



AGENDA

Tuesday, July 26, 2016

6:30 P.M. Open Session

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

Council Chambers
211 Hillcrest Avenue
Marina, California

VISION STATEMENT

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

MISSION STATEMENT

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

1. CALL TO ORDER



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

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

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

4. PUBLIC HEARINGS:

- a. City Council open public hearing taking testimony from the public and consider adopting Resolution No. 2016-, approving submittal of State Community Development Block Grant (CDBG) application for funding and execution of a grant agreement and any amendments thereto from the 2016 funding year; to solicit citizen input on project; and authorizing City Manager to execute document(s) on behalf of the City subject to final review and approval by City Attorney.

5. 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-, submitting to the qualified electors of the City at the general municipal election to be held on Tuesday, November 8, 2016 an ordinance amending chapter 5.20 of the municipal code relating to the rates of the business license tax; and provide Staff with further direction in the matter.

6. 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 5:30 p.m., Friday, July 22, 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.

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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*

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

August 4, 2016

September 1, 2016
October 6, 2016

November 3, 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 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

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 26, 2016

CITY COUNCIL OPEN PUBLIC HEARING TAKING TESTIMONY FROM PUBLIC AND CONSIDER ADOPTING RESOLUTION NO. 2016-, APPROVING SUBMITTAL OF STATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION FOR FUNDING AND EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2016 FUNDING YEAR; AND TO SOLICIT CITIZEN INPUT ON PROJECT; AND AUTHORIZING CITY MANAGER TO EXECUTE DOCUMENT(S) ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY CITY ATTORNEY

REQUEST:

It is requested that the City Council:

1. Open public hearing taking testimony from public and consider adopting Resolution No. 2016-, approving submittal of State Community Development Block Grant (CDBG) Application for funding and execution of a grant agreement and any amendments thereto from the 2016 funding year; and to solicit citizen input on project; and authorizing City Manager to execute documents(s) on behalf of the City subject to final review and approval by City Attorney.

BACKGROUND:

At the public hearing of June 21, 2016, the City Council of the City of Marina adopted Resolution No. 2016-91, approving discussion on Design Phase for possible State Community Development Block Grant (CDBG) 2016 application; and, to solicit citizen input on a possible competitive project(s).

According to State regulations, program information disseminated at the public hearing (Design Phase) of June 21, 2016, must be presented for a second time at this public hearing (Application Submittal Phase). The following are program highlights that were discussed at the public hearing of June 21, 2016.

- HUD's allocation of \$27,000,000 to State of CA for CDBG Programs is available to non-entitlement jurisdictions.
- Jurisdictions may submit an application, maximum limit up to \$2,000,000; and, over-the-counter maximum limit up to \$3,000,000.
- Discussion of 50% Rule.
- Need for an Updated Housing Element.
- Program Income.
- Conduct two public meetings and solicit public comments at each meeting (public hearing "Design Phase", and a public hearing "Application Submittal Phase").
- Public meetings must be 30-days apart.
- City must meet one of three National Objectives (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 Notice of Funding Available: Homeownership & Housing Rehabilitation; Public Improvements including public improvement in support of new housing construction; Public Service, Planning Studies, Economic Development Business Assistance, Economic Development Microenterprise Technical Assistance, Colonia and Native American.
- City is eligible to apply for grant under Low/moderate Limited Clientele (LMC) who are generally presumed by HUD to be Low Moderate Income (LMI). LMC benefits a specific group of person(s) rather than everyone in an area.
- Eligible LMC are abused children, elderly persons, battered spouses, homeless persons, illiterate adults, persons living with AIDS and migrant farm workers.
- Restrictions on use of activity/facility to LMC is that such services/facility is not open to entire community, serves only LMC and be of nature and in location that reasonably concludes that project will serve targeted persons; and
- The Public Hearing Notice was published on July 14, 2016 (Attachment “1”).

ANALYSIS:

The purpose of this public hearing is to approve submittal of State Community Development Block Grant Application for funding in the amount of \$1,500,000; and, solicit citizen input on the proposed construction of a Senior Center facility.

The Department of Housing and Community Development has provided a standard resolution template for jurisdictions’ use. Therefore, two resolutions are attached. “**EXHIBIT A**” reflects City standard language, whereas, “**EXHIBIT B**” reflects standard language from the State Community Development Block Grant Program.

Project:

At build-out the proposed Senior Center facility will be up to 15,000 sq. ft. structure. *However, under this application, the proposed project will be a state-of-the art energy, water and efficient, single-story facility up to 7,088 sq. ft.* to serve the City of Marina’s senior population of 3,812, which is 19% of the City’s total population. It is anticipated that the Phase I project in the amount of \$1,500,000 would be funded by the Community Development Block Grant Program (CDBG). Moreover, it is also anticipated that the City of Marina will submit a second grant application to CDBG in 2018 to complete the remaining build-out of the Senior Center facility (see Attachment “2”- Floor and Site Plan).

Under this application, the Phase I project will include an entrance/lobby area; library/lounge, restrooms, conference and multi-purpose room with stage; kitchen, pantry, storage, mechanical and electrical room; Director’s office, reception area, IT, consultation room, arts/crafts and a classroom. The multi-purpose room with stage will have the flexibility to be reconfigured for dining, leisure activities, performances and parties. Further, the configuration of the site will create a walkable, pedestrian- friendly zone with synergistic relationships to neighboring uses. i.e. shopping, Monterey County library, park and restaurants. Phase II of the project will include a fitness and exercise room, computer lab, and additional classrooms for arts, crafts and games. The outside will include outdoor fitness areas.

Highlights on the “Need” for such facility:

Due to the absence of a dedicated facility, the City of Marina is unable to provide comfortable place where older, isolated members of the community could come together for socialization, fun, health, and for overall well-being. Given that many elderly individuals live alone and lack a safe place to socialize, they become inactive. These formerly highly active individuals resort to home. Long-term inactivity along with the lack of social engagement results in frailty, immobility and in some cases, depression.

Problems cited is the sharing of the Rocky Han Community Center whereby seniors are often distracted by youths. Unlike the positive robust youth programs currently being implemented by the Recreation and Cultural Services Department, senior program offerings and operational hours are limited. The senior programs have been plummeting for the past few years both in attendance and membership. The inability to provide educational and new recreational activities, wellness, arts and humanities programs further drives seniors to resort to home-alone; with no socialization among peers. Further, the monthly food bank delivery program is held in the parking lot of the Rocky Han Community Center and seniors are often distracted by watching others collect food from bins; and, find themselves fighting moving vehicles while proceeding to their own vehicle.

The advantage of constructing a stand-alone facility dedicated to seniors is that program operating hours, at least initially, would increase to 9 AM – 3PM, Monday – Friday with some weekends as necessary; from the current 9 AM – 2 PM Monday – Friday. Being that the use of the building would be dedicated for seniors, equipment and supplies would not need to be locked at the end of each meeting. As demand for services increases, the City of Marina may promote programs to the younger, healthier seniors as well as the frail, older adult population, which would ultimately help them to remain independent and live in the own homes for as long as possible.

The following categories are being addressed to meet CDBG guideline requirements:

- Under this Application, no Program Income will be used for the public facilities activity to build the Senior Center.
- Under this Application, the proposed activity will meet National Objective criterion, as the project will service only LMC.
- The proposed activity will not result in displacement of individuals, as the City of Marina does not have a dedicated Senior Center facility.
- The construction budget for the Senior Center is located on the Sources and Use Form of the application packet.
- The construction Timeline is located under the Readiness Section of the application packet; and,
- The deadline for submittal of this grant application is July 27, 2016.

FISCAL IMPACT:

Should the City Council approve this request, there is no fiscal impact to approve the submittal to the State Community Development Block Grant (CDBG) Application for funding and execution of a Grant Agreement and any amendments from the 2016 funding year. If the Application is awarded, appropriate budgetary entries and/or appropriations will be necessary and the request for such action will be submitted to City Council at a later date.

Respectfully submitted,

Marilyn Lidyoff
Economic Development Coordinator
City of Marina

REVIEWED/CONCUR:

Layne P. Long,
City Manager,
City of Marina

RESOLUTION NO. 2016-

CITY COUNCIL OPEN PUBLIC HEARING TAKING TESTIMONY FROM PUBLIC AND CONSIDER ADOPTING RESOLUTION NO. 2016-, APPROVING SUBMITTAL OF STATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION FOR FUNDING AND EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2016 FUNDING YEAR; TO SOLICIT CITIZEN INPUT ON PROJECT; AND AUTHORIZING CITY MANAGER TO EXECUTE DOCUMENT(S) ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY CITY ATTORNEY

Whereas, at the public hearing of June 21, 2016, the City Council of the City of Marina adopted Resolution No. 2016-91, approving discussion on Design Phase for possible State Community Development Block Grant (CDBG) 2016 application; and, to solicit citizen input on a possible competitive project(s), and;

WHEREAS, According to State regulations, program information disseminated at the public hearing (Design Phase) of June 21, 2016, must be presented for a second time at this public hearing (Application Submittal Phase). The following are program highlights that were discussed at the public hearing of June 21, 2016:

- HUD's allocation of \$27,000,000 to State of CA for CDBG Programs is available to non-entitlement jurisdictions.
- Jurisdictions may submit an application, maximum limit up to \$2,000,000; and, over-the-counter maximum limit up to \$3,000,000.
- Discussion of 50% Rule.
- Need for an Updated Housing Element.
- Program Income.
- Conduct two public meetings and solicit public comments at each meeting (public hearing "Design Phase", and a public hearing "Application Submittal Phase").
- Public meetings must be 30-days apart.
- City must meet one of three National Objectives (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 Notice of Funding Available: Homeownership & Housing Rehabilitation; Public Improvements including public improvement in support of new housing construction; Public Service, Planning Studies, Economic Development Business Assistance, Economic Development Microenterprise Technical Assistance, Colonia and Native American.
- City is eligible to apply for grant under Low/moderate Limited Clientele (LMC) who are generally presumed by HUD to be Low Moderate Income (LMI). LMC benefits a specific group of person(s) rather than everyone in an area.
- Eligible LMC are abused children, elderly persons, battered spouses, homeless persons, illiterate adults, persons living with AIDS and migrant farm workers.
- Restrictions on use of activity/facility to LMC is that such services/facility is not open to entire community, serves only LMC and be of nature and in location that reasonably concludes that project will serve targeted persons.
- The Public Hearing Notice was published on July 14, 2016 (Attachment "1"), and;

WHEREAS, the purpose of this public hearing is to approve submittal of State Community Development Block

Grant Application for funding in the amount of \$1,500,000; and, solicit citizen input on the proposed construction of a Senior Center facility, and;

WHEREAS, the Department of Housing and Community Development has provided a standard resolution template for jurisdiction's use. Therefore, two resolutions are attached. **Exhibit A** reflects City standard language, whereas, **Exhibit B** reflects standard language from the State Community Development Block Grant Program, and;

WHEREAS, project: at build-out the proposed Senior Center facility will be up to 15,000 sq. ft. structure. *However, under this application, the proposed project will be a state-of-the art energy and water efficient single-story facility up to 7,088 sq. ft.* to serve the City of Marina's senior population of 3,812, which is 19% of the City's total population. It is anticipated that the Phase I project in the amount of \$1,500,000 would be funded by the Community Development Block Grant Program (CDBG). Moreover, it is also anticipated that the City of Marina will submit a second grant application to CDBG in 2018 to complete the remaining build-out of the Senior Center facility (see Attachment "2" – Floor and Site Plan), and;

WHEREAS, under this application, the Phase I project will include an entrance/lobby area; library/lounge, restrooms, conference and multi-purpose room with stage; kitchen, pantry, storage, mechanical and electrical room; Director's office, reception area, IT, consultation room, arts/crafts and a classroom. The multi-purpose room with stage will have the flexibility to be reconfigured for dining, leisure activities, performances and parties. Further, the configuration of the site will create a walkable, pedestrian- friendly zone with synergistic relationships to neighboring uses. i.e. shopping, Monterey County library, park and restaurants. Phase II of the project will include a fitness and exercise room, computer labs, and additional classrooms for arts, crafts and games. Outside will include outdoor fitness areas; and;

WHEREAS, highlights on the "Need" for such facility: due to the absence of a dedicated facility, the City of Marina is unable to provide comfortable place where older, isolated members of the community could come together for socialization, fun, health, and for overall well-being. Given that many elderly individuals live alone and lack a safe place to socialize, they become inactive. These formerly highly active individuals resort to home. Long-term inactivity along with the lack of social engagement results in frailty, immobility and in some cases, depression, and;

WHEREAS, problems cited is the sharing of the Rocky Han Community Center whereby seniors are often distracted by youths. Unlike the positive robust youth programs currently being implemented by the Recreation and Cultural Services Department, senior program offerings and operational hours are limited. The senior programs have been plummeting for the past few years both in attendance and membership. The inability to provide educational and new recreational activities, wellness, arts and humanities programs further drives seniors to resort to home-alone; with no socialization among peers. Further, the monthly food bank delivery program is held in the parking lot of the Rocky Han Community Center and seniors are often distracted by watching others collect food from bins; and, find themselves fighting moving vehicles while proceeding to their own vehicle, and;

WHEREAS, the advantage of constructing a stand-alone facility dedicated to seniors is that program operating hours, at least initially, would increase to 9 AM – 3PM, Monday – Friday with some weekends as necessary; from the current 9 AM – 2 PM Monday – Friday. Being that the use of the building would be dedicated for seniors, equipment and supplies would not need to be locked at the end of each meeting. As demand for services increases, the City of Marina may promote programs to the younger, healthier seniors as well as the frail, older adult population, which would ultimately help them to remain independent and live in the own homes for as long as possible, and;

WHEREAS, the following categories are being addressed to meet CDBG guideline requirements:

- Under this Application, no Program Income will be used for the public facilities activity to build the Senior Center.
- Under this Application, the proposed activity will meet National Objective criterion, as the project will service only LMC.
- The proposed activity will not result in displacement of individuals, as the City of Marina does not have a dedicated Senior Center facility.
- The construction budget for the Senior Center is located on the Sources and Use Form of the application packet.
- The construction Timeline is located under the Readiness Section of the application packet.
- The deadline for submittal of this grant application is July 27, 2016, and;

WHEREAS, should the City Council approve this request, there is no fiscal impact to approve the submittal to the State Community Development Block Grant (CDBG) Application for funding and execution of a Grant Agreement and any amendments from the 2016 funding year. If the Application is awarded, appropriate budgetary entries and/or appropriations will be necessary and the request for such action will be submitted to City Council at a later date.

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

1. Authorize approval on submittal of State Community Development Block Grant (CDBG) Application for funding;
2. Authorize approval on execution of a grant agreement and any amendments thereto from the 2016 funding year and to solicit citizen input on project, and;
3. Authorize City Manager to execute document(s) on behalf of the City subject to final review and approval by City Attorney.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Marina, held on June 21, 2016, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ATTEST:

Bruce Delgado, Mayor

Anita Sharp, Deputy City Clerk

Published Public Hearing Notice

This space is reserved for the County Clerk's Filing Stamp



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(831) 726.4382

MARINA - CITY CLERK / CITY MANAGER
Account No. 2140479
211 HILLCREST AVE.
MARINA, CA 93933

Legal No. 0005772503
CDBG

Ordered by:

**PROOF OF
PUBLICATION**

STATE OF CALIFORNIA
County of Monterey

I am a citizen of the United States and a resident of the County aforesaid. I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of The Monterey Herald, a newspaper of general circulation, printed and published daily and Sunday in the City of Monterey, County of Monterey, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Monterey, State of California; that the notice, of which the annexed is a printed copy (set in type not smaller than 6 point), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

07/14/16

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Executed on 07/14/2016 at Monterey, California.

Signature

Published Public Hearing Notice

HEARING: CITY OF
MARINA
FOR SUBMITTAL OF
APPLICATION TO
STATE COMMUNITY
DEVELOPMENT
BLOCK GRANT
(CDBG)

NOTICE IS HEREBY GIVEN that the City of Marina will conduct a public hearing on July 26, 2016, 6:30 p.m., or shortly thereafter, at the City Council Chambers, 211 Hillcrest Ave, Marina, CA to discuss submittal of an application in response to the 2016 Community Development Block Grant (CDBG) Notice of Funding Availability (NOFA), and to solicit citizen input.

The Economic Development Division of the City of Marina is applying for a grant in the amount of \$1,500,000 and the approval to expend zero dollars in existing or anticipated Program Income under the NOFA for the following eligible activity: Construct a Senior Citizen Center.

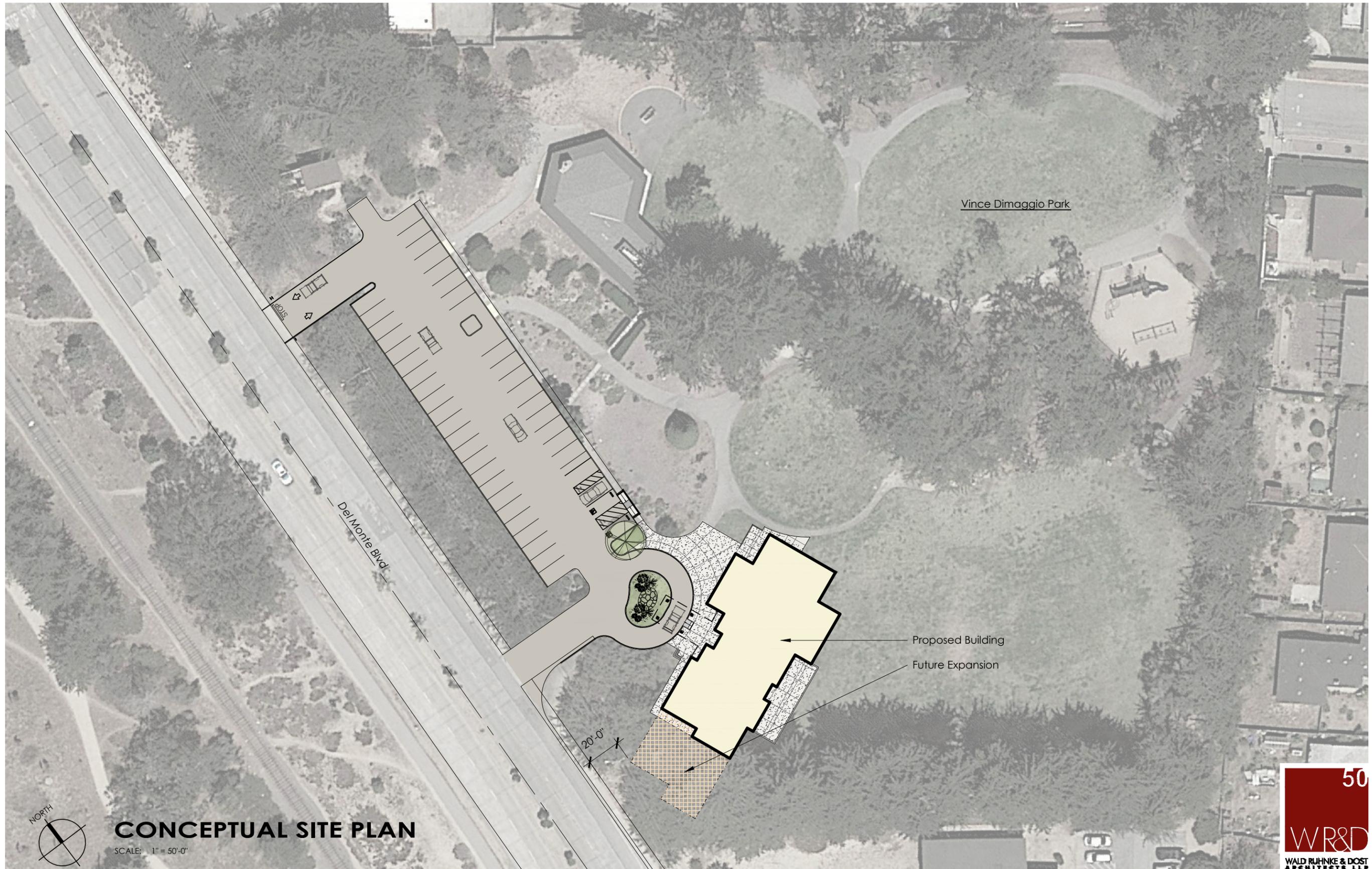
The purpose of the public hearing is to give citizens an opportunity to make their comments known on the proposed activities/application.

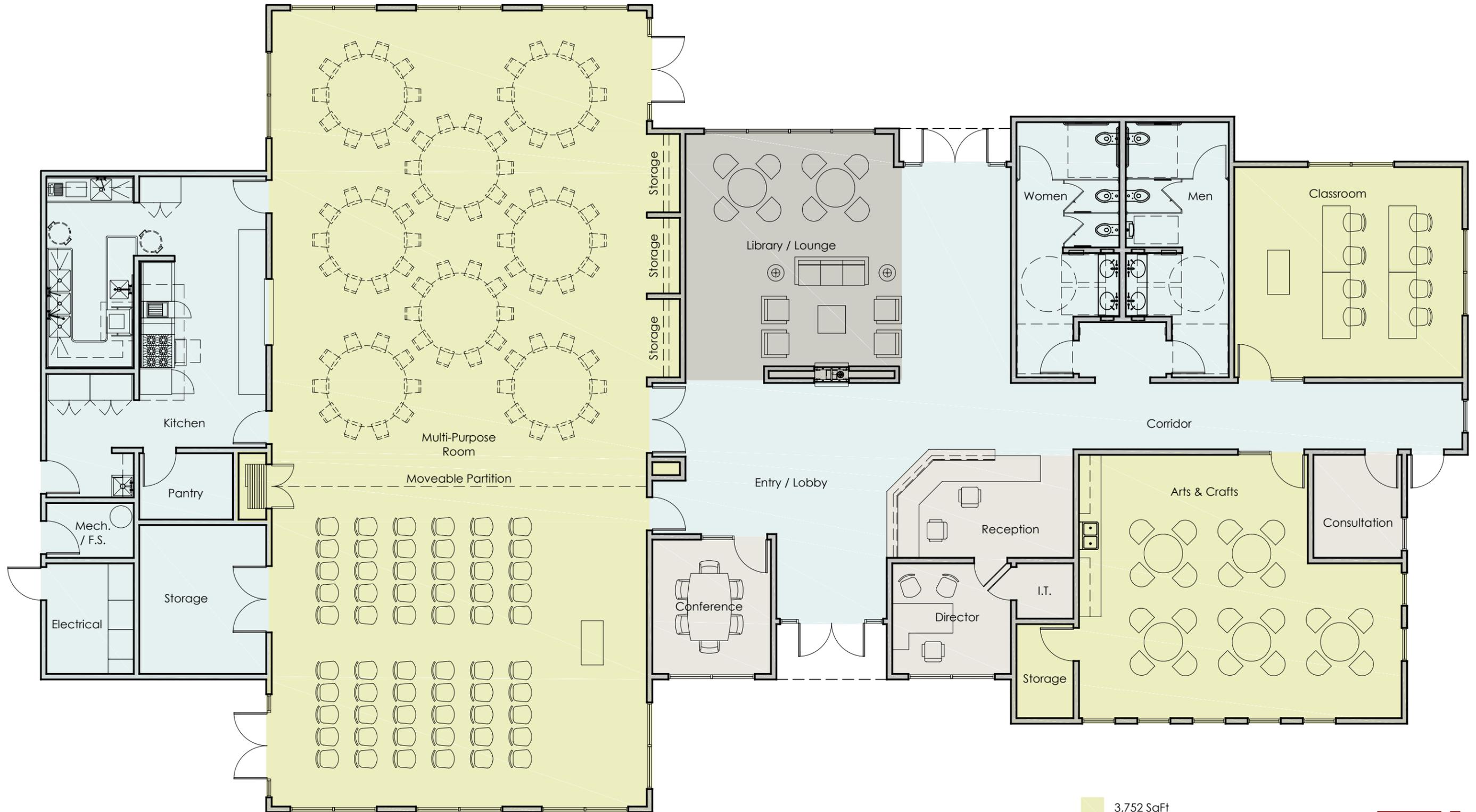
If you require special accommodations to participate in the public hearing, please contact Anita Sharp at (831) 884-1281.

If you are unable to attend the public hearing, you may direct written comments to the City of Marina, at 211 Hillcrest Avenue, Marina, CA 93933, or you may telephone Anita Sharp at (831) 884-1281. In addition, information is available for review at the above address between the hours of 10:00 AM to 4:30 PM Mondays, Tuesdays, Thursdays and Fridays.

The jurisdiction promotes fair housing and make all its programs available to low and moderate income families regardless of age, race, color, religion, sex national origin, sexual preference, marital status or handicap.

Publish Date:
Thursday, July 14,
2016





- 3,752 SqFt
- 2,337 SqFt
- 547 SqFt
- 452 SqFt



FLOOR PLAN (7,088 SqFt)

SCALE: 1/8" = 1'-0"



Resolution No. 2016-

A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2016 FUNDING YEAR OF THE STATE CDBG PROGRAM

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

SECTION 1:

The City Council of the City of Marina has reviewed and hereby approves an application for up to \$1,500,000 for the following activities:

General Administration (GA)	\$ 104,651
Public Facilities Activity – Construction of a Senior Citizen Center	\$1,395,349

SECTION 2:

The City Council has determined that state and federal citizen participation requirements were met during the development of the application.

SECTION 3:

The City Council hereby approves that zero dollars of Program Income will be used for the Senior Center activity in this application.

SECTION 4:

The City Council hereby authorizes and directs the City Manager, or designee, to sign this application and act on the City’s behalf in all matters pertaining to this application.

SECTION 5:

If the application is approved, the City Manager, or designee, is authorized to enter into and sign the grant agreement and any subsequent amendments with the State of California for the purposes of this grant.

SECTION 6:

If the application is approved, the City Manager, or designee, is authorized to sign Funds Requests and other required reporting forms.

PASSED AND ADOPTED, at a regular meeting of the City Council of Marina held on July 26, 2016, by the following vote:

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

Bruce D. Delgado, Mayor
City of Marina

STAT OF CALIFORNIA
City of Marina

I, _____, Deputy City Clerk of the City of Marina, State of California, hereby certify the above and foregoing to be a full, true and correct copy of a resolution adopted by said City Council on this 26th day of July, 2016.

Anita Sharp, Deputy City Clerk

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of July 26, 2016

CITY COUNCIL CONSIDER THE FOLLOWING IN REGARDS TO CALLING FOR A GENERAL MUNICIPAL ELECTION AND CONSIDERING CERTAIN BALLOT MEASURE: CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2016-, SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016 AN ORDINANCE AMENDING CHAPTER 5.20 OF THE MUNICIPAL CODE, RELATING TO THE RATES OF THE BUSINESS LICENSE TAX AND PROVIDE STAFF ANY FURTHER DIRECTION IN THE MATTER

REQUEST:

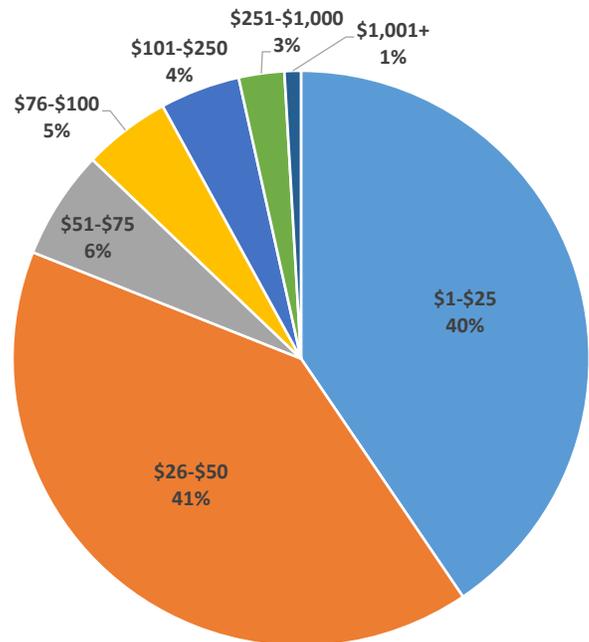
It is requested that the City Council consider the following in regards to calling for a general municipal election and considering certain ballot measure:

1. Adopting Resolution No. 2016-, submitting to the qualified electors of the City at the general municipal election to be held on Tuesday, November 8, 2016 an ordinance amending chapter 5.20 of the municipal code relating to the rates of the business license tax; and
2. Provide Staff with further direction in the matter.

BACKGROUND:

During April through July 2016, the City Council received information regarding the City business license tax (“BLT”). Specifically, the Marina business license has not been updated for 38 years. The current business license tax has remained the same since 1978. At a summary level, the City annual BLT revenue is \$120,000 (tax approx. \$75k and processing fee approx. \$45k).

This chart shows the current Marina BLT paid by businesses. **Specifically, 80% of the businesses pay less than \$50 per year. --with 40% paying \$1-\$25 per year and 41% paying \$26-\$50 per year.**



ANALYSIS:

On July 20, 2016, the City Council directed staff to bring back at our next meeting the information with going forward on the business license tax solely for the November 2016 election. Provided below are three tax rate structures and estimated revenues by Hinderliter, de Llamas & Associates (“HDL”). The Council is requested to provide direction on the tax structure and adopt the resolution thereby placing this tax measure before the voters. Approval of the resolution requires a 2/3 vote (at least four “yes” votes) of the Council as it pertains to a general tax.

Tax Rate Structure A – This is a 3-rate structure ranging from 0.1 – 0.2% of gross receipts and estimated to generate \$600,000 annually.

Tax Rate Structure B – This is a 2-rate structure ranging from 0.15 – 0.2% of gross receipts and estimated to generate \$700,000 annually.

Tax Rate Structure C – This is a 1-rate structure of 0.2% of gross receipts and estimated to generate \$900,000 annually.

The tax rate structure C would enable the City to generate more tax revenues from the new development as those future business types are primarily general or retail, at higher annual gross receipts. This illustration shows two general businesses under the various tax rate structures:

		Tax Rate	Tax Rate	Tax Rate
General Business Type		Structure A	Structure B	Structure C
Gross Receipts		0.1%	0.15%	0.2%
Business 1	\$ 100,000	\$ 100	\$ 150	\$ 200
Business 2	\$ 8,000,000	\$ 8,000	\$ 12,000	\$ 16,000

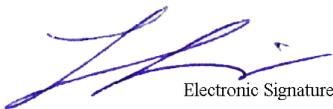
The additional revenues will fund general fund services, such as police patrols, improving 911 emergency medical fire response times, youth and senior services, repairing potholes, maintaining neighborhood streets and City parks.

The ballot question is pending necessary reviews and will be provided on Monday.

FISCAL IMPACT:

Should the City Council and voters approve this updated business license tax rate the estimated annual revenues may range from \$600,000 to \$900,000, dependent upon the specific structure. Actual revenues may vary based upon level of compliance, variance to estimates and/or number of business licenses issued.

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


Electronic Signature

Lauren Lai, CPA
Finance Director
City of Marina

REVIEWED/CONCUR:

Layne P. Long
City Manager
City of Marina

RESOLUTION ORDERING THAT A BUSINESS LICENSE TAX MEASURE BE SUBMITTED TO THE VOTERS AT THE NOVEMBER 8, 2016 ELECTION, REQUESTING COUNTY ELECTIONS OFFICIALS TO CONDUCT THE ELECTION, AND REQUESTING CONSOLIDATION OF THE ELECTION

City of Marina

WHEREAS, the City of Marina relies on its general fund to provides vital services within its boundaries; and

WHEREAS, the City requires additional revenues to fund general fund services, such as police patrols, improving 911 emergency medical fire response times, repairing potholes, maintaining neighborhood streets and parks and

WHEREAS, the City Council desires to place before the voters an ordinance that would increase the rate of the City's Business License Tax; and

WHEREAS, by prior action, the City Council of the City of Marina has called a general municipal election of the City for November 8, 2016; and

WHEREAS, the November 8, 2016 general municipal election is a regularly scheduled general election for members of the City Council; and

WHEREAS, Government Code Section 53724 and Elections Code Section 9222, authorize the City Council to submit general tax ordinances to the voters; and

WHEREAS, pursuant to Elections Code Section 10002, the City Council may, by resolution, request the Monterey County Board of Supervisors to permit the county elections official to render specified services to the City relating to the conduct of an election; and

WHEREAS, the resolution of the City Council must specify the services requested; and

WHEREAS, pursuant to Elections Code Section 10002, the City must reimburse the County in full for the services performed upon presentation of a bill to the City; 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 City Council hereby orders an election be called and consolidated with the City’s general municipal election and 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, the City Council hereby requests the Board of Supervisors to permit the Monterey County Elections Department to provide any and all services necessary for conducting an 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:

[Insert Ballot Question]

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 measure 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 ordinance set forth in Exhibit A is, by such vote, adopted by the people of the City of Marina.
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 18, 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 25, 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 18, 2016, an impartial analysis of the ballot measure

5. _____ 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 _____'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, _____ 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 General Municipal Election and to present the ballot measure 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 ballot measure 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 3rd day of August 2016, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

SIGNED: _____
Bruce C. Delgado, Mayor

ATTEST: _____
Anita Shepherd-Sharp, Deputy City Clerk

Tax Rate Structure A (With 3 Rates)

ORDINANCE No. 2016-__

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF MARINA
AMENDING CHAPTER 5.20 OF THE MUNICIPAL CODE, RELATING TO
THE RATES OF THE BUSINESS LICENCE TAX**

THE PEOPLE OF THE CITY OF MARINA DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 5.20 -Amended. Chapter 5.20 of the City of Marina Municipal Code is hereby amended to read as follows:

Chapter 5.20

RATES

Sections:

5.20.010 Professionals

5.20.020 Rentals.

5.20.030 Contractors and Building Trades.

5.20.040 Retailers and All Other Businesses.

5.20.010 Professionals.

The tax rate shall be 0.2% of gross receipts for any person practicing law, accounting, architecture, medicine, dentistry, optometry, physical therapy, clinical psychology, engineering, surveying, or any other profession the practice of which both (i) requires a state-issued license and (ii) is generally limited by law or regulation to those who have completed either not less than four years of general post-secondary education or not less than two years of specialized post-secondary professional education. This tax rate shall also apply to any real estate agent, insurance agent, escrow agent, financial planner, tax preparer, securities broker or other person who provides financial advice or services, regardless of whether a state-issued license is required to provide those services. The minimum annual tax for this category shall be \$100.

5.20.020 Rentals.

The tax rate shall be 0.2% of gross receipts for any person who rents, leases, subleases, licenses or has available for rent, lease, sublease or license, (i) any single family home, dwelling unit, room, or other accommodation or (ii) any space for commercial, institutional or industrial use. This rate shall apply to, but shall not be limited to, operators of apartment buildings, hotels, office buildings, shopping malls, and storage facilities. The minimum annual tax for this category shall be \$100.

5.20.030 Contractors and Building Trades.

The tax rate shall be 0.15% of gross receipts for any person who is a contractor or engages in any building trade, including, but not limited to:

- (1) Awning.
- (2) Boilers, hot water heating, steamfitting.

- (3) Burglar alarm.
- (4) Cabinet and mill work.
- (5) Cement and concrete.
- (6) Electrical contractor.
- (7) Electric signs.
- (8) Elevator installation.
- (9) Excavating, grading, trenching, paving, surfacing.
- (10) Fire protection engineering.
- (11) Floodlight service.
- (12) Flooring.
- (13) Glazing, glass.
- (14) Heating and/or air conditioning.
- (15) House and building moving or wrecking.
- (16) Insulation.
- (17) Landscaping.
- (18) Lathing.
- (19) Masonry.
- (20) Ornamental metals.
- (21) Painting and decorating.
- (22) Pest control.
- (23) Plastering.
- (24) Plumbing.
- (25) Refrigeration.
- (26) Roofing.
- (27) Screens.
- (28) Sewer
- (29) Signs.
- (30) Tile.
- (31) Weather stripping.

The minimum annual tax for this category shall be \$75.

5.20.040 Retailers and All Other Businesses.

The tax rate shall be 0.1% of gross receipts for any person engaging in any business for which no other rate is set forth in this Chapter 5.20. The minimum annual tax for this category shall be \$50.

* * *

Section 2. Amendment. Any provision added to the Municipal Code by this Ordinance may be repealed or amended by the city council without a vote of the people. However, as required by Article XIIC of the California Constitution, voter approval is required in order to further increase the rate of any tax with respect to any taxpayer.

Section 3. Use of Proceeds. Proceeds of the tax imposed by this chapter shall be deposited in the general fund of the City and be available for any municipal purpose.

Section 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The People of the City of Marina hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid or unenforceable.

Section 5. Effective Date. This ordinance shall be effective July 1, 2017.

Section 6. Publication. Within fifteen days after the passage of this ordinance the City Clerk shall cause this ordinance or a summary thereof to be published or to be posted in at least three places in the City of Marina in accordance with the requirements of Government Code section 36933.

The foregoing ordinance was adopted by the People of the City of Marina at an election held on November 8, 2016.

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Acting Deputy City Clerk

APPROVED BY THE FOLLOWING VOTE of the People of the City of Marina on November 8, 2016.

YES: _____

NO: _____

ADOPTED BY DECLARATION OF THE VOTE by the City Council of the City of Marina on _____ 2016.

Tax Rate Structure B

(With 2 Rates)

ORDINANCE NO. 2016-__

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF MARINA
AMENDING CHAPTER 5.20 OF THE MUNICIPAL CODE, RELATING TO
THE RATES OF THE BUSINESS LICENCE TAX**

THE PEOPLE OF THE CITY OF MARINA DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 5.20 -Amended. Chapter 5.20 of the City of Marina Municipal Code is hereby amended to read as follows:

Chapter 5.20

RATES

Sections:

5.20.010 Professionals

5.20.020 Rentals.

5.20.030 All Other Businesses.

5.20.010 Professionals.

The tax rate shall be 0.2% of gross receipts for any person practicing law, accounting, architecture, medicine, dentistry, optometry, physical therapy, clinical psychology, engineering, surveying, or any other profession the practice of which both (i) requires a state-issued license and (ii) is generally limited by law or regulation to those who have completed either not less than four years of general post-secondary education or not less than two years of specialized post-secondary professional education. This tax rate shall also apply to any real estate agent, insurance agent, escrow agent, financial planner, tax preparer, securities broker or other person who provides financial advice or services, regardless of whether a state-issued license is required to provide those services. The minimum annual tax for this category shall be \$100.

5.20.020 Rentals.

The tax rate shall be 0.2% of gross receipts for any person who rents, leases, subleases, licenses or has available for rent, lease, sublease or license, (i) any single family home, dwelling unit, room, or other accommodation or (ii) any space for commercial, institutional or industrial use. This rate shall apply to, but shall not be limited to, operators of apartment buildings, hotels, office buildings, shopping malls, and storage facilities. The minimum annual tax for this category shall be \$100.

5.20.030 All Other Businesses.

The tax rate shall be 0.15% of gross receipts for any person engaging in any business for which no other rate is set forth in this Chapter 5.20. The minimum annual tax for this category shall be \$75.

* * *

Section 2. Amendment. Any provision added to the Municipal Code by this Ordinance may be repealed or amended by the city council without a vote of the people. However, as required by Article XIII C of the California Constitution, voter approval is required in order to further increase the rate of any tax with respect to any taxpayer.

Section 3. Use of Proceeds. Proceeds of the tax imposed by this chapter shall be deposited in the general fund of the City and be available for any municipal purpose.

Section 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The People of the City of Marina hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid or unenforceable.

Section 5. Effective Date. This ordinance shall be effective July 1, 2017.

Section 6. Publication. Within fifteen days after the passage of this ordinance the City Clerk shall cause this ordinance or a summary thereof to be published or to be posted in at least three places in the City of Marina in accordance with the requirements of Government Code section 36933.

The foregoing ordinance was adopted by the People of the City of Marina at an election held on November 8, 2016.

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Acting Deputy City Clerk

APPROVED BY THE FOLLOWING VOTE of the People of the City of Marina on November 8, 2016.

YES: _____

NO: _____

ADOPTED BY DECLARATION OF THE VOTE by the City Council of the City of
Marina on _____ 2016.

Tax Rate Structure C (With 1 Rate)

ORDINANCE NO. 2016-__

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF MARINA
AMENDING CHAPTER 5.20 OF THE MUNICIPAL CODE, RELATING TO
THE RATES OF THE BUSINESS LICENCE TAX**

THE PEOPLE OF THE CITY OF MARINA DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 5.20 -Amended. Chapter 5.20 of the City of Marina Municipal Code is hereby amended to read as follows:

Chapter 5.20

RATES

Sections:

5.20.010 Tax Rate For All Businesses

5.20.010 Tax Rate For All Businesses.

The tax rate shall be 0.2% of gross receipts for any person engaging in any business. The minimum annual tax for this category shall be \$100.

* * *

Section 2. Amendment. Any provision added to the Municipal Code by this Ordinance may be repealed or amended by the city council without a vote of the people. However, as required by Article XIII C of the California Constitution, voter approval is required in order to further increase the rate of any tax with respect to any taxpayer.

Section 3. Use of Proceeds. Proceeds of the tax imposed by this chapter shall be deposited in the general fund of the City and be available for any municipal purpose.

Section 4. Intent. It is the intent of the People that, except to the extent exempted by applicable ordinance, law or constitutional provision, the business license tax apply to all persons who engage in any business of any kind in the City. This includes, but is not limited to, the business of renting, leasing, subleasing, licensing or having available for rent, lease, sublease or license, (i) any single family home, dwelling unit, room, or other accommodation or (ii) any space for commercial, institutional or industrial use.

Section 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The People of the City of Marina hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid or unenforceable.

Section 6. Effective Date. This ordinance shall be effective July 1, 2017.

Section 6. Publication. Within fifteen days after the passage of this ordinance the City Clerk shall cause this ordinance or a summary thereof to be published or to be posted in at least three places in the City of Marina in accordance with the requirements of Government Code section 36933.

The foregoing ordinance was adopted by the People of the City of Marina at an election held on November 8, 2016.

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Acting Deputy City Clerk

APPROVED BY THE FOLLOWING VOTE of the People of the City of Marina on November 8, 2016.

YES: _____

NO: _____

ADOPTED BY DECLARATION OF THE VOTE by the City Council of the City of Marina on _____ 2016.