276851	05/18/2016	Turnout Drycleaning for Cody Johnson	24.00
		276853	05/18/2016	Turnout Drycleaning for Cody Johnson	25.00
		277323	05/19/2016	Turnout Drycleaning for A. Goncalves	30.00
		277354	05/19/2016	Turnout Drycleaning for J. Abraham	55.00
Check	06/24/2016	79171 Accounts Payable	Verizon Wireless		484.29
		Invoice	Date	Description	Amount
		9766807630	06/10/2016	Monthly Verizon Bill-308174766	484.29
Check	06/24/2016	79172 Accounts Payable	Veronica Tam & Associates		36,393.00
		Invoice	Date	Description	Amount

AP Check Register 06-24-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 06/24/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
	2167		05/23/2016	Housing Element	36,393.00
Check	06/24/2016	79173 Accounts Payable	Cardmember Service		42.04
	Invoice		Date	Description	Amount
	05-26-16		05/26/2016	Airport Visa Card	42.04
Check	06/24/2016	79174 Accounts Payable	Vivint Solar		372.00
	Invoice		Date	Description	Amount
	2016-3099		04/25/2016	Refund- 304 Carmel Ave #61 (BP2016-263)	372.00
Check	06/24/2016	79175 Accounts Payable	W.W. Grainger, Inc.		254.79
	Invoice		Date	Description	Amount
	9134315077		06/08/2016	Anti-Vibration Gloves	254.79
Check	06/24/2016	79176 Accounts Payable	William Lynn		250.00
	Invoice		Date	Description	Amount
	06-04-16 VD		06/04/2016	Refund- Recreation Deposits	250.00
Check	06/24/2016	79177 Accounts Payable	Williams Roofing		122.25
	Invoice		Date	Description	Amount
	2016-2225		06/03/2016	Roofing Permit Refund- 3187 Susan Ave BP2016-88	122.25
Check	06/24/2016	79178 Accounts Payable	ZEP Sales & Services		161.68
	Invoice		Date	Description	Amount
	9002281113		06/03/2016	Veh - Maint & Repair	161.68
Check	06/24/2016	79179 Accounts Payable	AFLAC - Attn.:Remittance Process		2,626.68
	Invoice		Date	Description	Amount
	06-17-2016		06/17/2016	71 - AFLAC Cancer Post-Tax*	2,626.68
Check	06/24/2016	79180 Accounts Payable	Discovery Benefits, Inc.		184.04
	Invoice		Date	Description	Amount
	05-31-2016		05/31/2016	Admin Fee (05/2016)	62.50
	06-17-2016		06/17/2016	94 - Medical Care FSA	121.54
Check	06/24/2016	79181 Accounts Payable	Franchise Tax Board - State of CA		100.00
	Invoice		Date	Description	Amount

AP Check Register 06-24-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 06/24/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
	06-17-2016		06/17/2016	551 - Garnishment (FTB) \$	100.00
Check	06/24/2016	79182 Accounts Payable	ICMA Retirement Trust		7,151.99
	Invoice		Date	Description	Amount
	06-17-2016		06/17/2016	12 - ICMA 457 %*	7,151.99
Check	06/24/2016	79183 Accounts Payable	Marina Employees Association		140.00
	Invoice		Date	Description	Amount
	06-17-2016		06/17/2016	24 - MEA Dues	140.00
Check	06/24/2016	79184 Accounts Payable	Marina Police Association-MPOA		260.00
	Invoice		Date	Description	Amount
	06-17-2016		06/17/2016	23 - MPOA Dues	260.00
Check	06/24/2016	79185 Accounts Payable	Marina Professional Fire Fighters Association		200.00
	Invoice		Date	Description	Amount
	06-17-2016		06/17/2016	35 - MPFFA Dues	200.00
Check	06/24/2016	79186 Accounts Payable	Marina Public Safety Management Association		100.00
	Invoice		Date	Description	Amount
	06-17-2016		06/17/2016	19 - MPSMA Dues	100.00
Check	06/24/2016	79187 Accounts Payable	Nationwide Retirement		1,893.38
	Invoice		Date	Description	Amount
	06-17-2016		06/17/2016	10 - Nationwide 457 %*	1,893.38
Check	06/24/2016	79188 Accounts Payable	Police Officers Association - POA		1,404.00
	Invoice		Date	Description	Amount
	06-17-2016		06/17/2016	25 - POA Dues	1,404.00
024 Accounts Payable ZBA Totals:			Transactions: 92		\$178,352.61
	Checks:	92		\$178,352.61	

AP Check Register 06-29-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 06/29/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: 024 - Accounts Payable ZBA					
Check	06/29/2016	79189 Accounts Payable	Ace Hardware		3.56
	Invoice		Date	Description	Amount
		059150	06/24/2016	Airport - Repair Supplies	3.56
Check	06/29/2016	79190 Accounts Payable	Ace Hardware		901.93
	Invoice		Date	Description	Amount
		058858	06/01/2016	Propane Exchange, Supplies	54.27
		058982	06/10/2016	Upkeep Items	40.65
		059100	06/20/2016	Picnic Tables, Supplies	807.01
Check	06/29/2016	79191 Accounts Payable	Ace Hardware		32.21
	Invoice		Date	Description	Amount
		059128	06/22/2016	Airport - Repair Supplies	12.08
		059124	06/22/2016	Bldg Maint & Repair	9.28
		059181	06/27/2016	Deck Screw	10.85
Check	06/29/2016	79192 Accounts Payable	American Floors		8,685.17
	Invoice		Date	Description	Amount
		15056	06/20/2016	Flooring Repair @ Senior Center	8,188.58
		15057	06/20/2016	Bedeck 54689 - Senior Center Entry Way	496.59
Check	06/29/2016	79193 Accounts Payable	American Supply Co.		467.98
	Invoice		Date	Description	Amount
		2729954	06/22/2016	Bldg Material & Supply	467.98
Check	06/29/2016	79194 Accounts Payable	AT & T		504.37
	Invoice		Date	Description	Amount
		000008215366	06/15/2016	CALNET3-9391023435 (237-267-6922)	43.16
		000008215334	06/15/2016	CALNET3-9391023480 (883-9669)	66.38
		000008215336	06/15/2016	CALNET3-9391023483 (884-0986)	19.26
		000008215337	06/15/2016	CALNET3-9391023485 (884-2573)	19.79
		000008215343	06/15/2016	CALNET3-9391023491 (884-9654)	78.26
		000008215342	06/15/2016	CALNET3-9391023490 (884-9568)	34.61
		000008215332	06/15/2016	CALNET3-9391023479 (883-0919)	19.18
		000008215335	06/15/2016	CALNET3-9391023482 (884-0985)	19.26

AP Check Register 06-29-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 06/29/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
		000008215338	06/15/2016	CALNET3-9391023486 (884-9153)	19.26
		000008215339	06/15/2016	CALNET3-9391023487 (884-9497)	19.26
		000008235298	06/20/2016	CALNET3-9391023433 (234-342-8596)	165.95
Check	06/29/2016	79195 Accounts Payable	Avaya, Inc.		322.97
		Invoice	Date	Description	Amount
		2733672956	05/04/2016	CW - Phone System	322.97
Check	06/29/2016	79196 Accounts Payable	Branch's Janitorial		2,059.47
		Invoice	Date	Description	Amount
		225775	06/24/2016	Custodial Services for All Recreation Buildings - June 2016	2,059.47
Check	06/29/2016	79197 Accounts Payable	Brezack & Associates Planning		716.25
		Invoice	Date	Description	Amount
		0000002418	05/06/2016	Veterans Transition Center Water Supply Availability	716.25
Check	06/29/2016	79198 Accounts Payable	BSN Sports Inc.		750.47
		Invoice	Date	Description	Amount
		97993158	06/17/2016	Futsal Balls - Sports	121.44
		97991030	06/16/2016	Equipment & Supplies for Sports	629.03
Check	06/29/2016	79199 Accounts Payable	Consolidated Electrical Distributors, Inc.		1,059.58
		Invoice	Date	Description	Amount
		4914-549558	06/08/2016	Street Materials	955.52
		4914-550316	06/27/2016	120V DNL FX	104.06
Check	06/29/2016	79200 Accounts Payable	CSG Consultants		1,036.70
		Invoice	Date	Description	Amount
		B160364	06/06/2016	Plan Check Services	1,036.70
Check	06/29/2016	79201 Accounts Payable	DJ Booth Music Company		720.15
		Invoice	Date	Description	Amount
		3737	06/21/2016	DJ Equipment Repair	720.15
Check	06/29/2016	79202 Accounts Payable	Employment Development Department		1,615.19
		Invoice	Date	Description	Amount
		L0123366336	06/21/2016	Employment Development Department	1,615.19

AP Check Register 06-29-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 06/29/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	06/29/2016	79203 Accounts Payable	Gavilan Pest Control		1,505.00
	Invoice		Date	Description	Amount
	0099478		06/14/2016	Airport Pest Control Services	1,150.00
	0099479		06/14/2016	Airport Pest Control Services, B504	75.00
	0099982		06/17/2016	Pest Control Svc @ Tate Park	280.00
Check	06/29/2016	79204 Accounts Payable	Johnson Associates		425.53
	Invoice		Date	Description	Amount
	360990		06/23/2016	Single Lid Cross Box	425.53
Check	06/29/2016	79205 Accounts Payable	Kelly-Moore Paint Co.,Inc		473.09
	Invoice		Date	Description	Amount
	802-00000538335		06/23/2016	Bldg Maint & Repair	438.70
	802-00000538336		06/23/2016	Corona 2.5" Excalibur Angl	34.39
Check	06/29/2016	79206 Accounts Payable	Kool Inc Entertainment		235.49
	Invoice		Date	Description	Amount
	703093		06/21/2016	12" Woofer 300 Replacement	160.49
	703095		06/21/2016	Sound Mixer Repair	75.00
Check	06/29/2016	79207 Accounts Payable	Liebert Cassidy Whitmore		350.00
	Invoice		Date	Description	Amount
	1422184		05/31/2016	Case #MA130-00028	350.00
Check	06/29/2016	79208 Accounts Payable	Monterey County Department of Health		2,577.00
	Invoice		Date	Description	Amount
	IN0952625		06/06/2016	Annual Permit for Fuel Farm Operation	1,071.00
	IN0950253		06/06/2016	Annual Health Permit Fee - FA0813602 - Corp Yard #2	1,506.00
Check	06/29/2016	79209 Accounts Payable	Nextel Communications		358.00
	Invoice		Date	Description	Amount
	866147022-166		06/22/2016	Recreation Cell Phone Charges - May-June 2016	358.00
Check	06/29/2016	79210 Accounts Payable	Office Depot		1,132.90
	Invoice		Date	Description	Amount
	844216808001		06/09/2016	Office Supplies-Finance	1,034.72

LIVE Marina, CA *LIVE*

AP Check Register 06-29-16

Bank Account: 024 - Accounts Payable ZBA

Batch Date: 06/29/2016

Type	Date	Number Source	Payee Name	EFT Bank/Account	Transaction Amount
		844653410001	06/10/2016	Office Supplies-Finance	98.18
Check	06/29/2016	79211 Accounts Payable	Pacific Gas & Electric		1,912.90
		Invoice	Date	Description	Amount
		272-1.JUN16	06/17/2016	PG&E - 2862559272-1	38.61
		851-0.JUN16	06/15/2016	PG&E - 3440977851-0	213.44
		683-2.JUN16	06/17/2016	PG&E 6217294683-2	702.20
		172-2.JUN16	06/19/2016	PG&E - 5618207172-2	533.36
		362-9.JUN16	06/19/2016	PG&E - 5996678362-9	104.44
		533-8.JUN16	06/17/2016	PG&E - 2253666533-8	25.68
		795-7.JUN16	06/21/2016	PG&E - 4467294795-7	295.17
Check	06/29/2016	79212 Accounts Payable	Pinnacle Healthcare		450.00
		Invoice	Date	Description	Amount
		4631851-30	05/26/2016	Pinnacle Healthcare - Pre Emp Px	231.00
		167631	04/11/2016	Pinnacle Healthcare - Pre Emp Px	173.00
		167629	04/11/2016	Pinnacle Healthcare - Pre Emp Px	21.00
		167606	04/13/2016	Pinnacle Healthcare - Pre Emp Px	25.00
Check	06/29/2016	79213 Accounts Payable	Potter's Electronics		15,665.56
		Invoice	Date	Description	Amount
		23360	06/23/2016	Teen Center - Camera Restoration	3,090.47
		23361	06/23/2016	Preston Park - Camera Installation	12,575.09
Check	06/29/2016	79214 Accounts Payable	Ralph Anderson & Associates		11,750.00
		Invoice	Date	Description	Amount
		21061	06/17/2016	Public Works Director Recruitment - Installment 2 & 3	11,750.00
Check	06/29/2016	79215 Accounts Payable	Richard B. Standridge		3,600.00
		Invoice	Date	Description	Amount
		16-13	06/24/2016	Services 06-14/06-23-16	3,600.00
Check	06/29/2016	79216 Accounts Payable	Rincon Consultants, Inc.		9,897.01
		Invoice	Date	Description	Amount
		26241	04/30/2016	Veterans Transition Center Draft Initial Study	9,897.01
Check	06/29/2016	79217 Accounts Payable	Robert R. Wellington		17,169.00

Monthly EFT/Wire Report-Checking Acct.

From Payment Date: 5/1/2016 - To Payment Date: 5/31/2016

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
032 - Checking Account									
<u>EFT</u>									
38	05/06/2016	Open			Accounts Payable	CalPERS - Retirement	\$3,250.00		
39	05/01/2016	Open			Accounts Payable	PERS Health Services Division	\$97,763.58		
40	05/01/2016	Open			Accounts Payable	PERS Health Services Division	(\$98.55)		
41	05/06/2016	Open			Accounts Payable	CalPERS - Retirement	\$61,507.28		
42	05/06/2016	Open			Accounts Payable	CalPERS - Retirement	(\$803.45)		
43	05/20/2016	Open			Accounts Payable	CalPERS - Retirement	\$150.87		
44	05/20/2016	Open			Accounts Payable	CalPERS - Retirement	\$61,319.69		
45	05/20/2016	Open			Accounts Payable	CalPERS - Retirement	(\$816.38)		
Type EFT Totals:									
032 - Checking Account Totals									
							\$222,273.04		

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	8	\$222,273.04	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	8	\$222,273.04	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	8	\$222,273.04	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	8	\$222,273.04	\$0.00

Grand Totals:

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	8	\$222,273.04	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	8	\$222,273.04	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	8	\$222,273.04	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	8	\$222,273.04	\$0.00

Monthly EFT/Wire Report - Payroll Account

From Payment Date: 5/1/2016 - To Payment Date: 5/31/2016

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
028 - Payroll ZBA									
<u>EFT</u>									
1302	05/06/2016	Open			Accounts Payable	California State Disbursement Unit	\$1,491.78		
1303	05/06/2016	Open			Accounts Payable	EFTPS Electronic Federal Tax Payment System	\$59,516.52		
1304	05/06/2016	Open			Accounts Payable	Employment Development Department	\$16,506.08		
1305	05/06/2016	Open			Accounts Payable	Rebecca Minuth	\$527.52		
1432	05/20/2016	Open			Accounts Payable	California State Disbursement Unit	\$1,491.78		
1433	05/20/2016	Open			Accounts Payable	EFTPS Electronic Federal Tax Payment System	\$54,670.26		
1434	05/20/2016	Open			Accounts Payable	Employment Development Department	\$15,132.30		
1435	05/20/2016	Open			Accounts Payable	Rebecca Minuth	\$527.52		
1634	05/13/2016	Open			Accounts Payable	ADP - San Francisco	\$425.00		
Type EFT Totals:									
028 - Payroll ZBA Totals								\$150,288.76	

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	9	\$150,288.76	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	9	\$150,288.76	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	9	\$150,288.76	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	9	\$150,288.76	\$0.00

Grand Totals:

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	9	\$150,288.76	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	9	\$150,288.76	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	9	\$150,288.76	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	9	\$150,288.76	\$0.00



DRAFT

Agenda Item **8b(1)**
City Council Meeting of
July 6, 2016

MINUTES

Tuesday, June 14, 2016

5:30 P.M. Open Session

**SPECIAL MEETING
CITY COUNCIL, AIRPORT COMMISSION,
MARINA ABRAMS B NON-PROFIT CORPORATION, AND SUCCESSOR AGENCY OF
THE FORMER MARINA REDEVELOPMENT AGENCY**

Council Chambers
211 Hillcrest Avenue
Marina, California

TELECONFERENCE LOCATION: ¹
799 West Birch Court
Louisville, Colorado 80027

¹ Note: Pursuant to Government Code Section 54953(b), this meeting will include teleconference participation by Mayor Pro-Tem Frank O’Connell from the address above. This Notice and Agenda will be posted at the teleconference location

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)

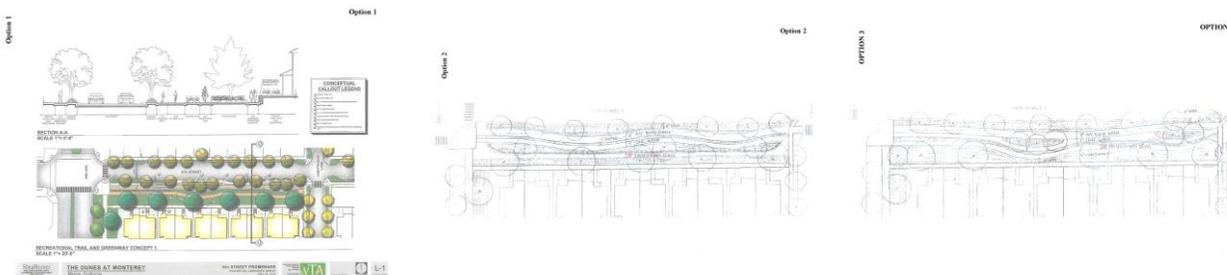
MEMBERS PRESENT: Nancy Amadeo, David W. Brown, Gail Morton, Mayor Pro-Tem/Vice Chair Frank O’Connell, Mayor/Chair Bruce C. Delgado

3. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)
4. 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 hold discussion on 9th Street Design between 2ND Avenue and Imjin Road.

City Manager Long provided overview of this item and presented three options



Questions: What is the difference between the three options? Is staff recommending option 3? Sizing differences of the paths in option 3; Types of surfaces of all the paths/trails; Visual interests along and between the trails; narrow dump-out – is it feasible to do 180 degree smooth out? Ease and accessibility for ADA on 9th street; landing areas not impeding into traffic; pedestrian walkways in close proximity to others, can they be widened out? Types of connector; 9th street parking; buffer thickness at its widest point; responsibility of maintenance of trails; equestrian crossing at 2nd Avenue; other location in cities where equestrians currently are safely crossing arterials like 2nd Avenue; width of DG trail in Monterey; timeframes; what does temporary mean; TAMC Tax & Grant for FORTAG trail; it is anticipated that there will MST bus stops along this route and if so will the shelter or turnout reduce the trail width? Sidewalks next to homes; rows of trees along the paths/trails; irrigation during drought.

MORTON/AMADEO: WE ASK STAFF TO GO FORWARD WITH LANDSCAPE PLAN OPTION 3 AND WITH FURTHER WORK IN CONFORMITY WITH CORNERS AND LANDINGS TO ACCOMMODATE SAFETY, EASE OF MOBILITY FOR MODES OF TRANSPORTATION; AND THAT THE STAFF WOULD LOOK AND WORK WITH THE DEVELOPER TO MAKE SURE THAT THE PLANTINGS THAT ARE IN THIS HARDSCAPE WOULD MEET THE FUNCTIONS OF BUFFERS BETWEEN THE MULTIPLE USES FROM THE STREET TO THE HOUSING; THAT IT WOULD MEET DROUGHT TOLERANT STANDARDS; THAT IT WOULD MEETING TO THE BEST OF OUR ABILITIES TO DICTATE THE REGIONAL URBAN DESIGN GUIDELINE STANDARDS FROM FORT ORD RECENTLY ADOPTED AND THE SPECIFIC PLAN FOR THE DEVELOPMENT. 5-0-0-0 Motion Passes by Roll Call Vote

Public Comments:

- Margaret Davis – commented on design as it relates to safety, visual barriers for equestrians so as to not spook the horses like hedges vs. lollipop trees, something at eye level; landing areas need to be large; baffle to dieter horses from moving forward; suggested installing blinking crossing signals like what’s in front of the Monterey Sports Center.
- Adam Urritia – commented on the “puddles” between the pedestrian trails and the bike paths to be careful of what is planted due to the roots uplifting the sidewalks.

- b. City Council consider adopting **Resolution No. 2016-85**, receiving the City 2016-17 proposed budgets, receiving staff presentation thereof, and providing direction towards budget adoption.

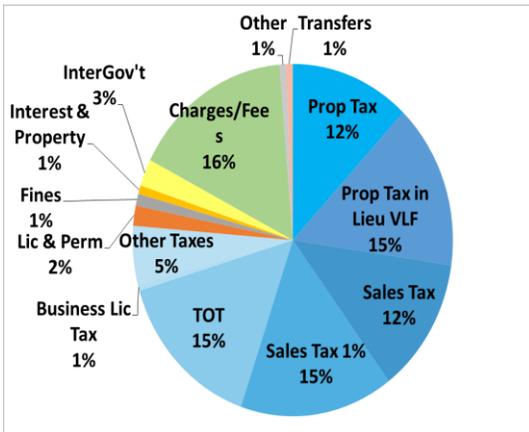
Finance Director Lai recapped certain funds from the last council meeting to allow for the council and the public to engage and ask questions and provide direction.

FY 16-17 Budget Summary = General Fund Budget Summary; Unmet Needs; Gas Tax Fund; Capital Improvements Project Fund; Airport Operations and its CIP; Debt Services

FY 16-17 Budget General Fund – Council Retreat Highlights = Staffing Level; Balanced Budget; Revenue Enhancements; Economic Development Projects; Streets Maintenance; Facilities Maintenance; Vehicle Reserve; Downtown Revitalization; Senior Center; Recreational, Veterans Trail & NPS Properties

FY 16-17 Budget General Fund Summary = Balanced Budget for Day-to-Day Operations; Revenue improvements; Expenditure controls; Service level – similar to prior year; Street Maintenance – remains unfunded

FY 16-17 Budget General Fund – Revenues \$18.8 million



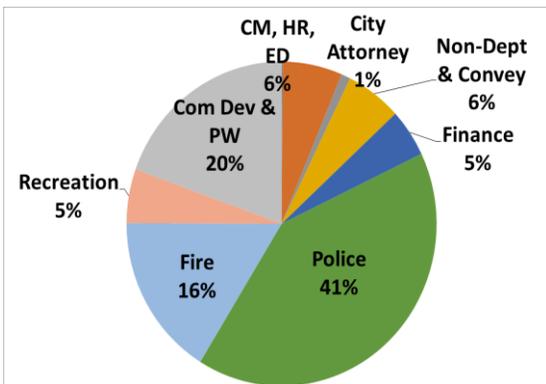
General Fund Revenue Summary =

Economic Development Projects = Enhanced FY16/17 revenues for property tax, sales tax and TOT

FY16-17 Go-Live = Cinemark (full-year); Veterans Administration Clinic; Marriott Springhill Suite Hotel; Dunes Homes; Dunes Restaurants; Dunes Retail; Marina Heights Homes

FY16-17 Projects = Continued homes for Dunes & Marina Heights; Ocean Point mixed use (58 units multi-family); Veterans Transition Center (# TBD units affordable hsg); Marina Greens (24 units multi-family); Cypress Ave (16 units multi-family); CHISPA (47 units affordable hsg); Industrial Warehouse; Airport Specific Plan and Master Plan

General Fund Services/Expenditures \$18.8 million



Expenditure Summary = Day-to-day operations

Organizational Development = PW, Comm Dev, IT, CM, Affordable Hsg, Internal Controls; FY15/16 Council authorized CM to hire several positions

Staffing Level = Add: Assistant City Manager; Add: Accounting Services Manager; Remove: HR & Risk Mgr (1/2 FTE-vacant)

Vehicle = Began vehicle amortization set aside \$75k; Fund balance recommendation of \$1 million; No vehicle purchase in proposed budget

Facilities – minimal repair, insufficient

Streets & Roads – minimal repair, insufficient, General Fund supplementing Gas Tax shortfall \$210k

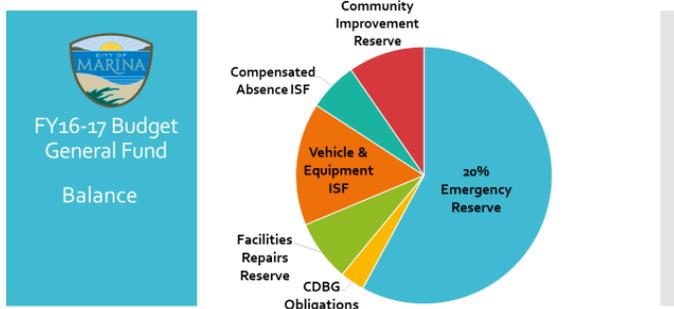
General Fund Reserves – April 6, 2016 = Reso. 2016-46 – Council established: 20% Emergency Reserve; Facility, Equipment and Vehicle Reserve

Government Professional organizations GFOA and CSMFO advise a minimum reserve of 16%. The majority of survey responses were within 10% to 25% reserve percentage range. This is a safeguard against financial risks. Affects the City’s bond rating.

FY 16-17 Budget General Fund Balance - \$6.5 million

20% Emergency Reserve	\$ 3,752,600
Vehicle & Equipment ISF	\$ 1,000,000
Community Improvement Reserve	\$ 625,268
Facilities Repairs Reserve	\$ 500,000
Compensated Absence ISF	\$ 400,000
CDBG Obligations	\$ 200,000
General Fund - designations	\$ 6,477,868

FY 16-17 Budget General Fund Balance



FY 16-17 Budget General Fund Unmet Needs

Streets & Roads – failing (need \$1.3 million/year).

Facilities – Existing facilities are deteriorating; New facilities – unfunded; ADA Compliance (\$3 million).

Community Improvements – unfunded = Parks; Trails (Veterans & recreational use); Restrooms; Downtown Vitalization; Traffic Calming; Code Enforcement; Lighting; Signage; Special events (5k run, Labor Day Parade, holidays); Recreation & Cultural Services Activities.

FY 16-17 Budget General Fund – Gas Tax Fund

	Revenues
FY09/10	\$ 640,843
FY10/11	\$ 633,331
FY11/12	\$ 792,026
FY12/13	\$ 756,212
FY13/14	\$ 869,627
FY14/15	\$ 685,605
FY15/16	\$ 510,055
FY16/17	\$ 470,692

Streets & Roads – failing

State Gas Tax Funding reduced over 40%

State of CA ended RDA

State of CA ended vehicle license fee

Other sources of funding is necessary

FY 16-17 Budget – Capital Improvement Project

Project Funding: Development Impact Fees; Grants

Infrastructure improvements; Not maintenance; Need additional revenues for street & sidewalk maintenance

FY 16-17 Budget Airport Funds

Airport Operations = \$1.2 million revenues; Continue collection on leases; Facility leases & fuel revenues; \$1.4 million expenditures; Airport master & specific plans; Building improvements & fuel costs; Airport equipment.

Airport Capital Improvement Projects = Storm drain mitigation; Perimeter fence replacement (grant); Beacon replacement (grant); Building 504 improvement.

FY Budget Debt Service

Debt Savings = Paid off the Public Safety Building debt (~\$800k); Refinanced Library Building debt (~\$8 million); Saving property owners 12% (NPV); Preston Park Sustainable Housing Debt; Abrams B debt refinancing due Dec. 2016.

Questions: if city unfunds the vacant ½ time HR position, who takes on the HR duties? Delay of Springhill Marriot fees and estimated TOT for FY 16-17; estimated completion date for the casual dining at The Dunes; understanding the benefits of financing Abrams B and the benefits of refinancing in December; reserve balance at the end of FY 15-16; explaining & understanding Internal Service Fund (ISF); explanation of “day-to-day operations”; anticipation of increase in revenues of \$360,000 in FY 16-17; expenditure decrease in FY 16-17, are vehicles, employee salary increases and benefit increases included in FY 16-17 expenditures; one-time expenditures; staffing levels; City Council budget, salary estimates, travel and promotional activities; Admin/HR/RM, breakdown of employee salaries & compensation; annual interfund transfers from NPS to Recreation; FY 16-17 \$50,000 expense for Library maintenance; FY 16-17 “Go Live” assumption of \$200,000 from hotel, The Dunes retail; Police opinion of vehicle status, personnel and ability to fulfill COPS obligation; Downtown revitalization improvements; explanation of the NPS being called an Enterprise Fund. Status of FAA & Non-aviation related events and the business park at Airport;

O’CONNELL/DELGADO: APPROVING RESOLUTION NO. 2016-85, RECEIVING THE CITY 2016-17 PROPOSED BUDGETS, RECEIVING STAFF PRESENTATION THEREOF, AND THAT THE CITY MANAGER AND THE CITY STAFF COME BACK ON THE 21ST WITH A PROPOSED BUDGET THAT IS IN COMPLIANCE WITH RESOLUTION NO. 2012-45. 5-0-0-0 Motion Passes by Roll Call Vote

Public Comments:

- Margaret Davis – Commented on the Equestrian Center/NPS Fund budget and tracking the expenditures and interfund transfers since 2008, which has not been done in a satisfactory way. NPS is an enterprise fund so the city can build up its equestrian center and provide services and improve the entire city through this fund. It’s supposed to accrue and not just be a cash-cow. Asked council to look at this fund, understands it thoroughly, set policies.

5. **COUNCIL & STAFF INFORMATIONAL REPORTS:**

- a. Monterey County Mayor’s Association [Mayor Bruce Delgado]

Mayors Association met in Carmel and met the new Mayor Steve Dallas. Had to leave early and will report out more on our June 21st meeting.

- 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.

Mayor Delgado - Attended a vigil at the Epiphany Church for those victims of Sunday's shooting in Florida.

OPEN SESSION ADJOURNMENT: City Council Adjourned open session at: 8:57 PM

- 6. **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. Real Property Negotiations

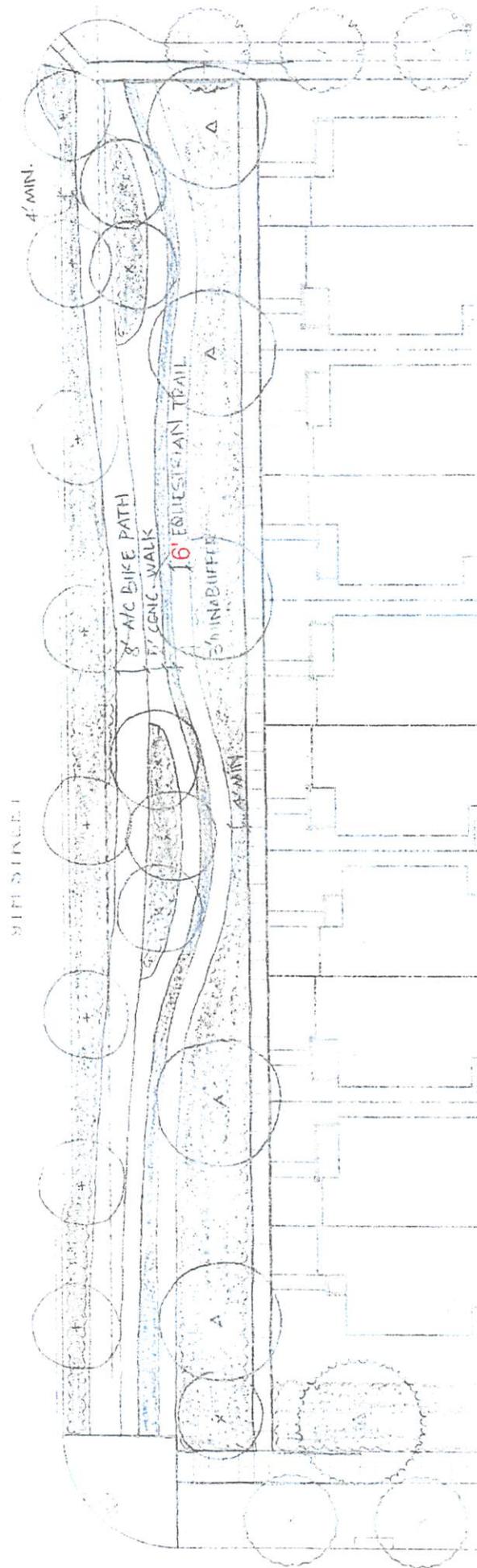
- (1) Property: 3240 Imjin Road, Hangar 510
Negotiating Party: Rick Wilcoxsen, Driven Performance, LLC
Property Negotiator: City Manager
Terms: All terms and conditions
- (2) Property: 761 Neeson Road, Hangar 524
Negotiating Party: Md7 on behalf of Sprint Spectrum Realty Company, LLC
Property Negotiator: City Manager
Terms: All terms and conditions

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor

Agenda Item: 4a
OPTION 3



Agenda Item: 4a
OPTION 3



DRAFT

Agenda Item **8b(2)**
City Council Meeting of
July 6, 2016

MINUTES

Tuesday, June 21, 2016

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

TELECONFERENCE LOCATION:¹

161 Upshire Circle
Gaithersburg, MD

¹ Note: Pursuant to Government Code Section 54953(b), this meeting will include teleconference participation by Mayor Pro-Tem Frank O'Connell from the address above. This Notice and Agenda will be posted at the teleconference location

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:** None

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

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.*

- Patti Bradshaw – noted that Cal-Fire came by and cleaned the perc-pond on Flower Circle and did a great job but left piles of rubbish, hopes public works will come by and pick it up prior to July 4th
- Mike Owen – Commented on proposed tax measures and what would be generated and going door-to-door around his neighborhood asking people their thoughts on the proposed tax.
- Dusan Tatomirovic – Asked about the status of the neglected streets; noted city’s website “current development projects” page has not been updated since August 2015; Marina Heights development is dragging on vertical construction; status of Cypress Knolls, Airport Development area, Downtown Revitalization and asked if Springhill Suites is opening soon.
- Council Member Amadeo – announced she will be attending the League of California Cities Council/Mayor Forum in Monterey lot of great subject matters but will mainly be attending City Finances and Economic Development.
- Mayor Delgado – Shout-out to the Recreation Department for having the highest number of children going to the Teen Center during the Summer time than they’ve had before. Will also be attending the League of California Cities Council/Mayors Forum on City Finances.

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 78952-79096, totaling \$363,453.69

b. MINUTES:

- (1) May 24, 2016, Special City Council Meeting

(2) June, 7, 2016, Regular City Council Meeting

c. CLAIMS AGAINST THE CITY: None

d. AWARD OF BID:

(1) City Council consider adopting **Resolution No. 2016-90**, awarding the Interchange Improvements Project State Highway 1 Northbound & Southbound at Imjin Parkway to Granit Rock Company of San Jose, California; authorize Finance Director to make necessary accounting and budgetary entries, and; authorize City Manager to execute contract documents and all change orders on behalf of City subject to final review and approval by the City Attorney.

e. CALL FOR BIDS: None

f. ADOPTION OF RESOLUTIONS:

(1) City Council consider adopting **Resolution No. 2016-86**, approving the Repayment Plan Schedule between the City of Marina and the Department of Housing and Community Development in the Amount of \$196,207 as obligation of Community Development Block Grant (CDBG) programs; and, authorizing City Manager to execute document(s) on behalf of the City subject to final review and approval by City Attorney.

(2) City Council consider adopting **Resolution No. 2016-87**, establishing appropriations limit for FY 2016-17.

g. APPROVAL OF AGREEMENTS:

(1) City Council consider adopting **Resolution No. 2016-88**, approving Amendment No. 6 amending the agreement between the City of Marina and CSG Consultants, of Foster City, California, to extend the current contract to December 31, 2016, and; authorize the City Manager to execute Amendment No. 6 on behalf of the City subject to final review and approval by the City Attorney.

(2) City Council consider adopting **Resolution No. 2016-89**, authorizing the Mayor to execute an Amendment to the Property Transfer and Hydrant Maintenance Agreement on behalf of the City of Marina subject to final review by the City Attorney.

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

Council Member Morton had question for agenda item 8g(2). Asked if the contract now being supplemented or amending that transfer back to us the responsibility for maintaining the drainage system. I want to be sure that what's being transferred back to us is our responsibility, is not still

located on land that is being retained by MCWD? Everything we're maintaining is situated on land owned by the City of Marina?

Mayor Delgado - Why is it that MCWD will no longer have any maintenance responsibility? Why is the city receiving \$9000+ from MCWD? What is the annual maintenance cost?

Mayor Delgado pulled agenda item 8d(1) to be discussed and voted on after approval of Consent Agenda.

AMADEO/DELGADO: TO APPROVE THE CONSENT AGENDA MINUS 8d(1). 4-0-1(Brown)-0 Motion Passes by Roll Call Vote

Agenda Item 8d(1)

Council had questions related to: design of the project; how the merges will work; if project is mandatory for 2016; prevailing wage language inserted into the agreement consistent with the Fort Ord Reuse Authority Master Resolution; if Settlement Agreement was on city website or if it can be made available; timelines of construction;

APPROVE ITEM 8d(1) AS WRITTEN UNLESS AMENDED BY RECOMMENDATION OF THE CITY ATTORNEY BASED ON THE CONVERSATION LEAD BY COUNCIL MEMBER MORTON. 4-0-1(Brown)-0 Motion Passes by Roll Call Vote

9. **PUBLIC HEARINGS:**

- a. City Council open public hearing taking testimony from public and consider adopting **Resolution No. 2016-91**, approving discussion of design phase for possible State Community Development Block Grant (CDBG) Application; and, to solicit citizen input on possible competitive project(s).

The Public Hearing (Design Phase) covered the highlights of the CDBG Program. Highlights were as follows:

Marilyn explained the Purpose of Public Hearing is to inform citizens of CDBG grant opportunities; and, receive public comments regarding types of eligible activities the City of Marina should apply under the state CDBG Program; HUD's allocation of \$27,000,000 to State of CA for CDBG Programs to non-entitlement jurisdictions; State CDBG Program offers up to \$2,000,000/year per non-entitlement jurisdictions, except for Over-the Counter grant; Other requirements were discussed such as the 50% Rule, need for an Updated Housing Element; and, spending down Program Income; Two public meetings are required. The first is the Design Phase Public Hearing to receive public comment; the second Public Hearing is to approve submittal of application to HCD. The public meetings must be 30 days apart. Next Public Hearing application submittal will take place July 26, 2016; City must meet one of the National Objectives, which is Benefit to low-and-moderate income persons; elimination of slums and blight; or, meet an urgent community need certified by the grantee; According to HUD Exchange the City of Marina LMI is 41.86%, which means city cannot apply for "city-wide program" but by specific eligible group; Eligible Activities under CDBG NOFA: Homeownership & Housing Rehabilitation, Public Facility, Public Improvement Projects (including Public Improvement support of new housing construction, Public Service, Planning Studies, Economic Development Business Assistance, Economic Development Microenterprise Technical Assistance, Colonia and Native American; Being that City's LMI is 41.86%, city cannot apply for city-wide project/program. However, city can apply under Low/moderate Limited Clientele (LMC) who are generally presumed by HUD to be LMC. LMC benefits a specific group of person rather than everyone in an area. Qualifications of LMC are abused children, elderly persons, battered spouses, homeless persons,

illiterate adults, persons living with AIDS, migrant farm workers. There are restrictions on use of activity/facility to LMC. Those restrictions are that such service/facility is not open to entire community, serves only LMC and be of nature and in location that reasonable concludes that project will serve LMI persons. The grant application is due to HCD on July 27, 2016.

Council had questions on: ability to apply for future similar monies for Cypress Knolls blight removal; 41.86% characterized as low & moderate income persons qualified for “affordable housing”; future can we construct affordable homes with CDBG monies to meet needs; clarification of grants uses as for new construction;

Mayor opened public hearing for comments:

- Virgil Piper, Senior Advisory Board Member – Favors the idea of a Community Development grant provided that is was for a senior center. Commented letter sent to council on the possible purchase of the VFW for a new senior center and received over 300 signature as a means of support for that idea. Wide support for a senior center as a standalone building. Marina Senior program is failing. In 2006 we had 400 members and now we are down to just about 160 members. Quoted 2010 census on seniors in Marina. There is an opportunity here to salvage this programs and believes it can be accomplished by a creating a separate freestanding senior center. Provided copy of senior petition.
- Ruth Krotzer – provided council with reasons why the current senior center is not pragmatic for senior use. Current location was built as very needed gymnasium for the youths; lacking proper storage for senior items (boards games, sewing materials, etc...) we have to use time and energy to put everything away before the youths arrive; used by youth programs every afternoon and rented on the weekend, which precludes us being there in the afternoon and weekends; can't leave kitchen stocked because of the item come up missing; conflicts with youths programs; no welcome/information area for seniors to find out current events & memberships; Food Bank distribution site is a hazard and dangerous, a lot of traffic.
- Harold Krotzer – Read letter from Liz Billingsley who is in support of the city applying for a grant for a new senior center. Seniors need to socialize and feel comfortable with their own. City has open space where a nice place could be built for the older generation.
- Darlena Ridler, Recreation Commissioner/Senior Advisory Board Liaison - passed on Senior Advisory Board discussions, feel like they don't have their own place to go. Not complaining about the other programs and appreciate that we have youth programs and want them to have the facilities they need. Senior program is ran out of a gymnasium and making due for years. Many limitation with current location. On the senior's behalf that we dedicate this grant money for the building of a new senior center. Senior programs need to provide critical support, they need to stay engaged on a regular basis to stay healthy and to make new friends. They need health and wellness support. Exercise and nutrition programs and wellness checks when people are absent. Would like to be involved in the selection of the new center. Asked to consider placing building on the upper-level of Vince DiMaggio Park
- Margaret Davis – commented on when the Housing Element came before the planning commission when discussion took place on needs for our seniors and one needed element to makes us eligible for the CDBG Grant application was the adoption of the updated housing element.
- Wayne Ivey – We are the only community that doesn't have a dedicated senior center. This money is available at no cost to the city, there's an existing structure the DiMaggio building that could be modified within the grant request amount and the need has already been established.

- Adam Urritia, Planning Commissioner – commented that when the housing element came before the planning commission the deliberations related to the housing element that we were deliberating for the purpose of establishing that this grant would be spent on affordable housing. I believe everybody on the planning commission was aware that the item being considered for this grant was for a senior center and believe the majority of the planning commission support that, though it wasn't discussed explicitly.

Mayor closed public comment period

MORTON/AMADEO: THAT WE APPROVE THE DISCUSSION OF DESIGN PHASE FOR POSSIBLE STATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2016 APPLICATION; AND, THAT WE HAVE SOLICITED PUBLIC INPUT ON A PROJECT FOR A SENIOR CENTER FOR THE 2016 AND DIRECT THAT STAFF INVESTIGATE FOR FUTURE YEARS, WELL IN ADVANCE THAT WE MIGHT APPLY FOR ANY AVAILABLE FUNDING THAT MIGHT ASSIST US WITH OUR COMMITMENTS TO OUR HOUSING ELEMENT THAT WE WILL BE CONSIDERING LATER TODAY. 4-0-1(Brown)-0 Motion Passes by Roll Call Vote

- b. City Council opening a public hearing and take any testimony from the public objecting to abate such weeds, rubbish and/or refuse, and; consider adopting **Resolution No. 2016-92**, approving abatement of weeds, accumulation of rubbish and/or refuse upon specified private property parcels to be public nuisances by the City Public Works Division, and; set public hearing for Tuesday, 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.

Council Questions: Assessment of property in Foreclosure, who pays; risks of not getting reimbursed for public works abatement.

Mayor opened public hearing for comments:

- Adam Urritia – City should check into SB1137, which allows for fines up to \$1000/day that the houses are out of compliance for bank owned properties. City would need to adopt an ordinance to the effect of compliance with SB1137.

Mayor closed public comment period

MORTON/AMADEO: TO APPROVE RESOLUTION NO. 2016-92, APPROVING ABATEMENT OF WEEDS, ACCUMULATION OF RUBBISH AND/OR REFUSE UPON SPECIFIED PRIVATE PROPERTY PARCELS TO BE PUBLIC NUISANCES BY THE CITY PUBLIC WORKS DIVISION, AND; SET PUBLIC HEARING FOR TUESDAY, 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. 4-0-1(Brown)-0 Motion Passes by Roll Call Vote

- c. City Council open public hearing receiving testimony from public and consider adopting **Resolution 2016-93**, to adopt a Negative Declaration of no significant environmental impact for the Interim Updated Housing Element 2015-2023 to the General Plan, and; adopting **Resolution No. 2016-94**, to amend the City of Marina General Plan by adopting an Interim Updated Housing Element 2015-2023, and finding the Interim Updated Housing Element 2015-2023 consistent with the Fort Ord Base Reuse Plan.

Veronica Tam presented staff report on Housing Element Update

What is the Housing Element? The housing element is a policy document.

Housing Element Update - Policy document to plan for existing and projected housing needs of all economic segments of the community; CA State requirement; required chapter of General Plan; Must be reviewed by the State Dept. of Housing and Community Development; Statutory Deadline – December 15, 2015 = Four-Year Update for Marina, Next Update – December 15, 2019.

Why update the Housing Element? Finding of Substantial Compliance - Legally adequate General Plan; Presumption of validity in case of lawsuit; Eligibility/priority for housing and related funds - State CDBG and HOME funds, CalHFA, CalHOME, BEGIN loans, Affordable Housing and Sustainable Communities (AHSC) Program.

Housing Element Requirements - Provide a variety of housing types for all income levels; Assist in the development of lower and moderate income housing; Remove constraints to housing; Conserve and improve existing housing; Promote fair housing.

Components of Housing Element - Needs Assessment (general & special needs), Constraints (governmental, market, environmental), Resources (financial, land, administrative), Public Input (residents, stakeholders) = Housing Plan (goals, policies, program).

Housing Element Update Process - Accelerated Schedule - To accommodate the CDBG application for construction of Senior Center; CDBG NOFA released in May, 2016; application due July 28, 2016; City must have an adopted Housing Element to be eligible for CDBG funds; Current Housing Element (adopted 2009) expired on December 15, 2015.

CDBG Requirements - A Draft Housing Element submitted to the State Department of Housing and Community Development for review - HCD proposes a two- to three-week review instead of 60-day review to accommodate City CDBG application; HCD issues comments on Draft Housing Element; City “considers” HCD comments prior to adoption.

Housing Element Proposed Schedule - May 12 – Planning Commission Study Session; May 16 – Draft Housing Element to HCD for Review; June 1 – HCD Comment Letter; June 9 – Planning Commission Public Hearing for Adoption; June 21 City Council Public Hearing for Adoption, Housing Element eligible for CDBG Application; July-September – Reopen Housing Element process to conduct additional outreach and receive public comments; September – Revise Housing Element to address public and HCD comments; October/December – Re-adoption of Housing Element.

Summary of Housing Needs - Population steadily increasing after drastic drop due to Fort Ord closure; Aging population – seniors 60+ (16%); Decreased proportion of young families with children (83% to 68%); Median income 8% lower than County ; Low homeownership rate (43%); More than 60% of housing older than 30 years; Housing cost burden (more than 30% income on housing) - 78% of lower income renter-households - 66% of lower income owner-households; Overcrowding (more than 1 person/room) - 6.2% of renter-households - 2.5% of owner-households.

Regional Housing Needs Allocation – How much housing is needed in the future for the City of Marina as your share of the Regions Housing needs.

How are Future Housing Needs Defined? State requirement for every region to accommodate “fair share” of future housing; AMBAG calculates targets for every city in region with projection of new housing units needed; Housing targets at all income levels: very low income, low income, moderate income, and above moderate

RHNA Targets for Marina - RHNA is NOT a production obligation; must demonstrate adequate sites, with appropriate zoning and development standards: Very Low Income = 315 units, State Mandated Default Density – 20 du/ac; Low Income = 205 units, State Mandated Default Density – 20 du/ac; Moderate Income = 238 units – Small-Lot Subdivisions, Townhomes, Condominiums; Above Moderate = 550 units – Single-Family Homes.

Strategies for Meeting the RHNA - Sites identified in 2008-2014 Housing Element mostly still available = Central Marina; Downtown Marina (no specific plan) - C-1, C-2, C-R, and R-4 zoning permit housing; Marina Station; South Marina – Former Fort Ord.

Housing Programs

Program	Title	Comment
Policy 1: Adequate Sites		
1.1	Provide Adequate Sites for RHNA	Modified – No rezoning proposed
1.2	Mixed Use/Increased Density – MST Site	Existing
1.3	Mixed Use/Increased Density – Monitoring Housing Production	Existing
Policy 2: Variety of Housing Options		
2.1	Density Bonus	Modified – update ordinance to be consistent with recent changes in State law
2.2	Affordable Housing Development	Modified by merging existing programs
2.3	Inclusionary Housing	Existing

Program	Title	Comment
2.4	Rezone Additional Land for Mobile Home Park	Existing
2.5	Preferential Housing for Marina Workers and Residents	Existing
Policy 3: Improvement Standards		
3.1	Improvement Standards Review	Existing
3.2	Zoning Ordinance Amendments	Modified
Policy 4: Funding Sources		
4.1	Affordable Housing Resources	Modified by merging existing programs

Program	Title	Comment
Policy 5: Conserve Existing Units		
5.1	Property Inspection/Code Enforcement	Existing
5.2	Conservation of Existing Affordable Housing	Modified by updating inventory of affordable housing
Policy 6: Energy Conservation		
6.1	Energy Conservation	Existing
Policy 7: Housing Discrimination		
7.1	Fair Housing Outreach	Existing
Policy 8: Housing for Special Needs		
8.1	Special Needs Housing – Removal of Constraints	Existing

Program	Title	Comment
Policy 9: Adequate Water Supply		
9.1	Collaboration with Water Resources Agencies	Existing
Policy 10: Greenhouse Gas		
10.1	Greenhouse Gas Reduction	Existing

Quantified Objectives

Objectives are only estimates; Can be lower than overall needs due to funding

	Extremely Low	Very Low	Low	Moderate	Above Moderate
RHNA	157	158	205	238	550
New Construction	50	50	100	150	400
Rehabilitation	20	40	40		
Conservation	238	238			

Summary of Comments on Draft Housing Element - Planning Commission May 12, 2016 Meeting - Diversify housing stock by encouraging other housing options such as second units; Add veterans as a group with special housing needs; Consider acquisition/substantial rehabilitation of abandoned military housing; Re-examine the Inclusionary Housing program.

HCD Comments June 1, 2016 Letter - Provide more detailed information on available sites for 4th and 5th cycle RHNA; Evaluate development standards as potential constraint to achieving allowable densities; Include updated planning and development impact fees; Clarify findings for CUP approval and criteria for design review; Provide specific timeframe and objectives for housing programs, to the extent feasible; Continue to make diligent efforts for public participation.

Planning Commission June 9, 2016 Meeting - Inclusionary housing requirements - An in-lieu fee option, How to make sure developers comply with the requirements ; Constraints to affordable housing - Funding sources available, Impact fees and City fee schedules, Development standards, Design review; Demographic shifts and housing needs, Affordable housing for young families, especially homeownership opportunities, Housing options for an aging population, Lower median income in City – programs should use City median income, not County median income, How to prioritize assistance to City residents; Opportunities for development-Commercial areas/Mixed use development, Appropriate development standards; Additional opportunities for public input, Staff to add topics to agenda in upcoming months.

Council had questions: In-Lieu Fees usage; obligation of 51 units of In-Lieu in a particular timeframe or show location; water cap allocations; comment letters by council and planning commission to be added in “round two” of the update; is this the final Mitigated Negative Declaration or will it be modified and come back.

Mayor opened public hearing for comments: None received

DELGADO/MORTON: THAT WE ADOPT RESOLUTION 2016-93, TO ADOPTING A NEGATIVE DECLARATION OF NO SIGNIFICANT ENVIRONMENTAL IMPACT FOR THE INTERIM UPDATED HOUSING ELEMENT 2015-2023 TO THE GENERAL PLAN, AND; ADOPTING RESOLUTION NO. 2016-94, TO AMEND THE CITY OF MARINA GENERAL PLAN BY ADOPTING AN INTERIM UPDATED HOUSING ELEMENT 2015-2023, AND FINDING THE INTERIM UPDATED HOUSING ELEMENT 2015-2023 CONSISTENT WITH THE FORT ORD BASE REUSE PLAN. 4-0-1(BROWN)-0 Motion Passes by Roll Call Vote

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. 2016-95**, receiving informational presentation and setting public hearing for July 6, 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.

Development Impact Fee 2016 Update

Purpose = Update 2011 Fee; Update Land Use Development Projects; Update Capital Improvement Projects; Update with Cypress Knolls Removal – **Fee Programs** = Public Buildings; Public Safety; Transportation (Roadways and Intersections); Parks

Development Impact Fees (2016 Update) - Development Entitlements = Entitlements between 2011 and 2016 = Land Use Assumptions; Residential; Commercial/retail; Office; Industrial - **Projects with Development Agreements are Excluded:** Dunes; Marina Heights and CSUMB

Development Impact Fees - (2016 Update) – Cypress Knolls

May 17, 2016 Public Hearing - Evaluate No Cypress Knolls, Increase in Impact Fees; **Assumptions-** No Cypress Knolls Development; No Land Use Replacing Cypress Knolls; New development in Cypress Knolls area will require a change in the DIF and they will pay the updated fees.

Development Impact Fees 2016 Update

Land Use	Total Fee
Residential	
Single Family Dwelling Units	\$ 21,189
Senior Homes	\$ 11,697
Assisted Living - Senior	\$ 7,041
Multi-Family Dwellings	\$ 17,647
Mobile Home Park	\$ 16,135
Campground/RV Park	\$ 14,049
Non-residential	
Office/Research	\$ 10,803
Retail/Service	\$ 17,340
Industrial	\$ 6,501
Hotel	\$ 7,647
Church	\$ 8,450
Day Care Center	\$ 68,072
Animal Hospital/Veterinary Clinic	\$ 43,905
Medical/Dental Office Building	\$ 33,820
Casino/Video Lottery	\$ *
Casino	\$ *

Note:
 * Depends on gaming area and gross building space square footage. Must be calculated separately for Public Buildings, Public Safety, Parks, Roadways, and inspections.

Public Comments: None received

MORTON/AMADEO: TO APPROVE RESOLUTION NO. 2016-95, RECEIVING INFORMATIONAL PRESENTATION AND SETTING PUBLIC HEARING FOR JULY 6, 2016, ON THE PROPOSED INTENTION TO AMEND CHAPTER 3.26 OF THE MARINA MUNICIPAL CODE REGARDING MITIGATION FEES FOR NEW DEVELOPMENT WITHIN THE CITY OF MARINA. 4-0-1(Brown)-0 Motion Passes by Roll Call Vote

Public Comments: None Received

- b. City Council consider adopting **Resolution No. 2016-96**, Receive and file the Unanimous Approval of Annexation of property into the City’s Community Facilities District No. 2015-1 (The Dunes).

AMADEO/DELGADO: TO APPROVE RESOLUTION NO. 2016-96, RECEIVE AND FILE THE UNANIMOUS APPROVAL OF ANNEXATION OF PROPERTY INTO THE CITY’S COMMUNITY FACILITIES DISTRICT NO. 2015-1 (THE DUNES). 4-0-1(Brown)-0 Motion Passes by Roll Call Vote

Public Comments:

- Dusan Tatomirovic – Asked is a map of the area could be put on display for the public to see what areas were included in the annexation

- c. City Council consider adopting **Resolution No. 2016-97**, accepting dedication of Public Improvements as shown on the approved Dunes Phase 1C (Formerly University Village) Improvement Plans and Final Map for Residential Phase 1; authorize City Clerk to release 90% of bond securities, and; authorize City Clerk to record acceptance with Monterey County Recorder’s Office.

DELGADO/AMADEO: TO APPROVE RESOLUTION NO. 2016-97, ACCEPTING DEDICATION OF PUBLIC IMPROVEMENTS AS SHOWN ON THE APPROVED DUNES PHASE 1C (FORMERLY UNIVERSITY VILLAGE) IMPROVEMENT PLANS AND FINAL MAP FOR RESIDENTIAL PHASE 1; AUTHORIZE CITY CLERK TO RELEASE 90% OF BOND SECURITIES, AND; AUTHORIZE CITY CLERK TO RECORD ACCEPTANCE WITH MONTEREY COUNTY RECORDER’S OFFICE AND THAT THE RESOLUTION BEING APPROVED REFERENCING MARINA COMMUNITY PARTNERS (MCP) BE CHANGED TO SHEA HOMES. 4-0-1(Brown)-0 Motion Passes by Roll Call Vote

Public Comments: None received

- d. City Council consider adopting **Resolution No. 2016-98, 2016-03 (S/A MRA), 2016-01 (NPC) and 2016-02 (MAC)**, adopting Fiscal Year 2016-17 Budget, establishing procedures for amending budget, and authorizing the Finance Director to make necessary accounting and budgetary entries; and consider adopting **Resolution No. 2016-99, 2016-04 (S/A MRA), 2016-02 (NPC) and 2016-03 (MAC)** authorizing Finance Director to make certain post year-end accounting adjustments to FY 2015-16 and FY 2016-17 Budgets.

Presented by Finance Director Lai

This budget includes many services but does not include some very important services such as street improvements, facilities, sidewalks, downtown vitalization and the restoration of public safety.

Council question: are sidewalks in front of home, who’s responsible for maintaining them?

MORTON/DELGADO: THAT WE APPROVE THE BUDGET WITH REVENUES OF \$18,792,800, WITH EXPENDITURES OF \$18,792,800, AND OF THE \$6,477,868 GENERAL FUND BALANCE INDICATED IN THIS BUDGET THAT WE ALLOCATE AND CREATE A 20% EMERGENCY RESERVE FUND, WHICH IS \$3,752,600; AND THAT WE ALLOCATE \$200,000 OF THAT GENERAL FUND MONEY TO PAY THE CDBG OBLIGATION, WHICH IS PAID OVER THREE YEARS; AND THAT WE ALLOCATE \$1 MILLION IN ADDITION TO THE \$75,000 IN THE 2016-2017 ANNUAL BUDGET FOR VEHICLE AND EQUIPMENT REPLACEMENT FUND; THAT WE ALLOCATE \$400,000 FOR COMPENSATED ABSENCES; \$500,000 FOR FACILITIES REPAIRS RESERVE AND THE BALANCE OF \$6,497,868 REMAIN UNCHARACTERIZED AND UNENCUMBERED PENDING A STUDY AND PLANNING SESSION OF OUR CAPITAL IMPROVEMENT PROJECTS BUDGET AND NEED AND THAT THAT MEETING SHOULD OCCUR PRIOR TO SEPTEMBER 30, 2016. 3-1(O’Connell)-1(Brown)-0 Motion Passes by Roll Call Vote

DELGADO/MORTON: TO APPROVE RESOLUTION NO. 2016-99, 2016-04 (S/A MRA), 2016-02 (NPC) AND 2016-03 (MAC) AUTHORIZING FINANCE DIRECTOR TO MAKE CERTAIN POST YEAR-END ACCOUNTING ADJUSTMENTS TO FY 2015-16 AND FY 2016-17 BUDGETS. 4-0-1(Brown)-0 Motion Passes by Roll Call Vote.

12. COUNCIL & STAFF INFORMATIONAL REPORTS:

- a. Monterey County Mayor's Association [Mayor Bruce Delgado]

Mayor Delgado – Mayors Association met in Carmel this month but was unable to attend whole meeting due to graduation events; will report back when the minutes from the meeting are available.

- 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: 9:35 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor

June 28, 2016

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

Honorable Mayor and Members
Of the Marina City Council

City Council Meeting
of July 8, 2016

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2016-,
AWARDING THE CONTRACT TO MONTEREY ENVIRONMENTAL
SOLUTIONS AND SERVICES, OF MONTEREY CALIFORNIA, FOR
THE REMOVAL OF ASBESTOS PIPE INSULATION AT THE
CHAPEL BUILDING, AND; AUTHORIZING THE CITY MANAGER
TO EXECUTE THE CONTRACT DOCUMENTS ON BEHALF OF
THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE
CITY ATTORNEY**

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2016- awarding the contract to Monterey Environmental Solutions and Services, of Monterey California, for the removal of asbestos pipe insulation, and;
2. Authorizing the City Manager to execute all contract documents on behalf of the City, subject to final review and approval by the City Attorney.

BACKGROUND:

The City has begun a process to stabilize the old pool building, the water city roller hockey building and the old white chapel. The stabilization of the exterior of these buildings is almost completed.

The City is now beginning the process to clean up the interior of the Chapel building which has been vandalized over the years. Before we can begin overall clean up there is pipe wrap containing asbestos that should be removed.

There were two proposals for the removal of the pipe wrap containing asbestos.

Monterey Environmental Solutions and Services	\$5500.00
Coastwide Environmental Technologies, Inc.	\$8200.00

ANALYSIS:

The City will be using the Gabilan work crew and our city public works crews to clean up the interior of the Chapel this summer. As soon as the existing insulated pipe wrap that contains asbestos is removed, it will be safer to begin the process with cleanup and any interior renovations.

The Envelope Stabilization Project has an unused balance of \$26,962.85 which can be used to fund the asbestos removal.

Monterey Environmental Solutions and Services has provided the lowest cost proposal of \$5500.00 for the removal of the pipe wrap. A Draft Contract for services is attached. **(EXHIBIT A)**

FISCAL IMPACT:

Should the City Council approve this request, adequate funding is available in the balance of the Envelope Stabilization of the Sports Complex and Community Center budget, GL Account 462.000.000.000.00-6700.105-Capital Outlay-Construction Project # CCIP. P25.6700CN

CONCLUSION:

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

Respectfully submitted,

Daniel Paolini, CBO
Chief Building Official
City of Marina

REVIEWED/CONCUR:

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2016-

CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2016-, AWARDING THE CONTRACT TO MONTEREY ENVIRONMENTAL SOLUTIONS AND SERVICES, OF MONTEREY CALIFORNIA, FOR THE REMOVAL OF ASBESTOS PIPE INSULATION AT THE CHAPEL BUILDING, AND; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT DOCUMENTS ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

WHEREAS, Over the years, the interior of the Chapel building has been vandalized and is in need of overall clean up as well as asbestos containing pipe wrap that should be removed, and;

WHEREAS, two (2) proposals were received, and;

WHEREAS, the apparent responsive and responsible lowest proposal is Monterey Environmental Services and Solutions in the amount of \$5,500.00, and;

WHEREAS, The City of Marina Public Works crew and the Gabilan Work Crew will be completing the interior clean up this summer.

WHEREAS, At this time the City should take advantage of the opportunity to remove the existing insulated pipe wrap that will need to be abated prior to any interior renovations, and;

WHEREAS, Should the City Council approve this request, adequate funding is available in the balance of the Envelope Stabilization of the Sports Complex and Community Center, GL Account 462.000.000.000.00-6700.105-Capital Outlay-Construction Project # CCIP. P25.6700CN

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

1. Award the contract to Monterey Environmental Solutions and Service, and;
2. Authorize the City Manager to execute all contract documents on behalf of the City, subject to review and approval by the City Attorney.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Marina, duly held on the 6th day of July, 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

**CITY OF MARINA
AGREEMENT FOR THE REMOVAL OF ASBESTOS PIPE INSULATION**

THIS AGREEMENT, made and entered into this _____ day of _____, 2015, by and between Marina, a municipal corporation of the State of California, hereinafter called "City," and **Monterey Environmental Solutions and Service** of Monterey, California, hereinafter called "Contractor,"

WITNESSETH:

FIRST: Contractor hereby covenants and agrees to furnish and provide all labor, materials, tools, appliances, equipment, plant and transportation, and all other things required or necessary to be furnished, provided or done, and build, erect, deconstruct and complete the work at the time and in the manner provided, and in strict accordance with the specifications therefore, for the **Removal of Asbestos Pipe Insulation** City of Marina, CA.

SECOND: It is expressly understood and agreed that this contract consists of the following documents, all of which are incorporated into this agreement and made a part hereof as fully and completely as if set forth herein verbatim, to wit:

- a. Notice Inviting Sealed Proposals;
- b. Instructions to Bidders and General Conditions;
- c. Signed and executed Bid and Proposal of Contractor, as accepted by City;
- d. The aforesaid Plans and Specifications;
- e. Standard Plans and Standard Specifications, City of Marina, State of California - Standard Specifications Standard Plans
- f. Special Provisions of the Contract
- g. And this Agreement.

THIRD: That said Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and for doing all the work embraced and contemplated in this Agreement and as set forth in the Proposal adopted by the City of Marina, a true copy thereof hereto attached, also, for all loss or damage arising out of the nature of said work, or from the action of the elements or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until the acceptance thereof by the City of Marina and for all risk connected with the work, and for well and faithfully completing the work, and the whole thereof, in the manner and according to the said Plans and Specifications and the provisions of this Agreement, and the requirements of the Engineer under them, to wit: The prices as set forth in the Proposal of said Contractor for the work to be constructed and completed under this Agreement, which prices shall be considered as though repeated herein.

\$5,500.00

Five Thousand Five Hundred Dollars

The undersigned Contractor further agrees to so plan the work and to prosecute it with such diligence that said work, and all of it, shall be completed on or before the expiration of the

time specified in the Special Provisions after execution of the contract on behalf of the City of Marina and the receipt from the City of Marina of a notice to proceed with the work.

FOURTH: The City of Marina hereby promises and agrees with said Contractor to employ, and does hereby employ, said Contractor to provide the materials and to do the work according to the terms and conditions herein contained and referred to, for the price aforesaid, and hereby contracts to pay the same at the time, in the manner and upon the conditions set forth in the Specifications; and the said parties, for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

FIFTH: No interest in this agreement shall be transferred by the Contractor to any other party, and any such transfer shall cause the annulment of this contract, so far as the City of Marina is concerned. All rights of action, however, for any breach of this contract are reserved to City.

SIXTH: Contractor shall keep harmless and indemnify the City of Marina, its officers and employees and agents, from all loss, damage, cost or expense that arises or is set up for infringement of patent rights of anyone for use by the City of Marina, its officers, employees or agents, of articles supplied by the Contractor under this contract, of which he is not entitled to use or sell. Contractor agrees to, at his own cost and expense, defend in court the City, its officers, agents and employees, in any action which may be commenced or maintained against them or any of them, on account of any claimed infringement of patent rights, arising out of this agreement.

SEVENTH: The Contractor agrees to immediately repair and replace all defective material and workmanship discovered within one year after acceptance of final payment by Contractor and to indemnify said City of Marina against all loss and damage occasioned by any such defect, discovered within said year, even though the damage or loss may not be ascertained until after the expiration thereof. Provided, however, that if such failure of the Contractor to perform should not, by reasonable diligence, be discoverable or discovered within said one year, then the obligation of the Contractor to repair and replace said defective material or workmanship shall continue until one year after the actual discovery thereof.

EIGHTH: The Contractor agrees at all times during the progress of the work to carry with insurance carriers approved by the City of Marina full coverage workmen's compensation and public liability insurance. Such insurance policy shall contain an endorsement that the same shall not be canceled nor the amount of coverage be reduced until at least 30 days after receipt by the City of Marina by certified or registered mail of a written notice of such cancellation or reduction in coverage.

NINTH: Contractor agrees to comply with all applicable federal, state and municipal laws and regulations, including but not limited to California Labor Code Division 2, Part 7, and Chapter 1.

TENTH:

(a) The City is subject to laws relating to public agencies which are part of this contract as though fully set forth herein.

(b) Contractor shall comply with City of Marina Municipal Code Chapter 13.02 Local Hiring for Public Works.

(c) Contractor shall comply with laws relating to the work.

ELEVENTH:

(a) Other than in the performance of professional services by a design professional, which shall be solely as addressed by subsection (b) below, and to the full extent permitted by law, Contractor shall indemnify, defend (with independent counsel reasonably acceptable to the City) and hold harmless City, its Council, boards, commissions, employees, officials and agents ("Indemnified Parties" or in the singular "Indemnified Party") from and against any claims, losses, damages, penalties, fines and judgments, associated investigation and administrative expenses, and defense costs including but not limited to reasonable attorneys fees, court costs, expert witness fees and costs of alternate dispute resolution (collectively "Liabilities"), where same arise out of the performance of this Agreement by Contractor, its officers, employees, agents and sub-contractors, excepting only that resulting from the sole negligence, or willful misconduct of City, its employees, officials, or agents.

(b) To the fullest extent permitted by law (including without limitation California Civil Code Sections 2782.8), when the services to be provided under this Agreement are design professional services to be performed by a design professional, as that term is defined under said section 2782.8, Contractor shall indemnify, protect, defend (with independent counsel reasonably acceptable to the City) and hold harmless City and any Indemnified Party for all Liabilities regardless of nature or type that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of Contractor, or the acts or omissions of an officer, employee, agent or subcontractor of the Contractor, excepting only liability arising from the sole negligence, active negligence or willful misconduct of City.

(c) All obligations under this section are to be paid by Contractor as incurred by City. The provisions of this Section are not limited by the provisions of sections relating to insurance including provisions of any worker's compensation act or similar act. Contractor expressly waives its statutory immunity under such statutes or laws as to City, its employees and officials. Contractor agrees to obtain executed indemnity agreements with provisions identical to those set forth here in this section from each and every subcontractor, sub tier contractor or any other person or entity involved by, for, with or on behalf of Contractor in the performance or subject matter of this Agreement. In the event Contractor fails to obtain such indemnity obligations from others as required here, Contractor agrees to be fully responsible according to the terms of this section. Failure of City to monitor compliance with these requirements imposes no additional obligations on City and will in no way act as a waiver of any rights hereunder.

(d) If any action or proceeding is brought against any Indemnified Party by reason of any of the matters against which the Contractor has agreed to defend the Indemnified Party, as provided above, Contractor, upon notice from the City, shall defend any Indemnified Party at Contractor's expense by counsel reasonably acceptable to the City. An Indemnified Party need not have first paid for any of the matters to which it is entitled to indemnification in order to be so defended.

(e) This obligation to indemnify and defend City, as set forth herein, is binding on the successors, assigns, or heirs of Contractor and shall survive the termination of this Agreement or this Section.

TWELFTH: In the event of any controversy, claim or dispute relating to this Agreement, or the breach thereof, the prevailing party shall be entitled to recover from the losing

party reasonable expenses, attorney's fees and costs.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands the year and date first above written.

CONTRACTOR

By: _____

Print Name: _____

Address: _____

Date: _____

CITY OF MARINA

By: _____

Layne Long, City Manager

Date: _____

APPROVED AS TO FORM:

By: _____

City Attorney

Date: _____

ATTESTED: (Pursuant to Resolution No. 2016-__)

By: _____

Anita Sharp, Acting Deputy City Clerk

Date: _____

WELLINGTON
LAW OFFICES

DEBORAH A. MALL
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June 30, 2016

MEMO TO: Mayor and Council Members

FROM: Robert Rathie, Asst. City Attorney

RE: Resolution to Amend Resolution 2016-81; changing the due dates for primary and rebuttal arguments for and against a ballot measure which, if approved by a majority of the electors of the City at the November 8, 2016 General Municipal Election, would amend the City Charter to allow for a four-year mayoral term commencing with the 2018 General Municipal Election; and for the City Attorney's impartial analysis of the measure.

On June 7, 2016, the City Council adopted Resolution 2016-81 (**EXHIBIT A**) ordering submission to the voters at the November 8, 2016 general municipal election of a measure which if approved by a majority of the electors would amend the City's Charter to allow for a four-year mayoral term commencing with the 2018 General Municipal Election.

On June 14, 2016, the County's Registrar of voters provided an update to the dates previously established in Resolution 2016-81 for last day to file primary and rebuttal arguments, and for the impartial analysis of the measure to be prepared by the City Attorney. The reason given for updating and changing those dates is to allow the County Elections Department to be consistent with other counties and to help expedite the production of the voter guide.

Adoption of the Resolution submitted with this memo would amend Resolution 2016-81 to change the due dates for primary arguments for and against the measure, and for the impartial analysis of the measure, to conform to the updated calendar published by the County. A certified copy of the Resolution amending Resolution 2016-81 will then be provided to the County's Election Department and the primary and rebuttal arguments for and against the measure and the impartial analysis would be due on the dates established therein.

- R.W.R.

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
AMENDING RESOLUTION NO. 2016-81
BY CHANGING THE DUE DATES FOR SUBMISSION OF PRIMARY
AND REBUTTAL ARGUMENTS FOR AND AGAINST,
AND FOR THE IMPARTIAL ANALYSIS BY THE CITY ATTORNEY
FOR A MEASURE WHICH WOULD AMEND THE CITY'S CHARTER
TO PROVIDE FOR A FOUR-YEAR MAYORAL TERM

WHEREAS, ON June 7, 2016, the City Council adopted Resolution No. 2016-81 ordering submission to the voters at the General Municipal Election to be held on Tuesday, November 8, 2016, of a ballot measure which if approved by a majority of the electors in the City of Marina would amend the City's Charter to provide for a four-year mayoral term commencing with the 2018 General Municipal Election; and

WHEREAS, Resolution 2016-81 is attached as Exhibit A; and

WHEREAS, the County's Registrar of voters has now established dates different from those established in Resolution 2016-81 for last day to file primary and rebuttal arguments, and for the impartial analysis of the measure to be prepared by the City Attorney; and

WHEREAS, matching the dates established by the Monterey County Election Department will better insure consistency, help expedite production of the voter guide and should avoid confusion concerning the required public review period for the measure.

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

1. Section 2 of Resolution 2016-81 is hereby amended to change the due dates for primary arguments for and against the ballot measure proposed to provide for a four-year mayoral term as follows:

“Arguments for and against the ballot measure may be filed consistent with Elections Code Section 9282, et seq. The last day for submission of direct arguments for or against the ballot measure shall be by 5:00 P.M. on August 18, 2016. Direct arguments shall not exceed three hundred words and shall be signed by not more than five persons.”

2. Section 3 of Resolution 2016-81 is hereby amended to change the due dates for rebuttals to arguments for and against the ballot measure proposed to provide for a four-year mayoral term as follows:

“Rebuttals to arguments for and against the ballot measure may be filed. The last day for submission of rebuttal arguments for or against the ballot measure shall be by 5:00 P.M. on August 25, 2016. Rebuttal arguments shall not exceed two hundred-fifty words and shall be signed by not more than five persons; if authorized in writing by the author(s) of the direct argument those persons may be different persons than the persons who signed the direct argument.”

3. Section 4 of Resolution 2016-81 is hereby amended to change the due date for the City Attorney's impartial analysis of the ballot measure proposed to provide for a four-year mayoral term as follows:

“Pursuant to Election Code Section 9280, the City Council hereby directs the City Attorney to prepare by August 18, 2016, an impartial analysis of the ballot measure.”

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on July 6, 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 ORDERING AN ELECTION FOR A MEASURE
WHICH IF APPROVED BY A MAJORITY OF THE ELECTORS IN
THE CITY OF MARINA WOULD AMEND THE CITY'S CHARTER,
REQUESTING COUNTY ELECTIONS TO CONDUCT THE ELECTION,
AND REQUESTING CONSOLIDATION OF THE ELECTION**

City of Marina

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any city or district may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city or district relating to the conduct of an election; and

WHEREAS, the resolution of the governing body of the city or district shall specify the services requested; and

WHEREAS, pursuant to Elections Code Section 10002, the city or district shall reimburse the county in full for the services performed upon presentation of a bill to the city or district; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10400, such election for cities and special districts may be either completely or partially consolidated; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation; and

WHEREAS, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

WHEREAS, various district, county, state and other political subdivision elections may be or have been called to be held on November 8, 2016;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED THAT THE governing body of the City of Marina hereby orders an election be called and consolidated with any and all elections also called to be held on November 8, 2016, insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the City of Marina, and the City of Marina requests the Board of Supervisors of the County of Monterey to order such consolidation under Elections Code Section 10400 and 10403.

BE IT FURTHER RESOLVED AND ORDERED that pursuant to Elections Code Section 10002 said governing body hereby requests the Board of Supervisors to permit the Monterey County Elections Department to provide any and all services necessary for conducting a mail ballot election and agrees to pay for said services in full, and

BE IT FURTHER RESOLVED AND ORDERED that Monterey County Elections Department shall conduct the election for the following measure to be voted on at the November 8, 2016 election:

CITY OF MARINA CHARTER MEASURE ____

Shall Section 1.04 be added to the Charter to provide for the direct election of the mayor to serve a term of four years, commencing with the 2018 general municipal election?

YES _____

NO _____

BE IT FURTHER RESOLVED AND ORDERED THAT Monterey County Elections Department is requested to print the full measure text (**Exhibit A**) exactly as filed or indicated on the filed document in the Voter Guide for the November 8, 2016 election. Cost of printing and distribution of the measure text will be paid for by the City of Marina.

In addition, the full text will be available at the following web site address: www.ci.marina.ca.us.

BE IT FURTHER RESOLVED AND ORDERED THAT

1. Voter approval requirement is a majority. In the event a majority of the electors voting on the measure vote in favor, the Charter of the City of Marina shall be amended to read in accordance with the text corresponding to the Amendment as set forth in Exhibit A.

2. Arguments for and against the ballot measure may be filed consistent with Elections Code Section 9282, *et seq.* The last day for submission of direct arguments for or against the ballot measure shall be by 5:00 P.M. on August 19, 2016. Direct arguments shall not exceed three hundred words and shall be signed by not more than five persons.

3. Rebuttals to arguments for and against the ballot measure may be filed. The last day for submission of rebuttal arguments for or against the ballot measure shall be by 5:00 P.M. on August 29, 2016. Rebuttal arguments shall not exceed two hundred-fifty words and shall be signed by not more than five persons; those persons may be different persons than the persons who signed the direct arguments.

4. Pursuant to Election Code Section 9280, the City Council hereby directs the City Attorney to prepare by August 19, 2016, an impartial analysis of the ballot measure

5. The Mayor Pro Tem is hereby authorized to prepare written arguments in favor of the ballot measure, not to exceed three hundred words, on behalf of the City Council. At the Mayor Pro Tem's discretion, the argument may also be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote. In the event an argument is filed against the ballot measure, the Mayor Pro Tem is also authorized to prepare a rebuttal argument on behalf of the City Council, which may also be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote.

6. The Deputy City Clerk hereby is designated as the Elections Official and is directed to do all things required by law to effectuate the Regular Municipal Election and to present the charter amendment submitted herein to the electorate, including, but not limited to, required publications, postings, noticing and filings. Further, the Deputy City Clerk is hereby directed to forward a copy of this resolution to the City Attorney for preparation of impartial analyses of the charter amendment submitted. Pursuant to Election Code section 9285, when the Deputy City Clerk has selected the arguments for and against the ballot measure, which will be printed and distributed to voters, the Deputy City Clerk shall send copies of the arguments in favor of the ballot measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

7. The Deputy City Clerk is hereby directed to submit forthwith a certified copy of this resolution to the Board of Supervisors, to the Registrar of Voters and to the County Clerk of the County of Monterey. The Deputy City Clerk shall certify as to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

8. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Sections 15061(b)(3) and 15378(a), that this resolution is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. This action is further exempt under the definition of "Project" in Section 15378(b)(3) in that it concerns general policy and procedure making. The Council therefore directs that a Notice of Exemption be filed.

PASSED AND ADOPTED by the City Council of the City of Marina this 7th day of June 2016, by the following vote:

AYES, COUNCIL MEMBERS: Brown, Morton, O'Connell

NOES, COUNCIL MEMBERS: Amadeo

ABSTAIN, COUNCIL MEMBERS: Delgado

ABSENT, COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

EXHIBIT "A" TO RESOLUTION NO. 2016-81

**PROPOSED AMENDMENT
TO THE CHARTER OF THE CITY OF MARINA**

The proposed amendment to the Charter, to be added to Article 6, is set forth below.

A. CITY OF MARINA CHARTER MEASURE __

Shall Section 1.04 be added to the Charter to provide for the direct election of the mayor to serve a term of four years, commencing with the 2018 general municipal election?

YES _____

NO _____

Section 1.04. Elected Mayor to Serve a Four Year Term. Commencing with the 2018 general municipal election, the directly elected Mayor shall serve a four-year term.

April 5, 2016

Item No: **8g(1)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 21, 2016

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2016-,
APPROVING WORK PLAN AND BUDGET FOR ACCESS MONTEREY
PENINSULA (AMP) FOR PUBLIC, EDUCATION AND GOVERNMENT (PEG)
BROADCASTING SERVICES FOR FY 2016-17, AUTHORIZING FINANCE
DIRECTOR TO MAKE THE NECESSARY BUDGETARY AND ACCOUNTING
ENTRIES AND APPROPRIATE PAYMENTS TO AMP, AND PROVIDE STAFF
WITH FURTHER DIRECTION IN THE MATTER**

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2016-, approving work plan and budget for Access Monterey Peninsula (AMP) for public, education and government (PEG) broadcasting services for FY 2016-17, and;
2. Authorizing the Finance Director to make the necessary budgetary and accounting entries and appropriate payments to Access Monterey Peninsula

BACKGROUND:

At the regular meeting of September 21, 2010, the City Council adopted Resolution No. 2010-158 approving an Agreement between the City of Marina and Access Monterey Peninsula (AMP).

Pursuant to the Agreement, AMP operates three Public, Education and Government (PEG) broadcasting channels and provides related broadcasting services to the City of Marina. The channels feature content from the public, educational and government segments of the Marina community as well as on-screen listings of community events.

Currently, City Council and some City Commission meetings are presented live with repeat broadcasts over the Marina City channel. In addition, live Internet streaming of the Marina City channel is available as a parallel broadcast service with a Windows Media web stream generated from AMP's servers. On-demand playback of all meetings televised on the Marina City channel is available on the Internet as streaming video as well.

At the regular meeting of October 19, 2010, the City Council adopted Ordinance No. 2010--05, adding Chapter 5.56 to the Marina Municipal Code, implementing provisions of the Digital Infrastructure and Video Competition Act (DIVCA).

As of December 31, 2006, the PEG Support Fees were the equivalent of 2.8% of the gross revenues of the incumbent cable operator in the city. Effective with the expiration on October 20, 2012 of the existing franchise with the incumbent cable provider, currently Comcast, all state franchise holders operating within the City shall pay to the City a PEG Support Fee in the amount of 2.8% of gross revenues. The PEG Support Fee shall be used for PEG purposes, in a manner that is consistent with federal and state law

Pursuant to the Agreement, on or before April 30 of each year, AMP is required to provide to the City, for City Council consideration and approval, an Annual Plan and Budget outlining activities and programs planned for the next fiscal year.

ANALYSIS:

AMP submitted its proposed Work Plan and Budget for FY 2016-17 (“**EXHIBIT A**”) which should contain the required information, as follows:

- a. An operational services plan and estimated operating expenditure budget by key line items descriptions and funding request for operational services plan;
- b. A statement of the estimated number of hours of local original PEG access programming specific to the City;
- c. A statement of training classes and outreach to be offered for City residents;
- d. A statement of other access activities planned by AMP;
- e. A capital outlay plan and estimated expenditure by key line items descriptions and capital equipment budget and funding request for capital outlay plan;
- f. Summary of prior year actual data including actual beginning operating balance and capital balance, revenues, expenditures and ending operating and capital balances; and
- g. Estimated ending operating balance and capital balance.

Under the Work Plan, AMP proposes to continue the current services. AMP will provide live coverage and replays on cable TV systems operating in Marina of all official meetings of the City Council, Planning Commission and other boards and commissions held in the Council Chambers. AMP will also continue to provide a streaming internet channel simulcast of the cable TV channel as well as on-demand delivery of replays of televised meetings.

AMP estimates that it will provide 188 hours of government programming and 50 hours of public access programming, as it did in FY 2014-15.

However, following the expiration of the Comcast franchise PEG fees may only be used for capital expenditures pursuant to federal law, City PEG fees will not be used for operations. Instead, City PEG fees will be used by AMP solely for capital uses with operations relating to the City services paid from unrestricted funds, as explained in the Work Plan and Budget.

More details of the operating service plan are found in the Work Plan and Budget for FY 2016-17 (“**EXHIBIT A**”)

Once the City Council considers and approves the proposed Plan and Budget, the necessary funds will be provided to AMP on a quarterly basis (schedule coincides with PEG fee payments paid by the cable companies and received by the City).

Further, there is approximately \$120,000 fund balance in this PEG Fund 210 (28-291) that may be used in addition to the services outlined in the attached work plan.

FISCAL IMPACT:

Should the City Council approve this request, the City will continue to receive PEG fees which must be used for to facilitate PEG access to the cable system. The adopted FY 2016-17 budget for PEG revenues and expenditures will be consistent with the approved Work Plan and Budget.

Based upon the AMP Work Plan and Budget, AMP will be using City PEG fees solely for capital expenditures.

CONCLUSION:

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

Respectfully submitted,

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2016-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA APPROVING WORK PLAN AND BUDGET FOR ACCESS MONTEREY PENINSULA (AMP) FOR PUBLIC, EDUCATION AND GOVERNMENT (PEG) BROADCASTING SERVICES FOR FY 2016-17, AUTHORIZING FINANCE DIRECTOR TO MAKE THE NECESSARY BUDGETARY AND ACCOUNTING ENTRIES AND APPROPRIATE PAYMENTS TO AMP, AND PROVIDE STAFF WITH FURTHER DIRECTION IN THE MATTER

WHEREAS, at the regular meeting of September 21, 2010, the City Council adopted Resolution No. 2010-158 approving an Agreement between the City of Marina and Access Monterey Peninsula (AMP), and;

WHEREAS, pursuant to the Agreement, AMP operates three Public, Education and Government (PEG) broadcasting channels and provides related broadcasting services to the City of Marina. The channels feature content from the public, educational and government segments of the Marina community as well as on-screen listings of community events, and;

WHEREAS, currently, City Council and some City Commission meetings are presented live with repeat broadcasts over the Marina City channel, and;

WHEREAS, live Internet streaming of the Marina City channel is available as a parallel broadcast service with a Windows Media web stream generated from AMP's servers and on-demand playback of all meetings televised on the Marina City channel is available on the Internet as streaming video as well, and;

WHEREAS, at the regular meeting of October 19, 2010, the City Council adopted Ordinance No. 2010-05, adding Chapter 5.56 to the Marina Municipal Code, implementing provisions of the Digital Infrastructure and Video Competition Act (DIVCA) , and;

WHEREAS, as of December 31, 2006, the PEG Support Fees were the equivalent of 2.8% of the gross revenues of the incumbent cable operator in the city, and;

WHEREAS, effective with the expiration on October 20, 2012 of the existing franchise with the incumbent cable provider, currently Comcast, all state franchise holders operating within the City shall pay to the City a PEG Support Fee in the amount of 2.8% of gross revenues, and;

WHEREAS, the PEG Support Fee shall be used for PEG purposes, in a manner that is consistent with federal and state law, and;

WHEREAS, AMP has submitted its proposed Work Plan and Budget for FY 2016-17 which contains the required information (“**EXHIBIT A**”), and;

WHEREAS, there is approximately \$120,000 fund balance in this PEG Fund 210 (28-291) that may be used in addition to the services outlined in the attached work plan, and;

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

1. Approve the Work Plan and Budget for Access Monterey Peninsula (AMP) for public, education and government (PEG) broadcasting services for FY 2016-17 (“Exhibit A”), and;
2. Authorize the Finance Director to make the necessary budgetary and accounting entries and appropriate payments to Access Monterey Peninsula

PASSED AND ADOPTED by the City of Marina City Council at a regular meeting duly held on the 6th day of July, 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

A. Operational services plan and estimated operating expenditure budget by key line items descriptions and funding request.

Continuation of basic operational plan

1. Operate a 24-hour cable TV channel featuring City of Marina content.
 - A. Provide live coverage and replays on the cable TV Channel of official meetings of the City Council, Planning Commission and other City boards and commissions held in the Council Chambers.
 - B. Provide (on request) recorded coverage and replays on cable TV of other official City meetings and activities held at the Council Chambers or at other locations.
 - C. Broadcast text messaging on the cable TV Channel announcing upcoming agendas of the City Council, at least two (2) hours per day.
 - D. On request and with City involvement, facilitate and present programming to promote commerce in Marina encouraging residents to shop and dine locally and to use Marina-based services.
 - E. On request and with City involvement, facilitate and present programming featuring community events, culture and heritage.

2. Operate 24-hour internet streaming services featuring City of Marina content.
 - A. Provide a streaming Internet channel simulcast of the cable TV Channel.
 - B. Provide internet on-demand delivery of all new City meetings shown on the cable TV Channel,
 - C. Provide support for streaming services to as broad an audience as possible; i.e. serving multiple Internet devices and browsers.

3. Operate two (2) additional community access services and channels via cable TV and internet streaming :
 - AMP1 - Public and Educational Access services (outreach, training, equipment lending and broadcast of content from non-profit organizations, educational agencies and schools, as well as the general public).
 - AMP2 - An AMP curated channel available to Marina residents for non-commercial messaging and other community-based programming.

The City of Marina's role in PEG access services provided by AMP. This program of work requires AMP to operate a centralized media center and broadcast facilities, thereby necessitating annual expenditures for equipment, maintenance and operational costs. These costs are incorporated in AMP's total budget to which the City of Marina adds support.

Impact of DIVCA: The AMP budget reflects the effect of California's legislation enumerating funding requirements for Public, Educational and Government (PEG) access TV (DIVCA Act). AMP reserves use of DIVCA PEG funding from the City solely for capital purposes.

Capital and operating outlay budget request

For FY 2016-2017, AMP requests a 100% pass-through of PEG funds accrued during the fiscal year, with the understanding that all funds received by the City are restricted to capital costs. Based on current year-to-date receipts (conservatively averaged), AMP estimates an income of \$100,000.00 for next fiscal year. The following table represents expected allocations by account, prorating Marina's contribution to the overall AMP PEG budget.

Income	Capital	Operating	Total	Marina
Contributions/Donations		1,000.00	1,000.00	
Local Govt Revenue:				
<i>City of Monterey</i> <i>Franchise Fees</i>		147,000.00	147,000.00	
<i>City of Monterey</i> <i>PEG Fees</i>	180,000.00		180,000.00	
<i>City of Marina</i> <i>PEG Fees</i>	100,000.00		100,000.00	100,000.00
<i>City of Seaside</i> <i>PEG Fees</i>	53,000.00		53,000.00	
<i>City of Pacific Grove</i> <i>PEG Fees</i>	57,000.00		57,000.00	
Memberships/Services		1,000.00	1,000.00	
Production Fees		49,000.00	39,000.00	
Total Income	390,000.00	198,000.00	578,000.00	100,000.00

Expense

Audit		11,000.00	11,000.00	
Bank Service Charges		500.00	500.00	
Building Maintenance	5,000.00		5,000.00	1,280.00
Janitorial	5,000.00		5,000.00	1,280.00
Security System	500.00		500.00	130.00
Conference & Training Fees		2,000.00	2,000.00	
Equipment:				
<i>New Purchase</i>	6,000.00		6,000.00	1,540.00
<i>Server Lease and Support</i>	24,000.00		24,000.00	6,150.00
Equipment Parts & Maintenance	4,000.00		4,000.00	1,025.00
Insurance	7,000.00	4,000.00	11,000.00	1,025.00
Miscellaneous	500.00	500.00	1,000.00	125.00
Personnel:				
<i>Engineering</i>	226,000.00		226,000.00	58,720.00
<i>Administrative</i>		149,000.00	149,000.00	
Postage & Delivery		500.00	500.00	
Printing and Reproduction		500.00	500.00	
Professional Services		7,000.00	7,000.00	
Satellite Leasing Fees	700.00		700.00	180.00
Rent	76,300.00		76,300.00	19,565.00
Subscriptions/Licenses		1,500.00	1,500.00	
Supplies	6,000.00	3,000.00	9,000.00	1,540.00
Telecommunications Services:	16,000.00		16,000.00	4,100.00
Travel		1,500.00	1,500.00	
Utilities	12,000.00		12,000.00	3,085.00
Vehicle Licensing & Operation	1,000.00		1,000.00	255.00
Total Expense		390,000.00	191,000.00	571,000.00
				100,000.00

The following summarizes AMP's proposed activities and workplan for FY 2016-17.**B. *Estimated number of hours of local original PEG access programming specific to the City.***

- 175 hours of government programming. (same as previous year)
- 200 hours of public access programming. (previous year the total was 198)

C. *Training classes and outreach to be offered for City residents.*

- Training and Outreach
Ongoing video production classes are open to all County residents. Marina residents are given preferential treatment as they represent a sponsoring city that provides 100% PEG financial support for AMP.

D. *Other access activities planned by AMP.*

The dedicated broadcast system located at the Marina City Hall is in urgent need of upgrade. AMP has been and will continue to work with City staff to develop a plan for this upgrade utilizing funds from the escrow PEG account accrued in previous years, beginning with an assessment of current available technologies and options.

E. Capital outlay plan.

1. Support and maintain all existing equipment systems at Marina City Council Chambers required for City of Marina programming including cameras, camera controls, recording and fiber transport systems.
2. Support, maintain and replace (as needed) all cable TV and internet broadcast equipment in AMP's central facility; support and maintain fiber and other interconnections to cable TV and Internet broadcast systems.

F. Summary of prior year actual data: actual beginning operating balance and capital balance (carry-over balances); actual revenue(s); actual expenditure(s) and actual ending operating balance and capital balance (carry-over balances).

Year reported is FY2014 - 2015

AMP received \$107,432.71 in capital funding. There was no fund balance carried forward.

	Capitol	Operating	Total	Marina
Income				
Contributions Income		1,382.00	1,382.00	
Interest Income		26.05	26.05	
Monterey Franchise Fees		150,655.87	150,655.87	
PEG Capital Funding	256,528.62		256,528.62	107,432.71
PEG Other Income		18,885.00	18,885.00	
Program Fees		64,808.54	64,808.54	
Total Income	256,528.62	235,757.46	492,286.08	107,432.71
			492,286.08	
Expense				
Bank Service Charges		461.76	461.76	
Conference & Training Fees		150.00	150.00	
Equipment	7,554.88		7,554.88	3,109.90
Equipment Parts & Maintenance	1,396.58		1,396.58	574.89
Insurance	5,304.00	4,623.00	9,927.00	2,183.34
Licenses and Permits		75.00	75.00	
Member Services		330.00	330.00	
Miscellaneous		1,508.41	1,508.41	
Payroll Expenses	131,312.80	196,969.19	328,281.99	54,053.74
Postage & Delivery		490.37	490.37	
Professional Services		11,000.00	11,000.00	
Programming Fees	689.00		689.00	283.62
Rent	76,110.12		76,110.12	31,330.05
Security System	495.00		495.00	203.76
Subscriptions & Dues		25.00	25.00	
Supplies	7,318.99	2,119.90	9,438.89	3,012.80
Telecommunications Services	19,690.22		19,690.22	8,105.30
Travel		555.30	555.30	
Utilities	11,114.77		11,114.77	4,575.30
Vehicle Licensing & Operation			26.00	
Total Expense	260,986.36	218,307.93	479,320.29	107,432.71



June 17, 2016 Board of Directors Meeting

HIGHLIGHTS

Adoption of Preliminary Budget for Fiscal Year (FY) 2016/17. The Preliminary Budget for FY 2016/17 was adopted by the Board. The Preliminary Budget shows an operating loss of \$128,000 and a net loss of \$1,063,000, projects \$21,610,000 in revenues (with no increase to the landfill tipping fee), operating expenses of \$21,738,000, and non-operating expenses of \$935,000. Capital outlay is projected at \$7,575,000. The 2015 Revenue Bond principal payments are \$895,000. Unrestricted cash reserves are projected to decrease by \$1,243,000, to \$5,483,000 which is in excess of the 20% guideline established by the Board. Cash provided by operations for FY 2016/17 is estimated at \$2,417,000 (Net Loss, Depreciation and Amortization and Closure/Post Closure Costs). The Bond Debt Service Ratio is 1.47 which is in excess of the Bond Covenant of 1.25. The Board also adopted Resolution 2016-04 authorizing expenditure of funds pending the adoption of the Final Budget, which staff anticipates presenting at the July 22, 2016 Board meeting.

Purchase of New Forklifts. The Board authorized purchase of a new Caterpillar GP25N forklift from Quinn Caterpillar (Quinn) of Salinas, CA at a cost of \$36,650.42 (including sales tax and freight) for use at the Last Chance Mercantile and the purchase of a new Caterpillar



GPC50N forklift from Quinn at a cost of \$62,478.49

(including sales tax and freight) for use at the Materials

Recovery Facility. Preferential competitive pricing for both forklifts was obtained from National Joint Powers Alliance. The Board also approved converting the forklifts to utilize compressed natural gas at a cost not to exceed \$12,161.74 and \$13,489.68, respectively.



Salary Schedules Amended to Incorporate Cost of Living Adjustments for FY 2016/17.

Staff presented, and the Board approved, amended salary schedules for employee bargaining units. Operating Engineers bargaining units will receive a 3% COLA and the management unit will receive a 2.7% COLA, as negotiated, effective July 1, 2016. The Board also approved amended salary schedules to incorporate COLA adjustments for unrepresented employees.

Authorize Hiring Employee at Higher Step in Salary Range. Following discussion in closed session, the Board approved hiring the Director of Finance and Administration at Step 4.

Assembly Bill 1817. General Manager reported that AB 1817 had been signed by the Governor on June 10, 2016. The new law provides “compensation in an amount not to exceed \$100 per day for each day of attendance at a meeting of the Board or for each day of service rendered as Director by request of the Board. A member of a District Board may receive compensation pursuant to this subdivision for no more than six days in a calendar month.” This new law will become effective January 1, 2017.

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of July 6, 2016

CITY COUNCIL CONSIDER OPENING PUBLIC HEARING, TAKING ANY TESTIMONY FROM THE PUBLIC AND CONSIDER INTRODUCING ORDINANCE NO. 2016-, AMENDING 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 consider:

1. Open the public hearing and take any testimony from the public, and;
2. Consider introducing Ordinance No. 2016-, amending chapter 3.26 of the Marina Municipal Code regarding mitigation fees for new development within the City of Marina.

BACKGROUND:

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.

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.

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.

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.

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.

On May 3, 2016, the City Council adopted Resolution No. 2016-63, 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. The City Council added to the adopted motion for staff to provide an exhibit showing the effects on the updated impact fee schedule should the Cypress Knolls development agreement and associated impact fee contributions be removed.

On May 17, 2016, the City Council adopted a motion that would amend Chapter 3.26 in the Marina Municipal Code with an updated impact fee schedule that did not include the Cypress Knolls development agreement and associated impact fee contributions. In order to comply with Chapter 3.26 and associated Government Codes, staff has provided an updated Impact Fee Study to the public 10 days prior to this public meeting and for Council consideration.

On June 21, 2016, the City Council adopted Resolution No. 2016-95, receiving informational presentation and setting public hearing for July 6, 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.

ANALYSIS:

The Public Facilities Impact Fee Study (Study) report (“**EXHIBIT A**”) updates all five (5) City public facilities impact fee programs for public building facilities, public safety facilities, roadways, intersections and 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.

The updated calculations assume that Cypress Knolls will not be built and nothing would be built in its place. Any future development on Cypress Knolls will be subject to the City adopted impact fees and an Impact Fee Study update will be necessary at that time.

Neither FORA projects nor FORA fees are included in the City of Marina Public Facilities Impact Fees, hence there is no “double collection” of fees for required improvements. 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. No funds are collected 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:

- July 6, 2016 – A public hearing will be held at which the ordinance revision will be introduced satisfying MMC 3.26.070(B)(4).
- July 19, 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.

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

ORDINANCE NO. 2016-

AN ORDINANCE OF THE CITY OF MARINA AMENDING CHAPTER 3.26
OF THE MARINA MUNICIPAL CODE REGARDING
MITIGATION FEES FOR NEW DEVELOPMENT

WHEREAS, the Mitigation Fee Act, at Sections 66000 and following of the California Government Code, provides authority for imposing and charging mitigation fees; and

WHEREAS, in accordance with Chapter 3.26 of the Municipal Code, the Community Development Director has caused to be prepared and has reviewed a revised version of the "Development Impact Fee Study" initially prepared by RBF Consulting on, dated July 20, 2007 (the "Initial Study"), as updated by RBF Consulting on April 25, 2011, and further updated by Kimley Horn & Associates, Inc. on May 18, 2016 (the "Updated Study"), incorporated herein by this reference, and on file in the office of the Public Works Division and City Clerk; and

WHEREAS, the Updated Study evaluates the impacts of contemplated future development on existing public facilities, public safety, transportation (roadways and intersections), and parks (collectively "Facilities") in the City of Marina along with an analysis of the need for new Facilities and improvements required by new development, sets forth the reasonable relationship between such needs and the impacts of the various types of development pending or anticipated for which this fee is charged and describes the estimated costs of those improvements and the continued need for those improvements; and

WHEREAS, the update to the Initial Study by RBF Consulting was necessary due to changes in the City's Capital Improvement Program, necessitating revision of the "Development Impact Fee Roadway Mitigation Costs" and "Development Impact Fee Intersections Project Costs" due to mitigation measures required by environmental impact reports, recent litigation and revised cost estimates all of which occurred or were determined subsequent to the completion of the Initial Study; and

WHEREAS, a duly noticed public meeting regarding the mitigation fees recommended by the update to the Study was held before this Council pursuant to Section 3.26.070B.1 of the Municipal Code and California Government Code Section 66016 on June 21, 2016, and the Updated Study was made available to the public at least 10 days prior to the meeting; and

WHEREAS, a duly noticed public hearing regarding the mitigation fees recommended by the Updated Study was held before this Council pursuant to Section 3.26.070B.4 of the Municipal Code and California Government Code Section 66018 on July 6, 2016.

THEREFORE, THE CITY COUNCIL OF THE CITY OF MARINA DOES FIND AS FOLLOWS:

a) Having reviewed and considered the Updated Study and the testimony and materials presented at the public hearing, this Council approves and accepts the Updated Study and further finds that new development in the City of Marina will generate additional population within the City and will impact the Facilities defined and analyzed in the Updated Study.

b) There is a need in the City of Marina for Facilities that have not been constructed, or have been constructed but for which new development has not contributed its fair share of facility costs, and said Facilities have been called for in or are consistent with Updated Study. The cost estimates set forth in the Updated Study are the reasonable cost estimates in 2015 dollars for constructing these Facilities, and the fees expected to be generated by new development will not exceed the total of these costs.

d) The facts and evidence presented establish that there is a reasonable relationship between the need for the described Facilities and the impacts of the types of development described herein by Table 1.2, Exhibit A, herein adopted, and there is a reasonable relationship between the fee's use and the type of development for which the fee is charged, as these reasonable relationships and nexus are in more detail described in the Updated Study.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARINA DOES ORDAIN AS FOLLOWS:

1. Section 3.26.050 Amended: Section 3.26.050 of Chapter 3.26, entitled

“Payment of Fees” is hereby amended to read in its entirety as follows:

“3.26.050 Payment of fees.

For new development, mitigation fees shall be charged and payable as set out in Table 1.2 of this chapter, as set forth in the attached one (1) page, marked Exhibit “A,” and incorporated herein by this reference thereto. The director shall determine, based on the type of development, the corresponding fee to be paid pursuant to this chapter. Except as otherwise provided by law or development agreement, the fees shall be paid at the time of issuance of any building permit for new development within the city.

2. **Effective Date.** This ordinance shall take effect and be in force sixty (60) days from and after its final passage.

3. **Posting of Ordinance.** Within fifteen (15) days after the passage of this ordinance, the City Clerk shall cause it to be posted in the three (3) public places designated by resolution of City Council.

4. Any fee, ordinance or resolution previously adopted in conflict with this Ordinance hereby is repealed as to any portion thereof in conflict with this Ordinance.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Marina duly held on 6th day of July 2016, and was passed and adopted at a regular meeting duly held on the 19th day of July 2016, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Acting Deputy City Clerk

FINAL REPORT

Development

Impact Fee

Study – 2016

Update

for the



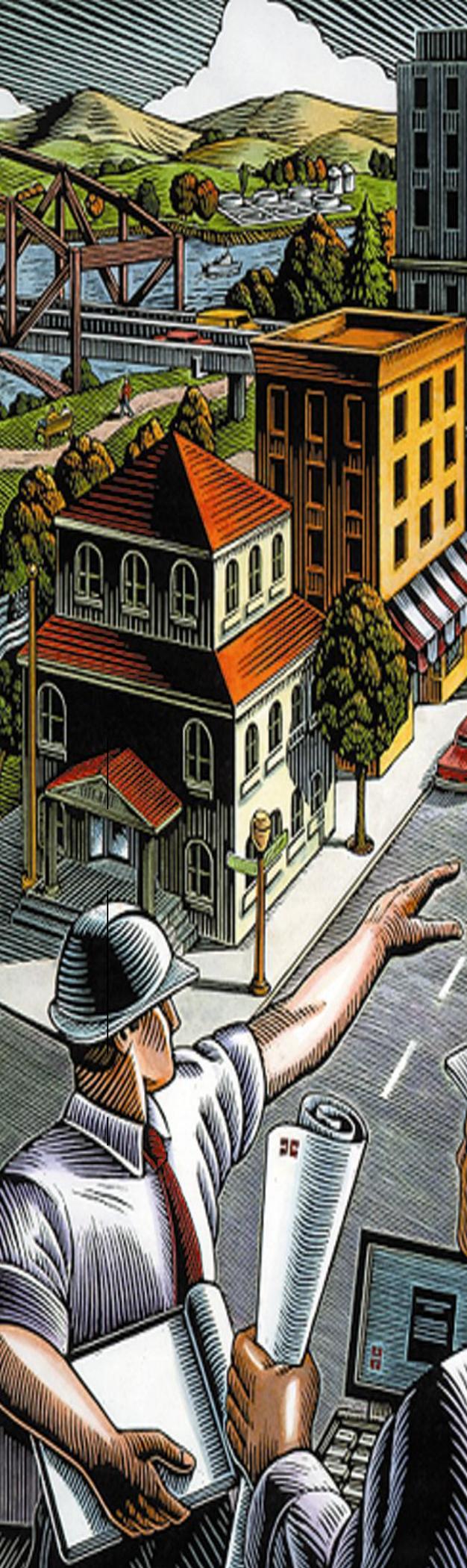
Prepared by:

Kimley»Horn

Prepared: July 20, 2007

Updated: April 25, 2011

Updated: May 18, 2016



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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.

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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:

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- 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
- Downtown Redevelopment Plan
- The Dunes
- Imjin Office Park (remaining phases)
- K-8 School, Marina High, Marina Joint Use Facility
- Marina Station
- Marina Heights

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- MPC Satellite Campus Phase II
- MBEST

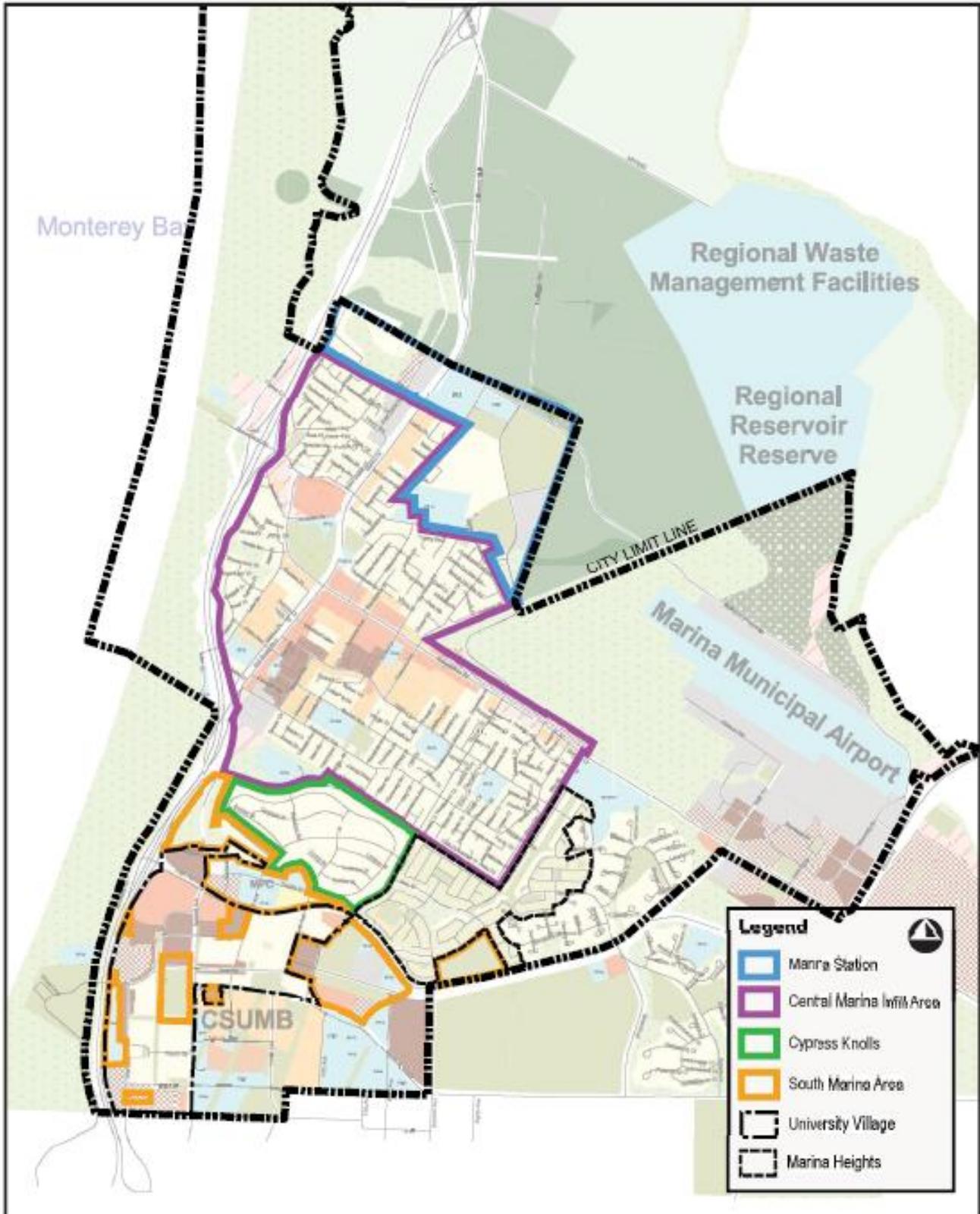
The fee area is anticipated to develop through the year 2020 and beyond. The Marina Heights and Dunes projects have separate Development Agreements with the City for payment of fees. Their contributions are thus subtracted from the total cost of establishing a nexus, and the remainder of the cost is 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 list of all approved and pending projects included in the fee program are listed in **Table 1.1**.

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Figure A: City of Marina Development Impact Fee Area Map



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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**.

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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, 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.									

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Table 1.2: Development Impact Fee Summary

Land Use	Public Buildings Fee	Public Safety Fee	Roadways Fee	Intersections Fee	Parks Fee	Total Fee¹
<i>Residential</i>						
Single Family Dwelling Units	\$3,702	\$797	\$ 6,981	\$ 1,692	\$ 8,017	\$ 21,189
Senior Homes	\$2,468	\$531	\$ 2,698	\$ 654	\$ 5,345	\$ 11,697
Assisted Living - Senior	\$1,371	\$295	\$ 1,936	\$ 469	\$ 2,969	\$ 7,041
Multi-Family Dwellings	\$3,428	\$738	\$ 4,876	\$ 1,182	\$ 7,423	\$ 17,647
Mobile Home Park	\$3,428	\$738	\$ 3,659	\$ 887	\$ 7,423	\$ 16,135
Campground/RV Park	\$3,428	\$738	\$ 1,980	\$ 480	\$ 7,423	\$ 14,049
<i>Non-residential</i>						
Office/Research	\$263	\$492	\$ 8,088	\$ 1,960	\$ -	\$ 10,803
Retail/Service	\$158	\$295	\$ 13,593	\$ 3,295	\$ -	\$ 17,340
Industrial	\$53	\$98	\$ 5,111	\$ 1,239	\$ -	\$ 6,501
Hotel	\$71	\$133	\$ 5,991	\$ 1,452	\$ -	\$ 7,647
Church	\$53	\$98	\$ 6,680	\$ 1,619	\$ -	\$ 8,450
Day Care Center	\$210	\$394	\$ 54,306	\$ 13,163	\$ -	\$ 68,072
Animal Hospital/Veterinary Clinic	\$315	\$590	\$ 34,610	\$ 8,389	\$ -	\$ 43,905
Medical/Dental Office Building	\$315	\$590	\$ 26,493	\$ 6,421	\$ -	\$ 33,820
Casino/Video Lottery	\$315	\$590	\$ 98,478	\$ 23,869	\$ -	\$ *
Casino	\$315	\$590	\$ 28,913	\$ 7,008	\$ -	\$ *
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.						

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

Facility Type	Citywide Revenue
Public Facilities	\$ 13,397,186
Public Safety	\$ 3,602,444
Roadways	\$ 55,019,251
Intersections	\$ 13,335,666
Parks	\$ 28,074,699
Total Revenue	\$ 113,429,246
Notes: 2015 US Dollars	

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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.					

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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 Dunes and Marina Heights 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 \$1,371.14 was obtained by adding the two costs attributable to residents i.e., costs for City Hall and Public Works facilities (\$328.19) and costs for future community facilities (\$1,042.95) together. The cost per worker is \$78.77 (0.24×328.19).

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

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- 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)	
Subtotal Impact Fee Program Funding after Contributions (A)	10,775	\$ 3,536,093	\$ 328.19
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)	
Subtotal Impact Fee Program Funding after Contributions (B)	9,455	\$ 9,861,093	\$ 1,042.95
Total Capita Cost per Resident: (A + B)			\$ 1,371.14
Total Capita Cost per Worker: (A) x Weighting Factor (0.24)			\$ 78.77
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.			

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	\$ 1,371.14	2.70	\$ 3,702
Senior Homes	Dwelling Unit	\$ 1,371.14	1.80	\$ 2,468
Assisted Living - Senior	Dwelling Unit	\$ 1,371.14	1.00	\$ 1,371
Multi-Family Dwellings	Dwelling Unit	\$ 1,371.14	2.50	\$ 3,428
Mobile Home Park ³	Space	\$ 1,371.14	2.50	\$ 3,428
Campground/RV Park ³	Space	\$ 1,371.14	2.50	\$ 3,428
Non-Residential⁴				
Office/Research	1,000 sq. ft	\$ 78.77	300	\$ 263
Retail/Service	1,000 sq. ft	\$ 78.77	500	\$ 158
Industrial	1,000 sq. ft	\$ 78.77	1500	\$ 53
Hotel	Hotel Room	\$ 78.77	0.90	\$ 71
Church ⁵	1,000 sq. ft	\$ 78.77	1500	\$ 53
Day Care Center ⁶	1,000 sq. ft	\$ 78.77	375	\$ 210
Animal Hospital/Veterinary Clinic ⁷	1,000 sq. ft	\$ 78.77	250	\$ 315
Medical/Dental Office Building ⁸	1,000 sq. ft	\$ 78.77	250	\$ 315
Casino/Video Lottery ⁹	1,000 gaming sq. ft	\$ 78.77	250	\$ 315
Casino ⁹	1,000 gaming sq. ft	\$ 78.77	250	\$ 315
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 "per 1,000 square feet of 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.				

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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	\$ 328.19
Total Fee Revenue City Hall & Public Works	\$ 3,536,093
Citywide Fee Revenue (Future Community Center Facilities)	
Service Population Growth (to 2020+) ¹	9,455
Citywide Facilities Cost per Capita ²	\$ 1,042.95
Total Fee Revenue City Hall & Public Works	\$ 9,861,093
TOTAL PUBLIC BUILDINGS DEVELOPMENT IMPACT FEE REVENUE	\$ 13,397,186
Notes:	
¹ From Table 2.1	
² From Table 2.2	

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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 \$295.19, 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 \$147.59 (0.50 x \$295.19). 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

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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).

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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)	
Subtotal Impact Fee Program Funding after Contributions (A)	12,204	\$ 3,602,444	\$ 295.19
Total Cost per Worker: (A) x Weighting Factor (0.50)			\$ 147.59

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.

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	\$ 295.19	2.70	\$ 797
Senior Homes	Dwelling Unit	\$ 295.19	1.80	\$ 531
Assisted Living - Senior	Dwelling Unit	\$ 295.19	1.00	\$ 295
Multi-Family Dwellings	Dwelling Unit	\$ 295.19	2.50	\$ 738
Mobile Home Park ³	Space	\$ 295.19	2.50	\$ 738
Campground/RV Park ³	Space	\$ 295.19	2.50	\$ 738
Non-Residential⁴				
Office/Research	1,000 sq. ft	\$ 147.59	300	\$ 492
Retail/Service	1,000 sq. ft	\$ 147.59	500	\$ 295
Industrial	1,000 sq. ft	\$ 147.59	1500	\$ 98
Hotel	Hotel Room	\$ 147.59	0.90	\$ 133
Church ⁵	1,000 sq. ft	\$ 147.59	1500	\$ 98
Day Care Center ⁶	1,000 sq. ft	\$ 147.59	375	\$ 394
Animal Hospital/Veterinary Clinic ⁷	1,000 sq. ft	\$ 147.59	250	\$ 590
Medical/Dental Office Building ⁸	1,000 sq. ft	\$ 147.59	250	\$ 590
Casino/Video Lottery ⁹	1,000 gaming sq. ft	\$ 147.59	250	\$ 590
Casino ⁹	1,000 gaming sq. ft	\$ 147.59	250	\$ 590
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 "per 1,000 square feet of 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.				

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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	\$ 295.19
Total Fee Revenue Public Safety Facilities	\$ 3,602,444
TOTAL PUBLIC SAFETY DEVELOPMENT IMPACT FEE REVENUE	\$ 3,602,444
Notes: ¹ From Table 3.1 ² From Table 3.2	

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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 and Marina Heights 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 \$55 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 that the Transportation Facilities fee for the Casino uses is based on the total building space rather than “gaming” area.

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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, 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)
Subtotal Impact Fee Program Funding after Contributions (A)	\$ 55,019,251	\$ 13,335,666
Total Number of Daily Trips (Table 4.1) (B)	75,033	75,033
Cost Per Trip (A / B)	\$ 733.27	\$ 177.73

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.

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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	\$ 6,981	\$ 1,692	\$ 8,673
Senior Homes	Dwelling Unit	3.68	\$ 2,698	\$ 654	\$ 3,352
Assisted Living - Senior	Dwelling Unit	2.64	\$ 1,936	\$ 469	\$ 2,405
Multi-Family Dwellings	Dwelling Unit	6.65	\$ 4,876	\$ 1,182	\$ 6,058
Mobile Home Park	Space	4.99	\$ 3,659	\$ 887	\$ 4,546
Campground/RV Park ²	Space	2.70	\$ 1,980	\$ 480	\$ 2,460
Non-Residential					
Office/Research	1,000 sq. ft	11.03	\$ 8,088	\$ 1,960	\$ 10,048
Retail/Service ³	1,000 sq. ft	18.54	\$ 13,593	\$ 3,295	\$ 16,887
Industrial	1,000 sq. ft	6.97	\$ 5,111	\$ 1,239	\$ 6,350
Hotel	Hotel Room	8.17	\$ 5,991	\$ 1,452	\$ 7,443
Church	1,000 sq. ft	9.11	\$ 6,680	\$ 1,619	\$ 8,299
Day Care Center	1,000 sq. ft	74.06	\$ 54,306	\$ 13,163	\$ 67,469
Animal Hospital/Veterinary Clinic ²	1,000 sq. ft	47.20	\$ 34,610	\$ 8,389	\$ 42,999
Medical/Dental Office Building	1,000 sq. ft	36.13	\$ 26,493	\$ 6,421	\$ 32,914
Casino/Video Lottery ²	1,000 sq. ft	134.30	\$ 98,478	\$ 23,869	\$ 122,347
Casino ⁴	1,000 sq. ft	39.43	\$ 28,913	\$ 7,008	\$ 35,921
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	\$ 733.27
Total Fee Revenue Roadways	\$ 55,019,251
Citywide Fee Revenue Intersections	
Number of Daily Trips (to 2020+) ¹	75,033
Cost per Trip ²	\$ 177.73
Total Fee Revenue Intersections	\$ 13,335,666
TOTAL TRANSPORTATION DEVELOPMENT IMPACT FEE REVENUE	\$ 68,354,917
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.

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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)	
Subtotal Impact Fee Program Funding after Contributions	9,455	\$ 28,074,699	\$ 2,969.30
Total Capita Cost per Resident			\$ 2,969.30

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.**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	\$ 2,969.30	2.70	\$ 8,017
Senior Homes	Dwelling Unit	\$ 2,969.30	1.80	\$ 5,345
Assisted Living - Senior	Dwelling Unit	\$ 2,969.30	1.00	\$ 2,969
Multi-Family Dwellings	Dwelling Unit	\$ 2,969.30	2.50	\$ 7,423
Mobile Home Park ³	Space	\$ 2,969.30	2.50	\$ 7,423
Campground/RV Park ³	Space	\$ 2,969.30	2.50	\$ 7,423

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.

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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	\$ 2,969.30
Total Fee Revenue Parks Facilities	\$ 28,074,699
TOTAL PARKS DEVELOPMENT IMPACT FEE REVENUE	\$ 28,074,699
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

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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.)

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

FORT ORD REUSE AUTHORITY,)
Petitioner,)

v.)

BOARD OF TRUSTEES OF CALIFORNIA)
STATE UNIVERSITY,)
Respondents.)

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.

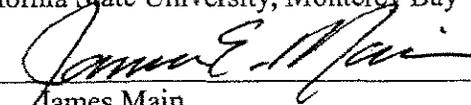
26 11. By executing this Stipulation, the signatories warrant that he or she has the legal
27 authority to do so.

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1 For CSU

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3 September 2, 2009

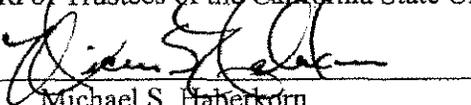
James Main
Vice President for Administration & Finance
California State University, Monterey Bay

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5 By: 
James Main

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7 Approved as to Form and Substance

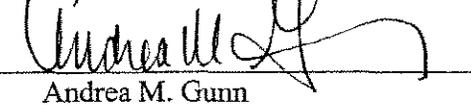
Michael S. Haberkorn
Gatzke Dillon & Balance LLP

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9 Attorneys for Respondent
Board of Trustees of the California State University

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11 By: 
Michael S. Haberkorn

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

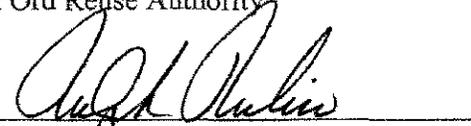
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15 Attorneys for Respondent
Board of Trustees of the California State University

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17 By: 
Andrea M. Gunn

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19 For FORA

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21 September 2, 2009

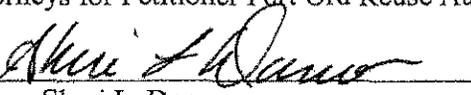
Ralph Rubio
Chair
Fort Ord Reuse Authority

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23 By: 
Ralph Rubio

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25 Approved as to Form and Substance

Sheri L. Damon
Damon Law Offices

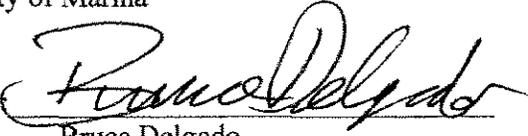
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27 Attorneys for Petitioner Fort Ord Reuse Authority

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By: 
Sheri L. Damon

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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

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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: May 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 Future Project	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 Future Project	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 Funding 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	



City of Marina

DRAFT 5 Year CIP Project List

Revised Date: May 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			Total							
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	\$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	\$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	\$ 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	\$ -							
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	Unfunded/Impact Fee	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	\$ 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	\$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

ID #	Fund #	Funding	Project/Development Source	Development Mitigation No.	Cost Years	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	2020 to 2035	Remarks
	#62					1	2	3	4	5	6-20	
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	



DRAFT 5 Year CIP Project List

Revised Date: May 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	
					Total	1	2	3	4	5	6-20		
Parks - FUNDED													
P 02 A		Vince DiMaggio Park - ADA pathway improvements	MPRPD	BDS	\$ 50,000	\$10,000	\$40,000					New/improved pathways & parking stalls to incorporate ADA access	
P 03		Windy Hill Park	Impact Fees	PRMP	\$ 177,500						\$177,500	Construct restroom facilities & expansion – Marina Station Entitlements	
P 05		Community Center Park - Modify per Youth Center Concept	Impact Fees	PRMP	\$ 96,000	\$96,000						Landscape design w/ turf, plants, irrigation and playground equipment	
P 08		Park Site Marina Station Development (GPD)	Impact Fees	PRMP	\$ 2,036,000						\$2,036,000	Design and construct play fields, community park & recreational trails – Marina Station Entitlements	
P 09		Large Recreational Conveyance Parcel Development	Impact Fees/Developer	PRMP	\$ 7,283,000			\$1,000,000	\$3,141,500	\$3,141,500		Design and construct park; located SW corner of 2nd Ave and 8th St – Dunes Entitlements	
P 10		Small Recreational Conveyance Parcel	Impact Fees	PRMP	\$ 3,202,000						\$3,202,000	Design and construct park; located West of 2nd Ave and 3rd St – Dunes Entitlements	
P 11	719	Preston Park Phase III Improvements	Impact Fees	PRMP	\$ 6,200,000			\$121,564	\$6,078,436			Install lighting for baseball & soccer fields, add parking & tennis courts	
P 11A		Preston Park Concession Building	11,126,65890	BDS	\$ 17,900	\$17,900						Exterior Painting Project	
P 12		Abrams Park Development (Marina Heights)	Impact Fees/Developer	PRMP	\$ 9,426,000			\$673,000	\$4,376,500	\$4,376,500		Design and construct park (up to \$1,000,000 \$1,500,000 by Developer) – Marina Station Entitlements	
P 16	601	Locke Paddon Park to Vince DiMaggio Park	Impact Fees	PRMP	\$ 2,900,000					\$2,900,000		Construct pedestrian crosswalk with signal Construct a pedestrian bridge or overcrossing	
P 18		Hilltop Park (UV)	By Developer	UVEIR	\$ 2,015,000		\$50,000	\$982,500	\$982,500			Neighborhood park improvements – Dunes Entitlements	
P 19		Community Park (GPD)	Impact Fee	PRMP	\$ 8,540,000		\$100,000	\$1,900,000	\$3,270,000	\$3,270,000		Upgrade of the community park	
P 25		Sport Center Stabilization	State Grant	UVEIR	\$ 456,550	\$456,550						Re-roofing & Exterior Painting to Roller Hockey, Swim Center & Chapel	
P 26		Veterans Trail, Parks Master Plan Update	Impact Fee	Reso. 2016	\$50,000	\$50,000						Fort Ord Recreational Trail & Greenway, Parks Master Plan Update	
Parks - UNFUNDED													
P 01		Glorya Jean Tate Park	TBD	PRMP	\$1,180,000			\$1,180,000				Park & field improvements; ADA upgrade	
P 06		Park Site Marina High School Joint Use - Fields	TBD	PRMP/ MPUSD MOU	\$25,996,840						\$25,996,840	Design and construct park/sport complex/joint use facility per Council Resolution No. 2007-111 for MPUSD MOU	
P 13		Beach Access Improvements	TBD	PRMP	\$106,000						\$106,000	Improve beach access four locations	
P 14		Mini Parks (GPD)	TBD	PRMP	\$252,000		\$126,000	\$126,000				Integration of ponds and mini parks	
P 15		Bike Paths and Trails	TBD	PBMP	\$568,000		\$141,000	\$100,000	\$100,000		\$227,000	Improve or construct new bike paths and trail throughout City	
P 20		Glorya Jean Tate Park Playground Upgrade	TBD	PWS	\$40,000		\$40,000					Playground equipment upgrade	
P 21B		Community Center Playground Equipment Upgrade	TBD	PWS	\$60,000			\$60,000				Playground equipment upgrade	
P 22		Windy Hill Park Playground Upgrade	TBD	PWS	\$40,000		\$40,000					Playground equipment upgrade	
P 23		Di Maggio Park Playground Upgrade	TBD	PWS	\$40,000		\$40,000					Playground equipment upgrade	
P 24		Vince DiMaggio Park - Retaining Wall	TBD	BDS	\$28,000		\$28,000					New retaining wall along norther property line	
					Impact Fee Funding Subtotal	\$39,910,500							
					Other Funding Subtotal	\$30,850,290							
					Parks Subtotal	\$70,760,790	\$630,450	\$605,000	\$6,143,064	\$17,948,936	\$13,688,000	\$31,745,340	
Public Facilities (Structures) - FUNDED													
F 03		Senior Center	Impact Fees/Developer	PRMP	\$4,350,000			\$1,450,000	\$1,450,000	\$1,450,000		Adjacent to Swimming Pool; Senior Center	
F 05		The Dunes PBC Rehab.	Impact Fees	PRMP	\$6,600,000		\$2,200,000	\$2,200,000	\$2,200,000			Rehab. Building	
F 11		Civic Center	Impact Fee	CIP/AB1600	\$8,200,000		\$8,200,000					Construct new building per General Plan	
F 23		Council Chambers ADA Improvements	TBD/PEG Grant	BDS	\$210,000						\$210,000	ADA bathroom improvements, technology improvements and dias relocation	
Public Facilities (Structures) - UNFUNDED													
F 02	005	Community Center Bldg.	TBD	PRMP	\$20,000		\$20,000					Enhancements to entry and paint the interior and exterior of building	
F 06		Banquet Facility Visitor Center	TBD	PRMP	\$2,200,000						\$2,200,000	Acquire land and rehab. Building	
F 13		Demolition of Old Corp Yard	TBD	CIP/AB1600	\$90,000		\$90,000					Demolition of old corporation yard	
F 14		City Hall Complex Rehabilitation	TBD	CIP/AB1600	\$250,000		\$250,000					Council Chamber remodel, finishes, ADA, HVAC, hazmat, pest control	
F 15		Corp Yard Fuel Station	TBD	MRAPCD	\$240,000		\$240,000					Construct above ground fuel station at corp yard, vapor recovery	
F 18		ES Building Rehabilitation	TBD	BDS	\$150,000		\$150,000					Rehabilitation and ADA upgrades to Engineering Services building on DX Road	
F 19		Fifth Street Corporation Yard Shed Building	TBD	BDS	\$10,000		\$10,000					New construction of shed structure for storage of equipment and materials	
F 20		New Electrical Service - City Hall	TBD	BDS	\$25,000						\$25,000	New electrical services	
F 21		New Electrical Service - Community Center	TBD	BDS	\$25,000						\$25,000	New electrical services	
					Impact Fee Funding Subtotal	\$19,150,000							
					Other Funding Subtotal	\$3,220,000							
					Public Facilities Subtotal	\$22,370,000	\$0	\$11,160,000	\$3,650,000	\$3,650,000	\$1,450,000	\$2,460,000	
Public Safety - FUNDED													
PS 01	725	Fire Station No. 1	Impact Fees	CIP/AB1600	\$5,430,000						\$5,430,000	New Fire Station	
PS 07		Animal Impound Facility Expansion	Impact Fees	CIP/AB1600	\$870,000						\$870,000	Expand facility to meet increase in population	
Public Safety - UNFUNDED													
PS 10		Police Station - Retaining Wall	TBD	BDS	\$90,000	\$90,000						New retaining wall at Police Station	
					Impact Fee Funding Subtotal	\$6,300,000							
					Other Funding Subtotal	\$90,000							
					Public Safety Subtotal	\$6,390,000	\$90,000	\$0	\$0	\$0	\$0	\$6,300,000	
					Impact Fee Funding Total	\$171,278,132							
					Other Funding Total	\$104,135,592							
					Grand Total	\$275,413,724	\$3,743,650	\$15,238,000	\$12,617,064	\$23,848,936	\$51,003,632	\$168,962,442	

Source Document	Source Document	Source Document	Legend
PRMP	Parks and Recreation Master Plan	PBMP	Pedestrian & Bicycle Master Plan
05RTP	TAMC 2005 Regional Transportation Plan	MHSP	Marina Heights Specific Plan
CIP/ AB1600	CIP Update & AB 1600 Report 2007	MPUSD MOU	Monterey Peninsula Unified School District MOU - May 2007
UVTIS	University Villages Traffic Impact Study	MRAPCD	Monterey Regional Air Pollution Control District Phase II Vapor Recovery Compliance
MHTIS	Marina Heights Traffic Impact Study	PSS	Public Safety Staff
MTSIS	Marina Station Traffic Impact Study	MPUSD TIS	MPUSD Traffic Impact Study
UVEIR	University Villages Environmental Impact Report		
CSUMB	California State University Monterey Bay – 2007 Master Plan	MPUSD	Monterey Peninsula Unified School District
FORA	FORA Report Feb. 17, 2005	GPD	General Plan Designated
PDS	Planning Division Staff	CEC	California Energy Commission
BDS	Building Division Staff	TBD	To Be Determined
PWS	Public Works Staff	NPSAF	National Parks Services Activity Fund
CSU DEIR	Cal State University Draft EIR		

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	\$3,702	\$797	\$ 6,981	\$ 1,692	\$ 8,017	\$ 21,189
Senior Homes	\$2,468	\$531	\$ 2,698	\$ 654	\$ 5,345	\$ 11,697
Assisted Living - Senior	\$1,371	\$295	\$ 1,936	\$ 469	\$ 2,969	\$ 7,041
Multi-Family Dwellings	\$3,428	\$738	\$ 4,876	\$ 1,182	\$ 7,423	\$ 17,647
Mobile Home Park	\$3,428	\$738	\$ 3,659	\$ 887	\$ 7,423	\$ 16,135
Campground/RV Park	\$3,428	\$738	\$ 1,980	\$ 480	\$ 7,423	\$ 14,049
Non-residential						
Office/Research	\$263	\$492	\$ 8,088	\$ 1,960	\$ -	\$ 10,803
Retail/Service	\$158	\$295	\$ 13,593	\$ 3,295	\$ -	\$ 17,340
Industrial	\$53	\$98	\$ 5,111	\$ 1,239	\$ -	\$ 6,501
Hotel	\$71	\$133	\$ 5,991	\$ 1,452	\$ -	\$ 7,647
Church	\$53	\$98	\$ 6,680	\$ 1,619	\$ -	\$ 8,450
Day Care Center	\$210	\$394	\$ 54,306	\$ 13,163	\$ -	\$ 68,072
Animal Hospital/Veterinary Clinic	\$315	\$590	\$ 34,610	\$ 8,389	\$ -	\$ 43,905
Medical/Dental Office Building	\$315	\$590	\$ 26,493	\$ 6,421	\$ -	\$ 33,820
Casino/Video Lottery	\$315	\$590	\$ 98,478	\$ 23,869	\$ -	\$ *
Casino	\$315	\$590	\$ 28,913	\$ 7,008	\$ -	\$ *
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.						

June 28, 2016

Item No. **9b**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of July 6, 2016

CITY COUNCIL CONSIDER OPENING A PUBLIC HEARING, TAKING ANY TESTIMONY FROM THE PUBLIC AND CONSIDER ADOPTING RESOLUTION NO. 2016-, AUTHORIZING AN ASSESSMENT NOT TO EXCEED \$1,000.00 TO BE LEVIED AGAINST ASSESSORS PARCEL NUMBER (APN) 032121018, NOT IN COMPLIANCE WITH "NOTICE TO ABATE" AND DIRECT THE CITY CLERK FILING OF LEVY WITH MONTEREY COUNTY ASSESSOR'S OFFICE PRIOR TO AUGUST 1, 2016.

RECOMMENDATION:

It is requested that the City Council:

1. Open a public hearing and take any testimony from the public;
2. Consider adopting Resolution No. 2016-, authorizing an assessment not to exceed \$1,000.00 costs to be levied against Assessors Parcel Number 032051003000 not in compliance with "Notice to Abate", and;
3. Direct the City Clerk to file levy with Monterey County Assessor's office prior to August 1, 2016.

BACKGROUND:

At the regular meeting of May 3, 2016, the City Council adopted Resolution No. 2016-60, declaring weeds growing or accumulation of rubbish or refuse, upon specified parcels on private property to be public nuisances, and approving a "Notice to Abate" such nuisances.

During the period of May 5 through May 13, 2016, the Fire Department re-inspected the properties on the non-compliance list.

A second notice was mailed by the Fire Department via first class regular mail to twenty-one (21) property owners still out of compliance on May 16, 2016.

The Fire Department conducted the third inspection during the week of May 25, 2016 and mailed three (3) certified registered letters to the affected property owners on June 1, 2016. As of June 26, 2016, one (1) registered letter was signed for noting receipt of notification and two (2) were not returned.

The Fire Department conducted the fourth inspection during the week of June 20, 2016, to confirm that all private parcels have cleared weeds growing or accumulation of rubbish or refuse.

ANALYSIS:

After the fourth and final inspection during the week of June 20, 2016, APN# 032121018 had not yet complied with the "Notice to Abate".

On June 22, 2016, the City Public Works Department was contacted, City Public Works has provided an estimate of \$1,000.00 to clear the property of weeds growing or accumulation of rubbish or refuse.

Pursuant to California Government Code Section(s) 39560-39588 et seq, a Public Hearing Notice to confirm the assessment of costs to abate was posted as required and mailed certified, to the property owner of APN# 032121018 on Friday, June 24, 2016 and brought to the City Council at the regularly scheduled meeting of Wednesday, July 6, 2016, at 6:30 P.M. (“**EXHIBIT A**”).

The City is required to submit a resolution for adoption on July 21, 2016, confirming any abatement costs to be forwarded to the Monterey County Assessors Office before August 1, 2016, to levy cost to property owner.

FISCAL IMPACT:

The City is expected to expend a \$1,000.00 to clear the lot of weeds and debris, which will be assessed against the affected parcel and recovered by the City through the 2016-17 property tax collection.

CONCLUSION:

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

Respectfully submitted,

Doug McCoun
Fire Chief
City of Marina

REVIEWED/CONCUR:

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2016-

AUTHORIZING AN ASSESSMENT NOT TO EXCEED \$1,000.00 TO BE LEVIED AGAINST ASSESSORS PARCEL NUMBER (APN) 032121018, NOT IN COMPLIANCE WITH “NOTICE TO ABATE” AND DIRECT THE CITY CLERK FILING OF LEVY WITH MONTEREY COUNTY ASSESSOR’S OFFICE PRIOR TO AUGUST 1, 2016.

WHEREAS, at the regular meeting of May 3, 2016, the City Council approved Resolution No. 2016-60 declaring weeds growing or accumulation of rubbish or refuse, upon specified parcels on private property to be public nuisances, and approving a “Notice to Abate Same”, and;

WHEREAS, during the period of May 5-13, 2016, the City’s Fire Department re-inspected the properties on the non-compliance list, and;

WHEREAS, a second notice was mailed by the Fire Department via first class regular mail to twenty-one (21) property owners still out of compliance on June 1, 2016, and;

WHEREAS, the City’s Fire Department conducted the third inspection during the week of May 25, 2016, and mailed certified registered letters to the three (3) affected property owners on June 1, 2016, as of June 26, 2016, one registered letter was signed noting receipt of notification, two were not returned, and;

WHEREAS, the City Council held a public hearing on June 21, 2016, to allow the affected property owners the opportunity to voice their objections to abate the weeds and be given due consideration by the City Council, and;

WHEREAS, the Fire Department conducted the fourth (4th) inspection during the week of June 13, 2016 to confirm that all private parcels have cleared weeds growing or accumulation of rubbish or refuse, and;

WHEREAS, after the fourth (4th) and final inspection during the week of June 13, 2016 one (1) privately-owned parcel still needed to comply with the abatement requirements and;

WHEREAS, pursuant to California Government Code sections 39560-39588 et seq; a Public Hearing Notice to authorize the assessment of fees, charges and legal cost incurred to abate was posted and mailed certified, to the property owner of APN# 032121018 on Friday, June 24, 2016 and brought to the City Council at the regularly scheduled meeting of Wednesday July 6, 2016, at 6:30 P.M., and;

WHEREAS, the City is required to submit a resolution to be adopted July 21, 2016, certifying assessment of abatement costs not to exceed \$1,000.00 and forwarded to the Monterey County Assessors Office before August 1, 2016, to levy against the property.

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

1. Authorize assessment of abatement costs not to exceed \$1,000.00 to be levied against Assessors Parcel Number (APN) 032121018 not in compliance with "Notice to Abate", and;
2. Direct the filing of such levy with Monterey County Assessor's office prior to August 1, 2016.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 6th day of July 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



Marina Fire Department

211 Hillcrest Avenue
Marina, CA 93933
Office - 831-275-1700
FAX - 831-884-1222
www.marinafire.org



PUBLIC HEARING NOTICE

**NOTICE TO DESTROY WEEDS AND REMOVE
RUBBISH, REFUSE AND DIRT**

NOTICE IS HEREBY GIVEN THAT on the 21st day of June 2016, the City Council of the City of Marina passed Resolution No. 2016-92, declaring that noxious or dangerous weeds were growing upon or in front of the property listed in said Resolution, that rubbish, refuse, and dirt were upon or in front of said property on the street in Marina and more particularly described in the Resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish and dirt. Otherwise, they will be removed and the nuisance abated by the City and the cost of removal assessed upon the land from or in front of which the weeds, rubbish, refuse and dirt are removed and will constitute a lien upon such land until paid. Reference is hereby made to the Resolution No. 2016-92 or further particulars. A copy of said Resolution is on file in the Office of the City Clerk.

All property owners having any objections to the proposed removal of the weeds, rubbish and/or refuse are hereby notified to attend a meeting of the City Council of the City of Marina to be held on Tuesday, July 6, 2016 at 6:30 p.m., or as soon as the matter may be heard, at the City Council Chambers located at 211 Hillcrest Avenue, Marina, California, when their objections will be heard and given due consideration.

DATED THIS 24th of June 2016

Selai Lesu, Administrative Assistant II

June 28, 2016

Item No. **11a**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of July 6, 2016

REQUEST FOR COUNCIL DIRECTION ON POTENTIAL REVISIONS TO ADMINISTRATIVE POLICIES AND PROCEDURES FOR BELOW MARKET RATE HOUSING AND WHETHER TO CONSIDER ACCEPTING AN IN LIEU PAYMENT FOR CERTAIN MODERATE INCOME HOUSING UNITS REQUIRED TO BE BUILT AS PART OF THE MARINA HEIGHTS DEVELOPMENT

RECOMMENDATION:

It is recommended that the City Council provide direction to staff on:

1. Whether to consider revisions to the Resident Selection Policies in the Below Market Rate Housing
2. Whether to explore accepting an in lieu fee in lieu of certain moderate income housing units at Marina Heights.

BACKGROUND:

At a regular meeting on October 6, 2006, the City Council approved Ordinance 2006-14 which added Chapter 17.45, Affordable Housing, to the Marina Municipal Code. This established the Below Market Rate (BMR) housing program, implementing a policy within the Housing Element of the General Plan adopted by Council in 2005. Section 17.45.110 states:

“This ordinance shall be administered in accordance with administrative policies and procedures adopted by the City Council and amended from time to time” refers to Administrative Policies and Procedures to implement the administration of the program. The administrative policies and procedures may address policies and procedures such as the process for random drawings and waiting lists to select renters and homebuyers, documentation of employment and residence eligibility, annual certification and monitoring, refinancing and resale procedures, and ongoing homeowner education requirements.”

In December 2007 the Council adopted Administrative Policies and Procedures applicable to the Below Market Rate Housing Program. These policies and procedures included a Resident Selection Plan that establishes preferences in 35% of all of the below market rate housing subject to the policy for

- People who work in Marina: defined as working 25 or more hours per week at a business or agency with a physical location within the city limits. (Sales people or consultants who do business in Marina, but whose employer does not have a physical location in Marina will not be considered as working in Marina.)
- Employees of public safety departments, including police, fire and public works employees of Monterey County government jurisdictions.

- Employees of public or private education facilities, including colleges and universities, located on the Monterey Peninsula.
- Employees of entities located on property known as “the former Fort Ord”
- Residents in Marina: defined as living at a specific address in the City of Marina for at least three (3) months prior to submitting a program application. Actual residency in Marina, not legal residency, is required. Those who simply have a post office box, park overnight or visit in the city are not considered residents.

These preferences were determined after careful consideration of both the policy goals of the City in promoting housing opportunities for a diverse segment of the population and State and Federal Fair Housing Laws that prohibit discrimination in housing to protected classes, including discrimination that results from neutral policies that have a discriminatory effect. In considering the preference priorities above, the Council considered the various policy goals, including creating a jobs/ housing balance in the community, reducing the environmental costs associated with commuting, the need for the City to have public safety personnel available in the event of a major disaster and the benefits to the community of having educators live in the community in which they work. The preference policies are only to apply to 35% of the below market rate units. Since the adoption of the BMR Administrative Policies and Procedures, few BMR units have been constructed as a result of the economic recession. The preferences listed above are applied at both Abrams B and Preston Park but the City does not maintain a wait list and so far has not fully implemented the preferences.

Now that development is restarting on several projects in the City that are slated to include below market rate housing, the Council may want to revisit the preferences in the BMR Policies and Procedures. Some of the same policy concerns that were addressed by the preferences set forth above in 2007 may still exist, but other may have changed.

In considering either reordering the priority for the preferences or changing any of the preferences, the Council needs to consider whether the implementation of any preference would result in a disparate impact on a protected class under Federal or State Fair Housing Laws. Both Federal and State Fair Housing Laws prohibit discrimination on the basis of race, color, national origin, religion, familial status and handicap. California laws also prohibit discrimination on the basis of source of income and marital status. Discrimination can be intentional or unintentional, and can come in many forms, e.g. zoning, steering, intimidation, and refusal to rent, sell, or lend. In addition, it is unlawful to make housing available on unlawfully discriminatory terms and conditions. Discriminatory intent is not necessary to show a violation of Fair Housing Laws and a seemingly neutral policy that impacts a protected group differently from others can be the basis for a Fair Housing Claim. If a disparate impact result from a governmental policy such as a preference for particular groups of people in the allocation of housing, the policy may not violate the Fair Housing Laws, if the government entity imposing the policy can show a legitimate governmental purpose for the policy and there is no less burdensome means of accomplishing that governmental purpose. Courts have considered whether certain preference policies, including preferences for local residents, violate Fair Housing Laws. A policy that favors residents of a particular community that results in a disparate impact generally has not withstood challenge if the sole justification for the policy is that the community wants to provide benefits to its own residents.

However, policies that express a legitimate public policy, such as ensuring that that public safety personnel are available in the event of a major disaster or a policy that reduces greenhouse gases by reducing commute times may further a legitimate governmental purpose. No courts to date have ruled on policies that provide preferences in order to further these types of governmental goals.

Many communities have adopted some form of local preferences and the preference policies in the BMR Administrative Policies and Procedures were adopted after looking at the policies that other jurisdictions had adopted. Many communities have or are considering adopting preferences for teachers or school employees in general in order to address the need for affordable housing in order to attract teachers to a community. The need for teacher housing has also been addressed by HUD which had at one time funded a program to provide down-payment assistance to teachers in certain communities. To date none of these teacher preference policies have been the subject of reported court cases. Other communities are also looking at preference policies that would grant some preference in affordable housing to city employees.

If the Council wants to consider revising the preferences in the BMR Administrative Policies and Procedures staff would recommend that the Council provide staff with direction to explore the feasibility of implementing the desired preferences, including analyzing the potential for any such policy to have a disparate impact on a protected class. Staff would then present recommendation to the Council based on the information available so that the Council can determine the best course of action in adopting revised preferences.

Marina Heights Moderate Income Units.

Cypress Marina Heights, the developer of Marina Heights, is moving forward with the commencement of construction of the residential units. Under the terms of the conditions of approval for the project, Cypress Marina Heights agreed to provide certain below market rate units. The below market rate units to be provided include 51 homes to be affordable to households at or below 120% of median income (“Moderate Income Homes”). In addition to the Moderate Income Homes, the developer is also required to provide homes that are affordable to households with incomes between 120% and 150% of median income and “Bridge Homes” designed to be affordable to households with incomes below 200% of median income.

The 51 Moderate Income Homes were required to meet both the City Housing Element policies with regards to affordable housing at the former Fort Ord as well as the Redevelopment Law requirements which require that a certain percentage of all housing units built in a redevelopment project area must be affordable to low and moderate income households. The majority of the units required by the Redevelopment Law are being met by the affordable units being provided at Abrams B and Preston Park, however, the 51 Moderate Income Homes required at Marina Heights are necessary to fully comply with both the Housing Element and the Redevelopment Law. Although the Redevelopment Agency was dissolved, the Redevelopment Plan remains in place and the provisions of the Redevelopment Law that require that a certain number of affordable housing units must be built in a project area remain in effect, although it is unclear how those provisions are expected to be implemented after dissolution of the redevelopment agency.

Cypress Marina Heights has indicated a willingness to consider payment of an in lieu fee to the City rather than constructing the Moderate Income Homes, depending upon what the fee would be. An in lieu fee could range anywhere from \$50,000 per unit to \$200,000 per unit or more depending upon the actual construction price of the affordable unit. Staff is requesting direction from the City Council on whether to enter into negotiations with Cypress Marina Heights on a potentially acceptable in lieu fee.

Payment of the in lieu fee rather than the construction of the Moderate Income Homes may provide the City with certain benefits. The 51 Moderate Income Homes, if constructed, will be subject to resale restrictions that will require that future sales of the homes be restricted to

moderate income households or that any proceeds of a sale to a household that is not a moderate income household be paid to the City. The resale restrictions may make sale of the homes more challenging, although the price differential on the homes from market rate homes may be sufficient for homeowners to be willing to buy the homes subject to the restrictions. The City will be required to administer the moderate income home sales including qualifying the initial homebuyers and then monitoring the homes over time. Affordable homeownership programs, in order to be successful, require a higher level of administrative attention than affordable rental programs. Currently, the City only has a couple of affordable homeownership units and the City does not have in place a system to provide the support necessary for the initial sale of the homes or the ongoing administration once the homes are sold. The agreement with the Marina Heights Developer does not include any fees to cover City costs associated with the administration of the sales of the homes, so if the Moderate Income Homes are built the City will be required to cover these costs from the general fund.

If a sufficient in lieu fee could be negotiated with the developer, it is possible that the City would have sufficient funds to provide a subsidy to an affordable rental development. The City funds could be used to leverage other State and federal funds, making such a development feasible. Whether the funds would be sufficient to ensure that the required affordable units are built is not currently known.

Staff is seeking direction from the Council on whether the Council wants to explore the in lieu fee option or continue to require that Cypress Marina Heights construct 51 Moderate Income Homes. If the Council wants to explore the in lieu fee option, Staff would proceed to negotiate the potential fee with the Developer and return to the Council with results of that negotiation.

FISCAL IMPACT:

There is no current fiscal impact, but construction of the Moderate Income Homes will result in the City incurring certain costs associated with the administration of the affordable homeownership program.

CONCLUSION:

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

Respectfully submitted,

Layne Long
City Manager
City of Marina