



AGENDA

Tuesday, September 1, 2020

5:00 P.M. Closed Session

6:30 P.M. Open Session

REGULAR MEETING

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

Council Chambers
211 Hillcrest Avenue
Marina, California

Zoom Meeting URL: <https://zoom.us/j/730251556>

Zoom Meeting Telephone Only Participation: 1-669-900-9128 - Webinar ID: 730 251 556

In response to Governor Newsom's Executive Order N.29-20 and City Council Resolution 2020-29 ratifying the Proclamation of a Local Emergency by the City Manager/Director of Emergency Services related to the COVID-19 (coronavirus) pandemic, public participation in the City of Marina City Council and other public meetings shall be electronic only and without a physical location for public participation, until further notice in compliance with California state guidelines on social distancing. This meeting is being broadcast "live" on Access Media Productions (AMP) Community Television Cable 25 and on the City of Marina Channel and on the internet at <https://accessmediaproductions.org/>

PARTICIPATION

You may participate in the City Council meeting in real-time by calling Zoom Meeting via the weblink and phone number provided at the top of this agenda. Instructions on how to access, view and participate in remote meetings are provided by visiting the City's home page at <https://cityofmarina.org/>. Attendees can make oral comments during the meeting by using the "Raise Your Hand" feature in the webinar or by pressing *9 on your telephone keypad if joining by phone only. If you are unable to participate in real-time, you may email to marina@cityofmarina.org with the subject line "Public Comment Item#___" (insert the item number relevant to your comment) or "Public Comment – Non Agenda Item." Comments will be reviewed and distributed before the meeting if received by 5:00 p.m. on the day of the meeting. All comments received will become part of the record. Council will have the option to modify their action on items based on comments received.

AGENDA MATERIALS

Agenda materials, staff reports and background information related to regular agenda items are available on the City of Marina's website www.cityofmarina.org. Materials related to an item on this agenda submitted to the Council after distribution of the agenda packet will be made available on the City of Marina website www.cityofmarina.org subject to City staff's ability to post the documents before the meeting

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, Preston Park Sustainable Communities Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency Members and Marina Groundwater Sustainability Agency)

Lisa Berkley, Frank O'Connell, Mayor Pro-Tem/Vice Chair, Gail Morton, Mayor/Chair
Bruce C. Delgado

3. CLOSED SESSION: *As permitted by Government Code Section 54956 et seq., the (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, Preston Park Sustainable Communities Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency Members and Marina Groundwater Sustainability Agency) 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. (i) Conference with Legal Counsel – existing litigation – Appeal No. A-3-MRA-19-0034 by California American Water Company, et. al., to the California Coastal Commission over Denial by the City of Marina for a Coastal Development Permit for Construction of Slant Intake Wells for the Monterey Peninsula Water Supply Project; paragraph (1) of subdivision (d) of CA Govt. Code sec. 54956.9.

(ii) Conference with Legal Counsel - anticipated litigation – significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of CA Govt. Code sec. 54956.9 - two potential cases

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

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

5. SPECIAL PRESENTATIONS:

a 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 95779-95822, totaling \$513,488.42
Accounts Payable Successor Agency EFT & Check Number 53, totaling \$12,813.26
 - b. MINUTES:
 - (1) June 30, 2020, Special City Council meeting
 - (2) July 7, 2020, Regular City Council Meeting
 - c. CLAIMS AGAINST THE CITY: None
 - d. AWARD OF BID: None
 - e. CALL FOR BIDS: None
 - f. ADOPTION OF RESOLUTIONS:
 - (1) City Council consider adopting Resolution No. 2020-, approving the destruction of cash receipt records according to the City's Records Retention Policy covering the calendar years of July 2006 to June 2014.
 - g. APPROVAL OF AGREEMENTS
 - (1) City Council consider adopting Resolution No. 2020-, approving an amendment to the agreement between City of Marina and Formation Environmental, LLC. to provide engineering services for the groundwater sustainability planning; authorize a budget appropriation from the General Fund in the amount of \$37,770; authorize the Finance Director to make the necessary accounting and budgetary entries; and authorize the City Manager to execute the agreement on behalf of the City subject to final review and approval by the City Attorney.

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE):

(1) TAMC August 26, 2020 Board Meeting Highlight

k. FUNDING & BUDGET MATTERS:

(1) City Council consider adopting Resolution No. 2020-, approving the allocation of \$38,740 to the Imjin Pkwy Pedestrian Safety Corridor Study, and; authorize the Finance Director to make the necessary accounting and budgetary entries.

l. APPROVE ORDINANCES (WAIVE SECOND READING):

(1) City Council waive second reading and approved by title only Ordinance No. 2020-, deleting Municipal Code, Title 8, Chapter 8.24 “Security and Fire Alarm Systems,” and replacing it with new Chapter 8.24 “Alarm Systems.

(2) City Council read by title only and introduce and adopt an urgency ordinance to adopt the California Department of Public Health’s Guidance for the use of face coverings to be enforceable by administrative citation within the City of Marina.

m. APPROVE APPOINTMENTS: None

9. PUBLIC HEARINGS:

(1) City Council open a public hearing taking testimony from the public and consider adopting Resolution No. 2020-, 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, October 6, 2020, 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.

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 concerning development of Council-adopted General Plan and Local Coastal Program amendments to replace the 2000 Urban Growth Boundary.

- b. City Council consider adopting Resolution No. 2020-, provide direction to purchase the Rosenbauer Battery/Electric Fire Engine or request the refund of the \$200,000 deposit and apply that amount to the purchase of the Rosenbauer Avenger Fire engine; and consider the 100% Pre-Pay option if directed to purchase the Avenger Engine; and authorizing the City Manager to issue a purchase order for a Rosenbauer Battery/Electric Engine or request a refund and apply that amount to the purchase of a Rosenbauer Avenger Engine on behalf of the City subject to final review and approval by the city attorney; and authorizing the Finance Director to make necessary accounting and budgetary entries.
- c. City Council consider adopting Resolution No. 2020-, revising the loan program for residents and businesses of the city in response to the covid-19 pandemic, vesting discretion in the City Manager, City Finance Director and City Attorney to make required changes to the program guidelines necessary to implement and administer the program, authorizing the City Manager to execute any agreements and promissory notes necessary to implement the program, and authorizing the Finance Director to make necessary accounting and budgetary entries.

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.
- c. Covid-19 Update

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 7:00 p.m., Friday, August 28, 2020.

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.ciymarina.org), 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@cityofmarina.org

*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@cityofmarina.org. requests must be made at least **48 hours** in advance of the meeting.*

Upcoming 2020 Meetings of the City Council, Airport
Commission, Marina Abrams B Non-Profit Corporation, Preston
Park Sustainable Community Nonprofit Corporation, Successor
Agency of the Former Redevelopment Agency and Marina
Groundwater Sustainability Agency
Regular Meetings: 5:00 p.m. Closed Session;
6:30 p.m. Regular Open Sessions

Tuesday, September 15, 2020

Tuesday, October 6, 2020
Tuesday, October 20, 2020

***** Wednesday, November 4, 2020**

Tuesday, November 17, 2020
Tuesday, December 1, 2020
Tuesday, December 15, 2020

***** Regular Meeting rescheduled due to General Election Day**

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

C I T Y H A L L 2 0 2 0 H O L I D A Y S
(City Hall Closed)

Labor Day ----- Monday, September 7, 2020
Veterans Day ----- Wednesday, November 11, 2020
Thanksgiving Day ----- Thursday, November 26, 2020
Thanksgiving Break ----- Friday, November 27, 2020
Winter Break ----- Thursday, December 24, 2020-Thursday, December 31, 2020

2020 COMMISSION DATES

Upcoming 2020 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

September 16, 2020
 October 21, 2020

November 18, 2020
 December 16, 2020

Upcoming 2020 Meetings of Economic Development Commission
3rd Thursday of every month. Meetings are held at the Council Chambers at 4:00 P.M.

August 20, 2020 (Cancelled)
 September 17, 2020 (Cancelled)

October 15, 2020 (Cancelled)

November 19, 2020 (Cancelled)
 December 17, 2020 (Cancelled)

Upcoming 2020 Meetings of Planning Commission
2nd and 4th Thursday of every month. Meetings are held at the Council Chambers at 6:30 P.M.

September 10, 2020
 September 24, 2020

October 8, 2020
 October 22, 2020

November 12, 2020
 December 10, 2020

Upcoming 2020 Meetings of Public Works Commission
3rd Thursday of every month. Meetings are held at the Council Chambers at 6:30 P.M.

August 20, 2020

September 17, 2020
 October 15, 2020

November 19, 2020
 December 17, 2020 (Cancelled)

Upcoming 2020 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 2, 2020

December 2, 2020

Upcoming 2020 Meetings of Marina Tree Committee
2nd Wednesday of every quarter month as needed. Meetings are held at the Council Chambers at 6:30 P.M.

October 14, 2020

AP Check Register 08-21-20

Bank Account: 905 - Chase - Checking

Batch Date: 08/21/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: 905 - Chase - Checking						
Check	08/21/2020	95779	Accounts Payable	Abbott's Pro-Power		357.10
	Invoice		Date	Description		Amount
	143349		08/03/2020	Bldg & Grnd - material & supply - Unit 111 & 148		357.10
Check	08/21/2020	95780	Accounts Payable	Access Monterey Peninsula		33,520.22
	Invoice		Date	Description		Amount
	06-30-20		06/30/2020	Qtr 4 -PEG		33,520.22
Check	08/21/2020	95781	Accounts Payable	Ace Hardware		16.33
	Invoice		Date	Description		Amount
	074762		06/04/2020	fasteners		2.60
	075281		07/14/2020	fasteners		5.03
	075361		07/20/2020	key		8.70
Check	08/21/2020	95782	Accounts Payable	Ace Hardware		265.93
	Invoice		Date	Description		Amount
	075632		08/11/2020	Bldg & Grnd - material & supply		84.09
	075649		08/12/2020	Primer/sealer - Super office		27.30
	075620		08/10/2020	Rake spring brace - Landscape		54.60
	075665		08/13/2020	Bldg & Grnd - material & supply - Super office		21.57
	075683		08/14/2020	Surge protector		37.12
	075630		08/11/2020	Grounding pluc 15A - Unit 703 generator		5.45
	075697		08/14/2020	Plate filler homeline CD3 - Community Center Elect Panel		7.64
	075749		08/18/2020	Misc. Maintenance Supplies		28.16
Check	08/21/2020	95783	Accounts Payable	American Supply Co.		1,490.72
	Invoice		Date	Description		Amount
	0152629		08/03/2020	Cleaning Supply-CW		1,490.72
Check	08/21/2020	95784	Accounts Payable	Arrowhead Scientific, Inc.		83.91
	Invoice		Date	Description		Amount
	129080		08/05/2020	Evidence Supplies 8/5/20		83.91
Check	08/21/2020	95785	Accounts Payable	AT & T		18.54
	Invoice		Date	Description		Amount

Marina, CA LIVE
AP Check Register 08-21-20
 Bank Account: 905 - Chase - Checking
 Batch Date: 08/21/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	08-01-20			AT&T Billing/Airport 8/1 thru 8/31/20		18.54
	08/21/2020	95786	Accounts Payable	AT & T		234.21
	Invoice			Description		Amount
Check	00005179170			CALNET3-9391023436 (239-461-6578)		69.53
	000015179207			AT&T Billing/Radio Repeater 7/13 thru 8/12/20		164.68
	08/21/2020	95787	Accounts Payable	Avaya, Inc.		326.64
Check	Invoice			Description		Amount
	2734344270			CW - Phone System		326.64
	08/21/2020	95788	Accounts Payable	Bear Electrical Solutions, Inc.		1,810.00
Check	Invoice			Description		Amount
	11080			Traffic Signal Maintenance - response		1,560.00
	11041			Reserv/MBEST & Reserv/Imjin Rd - Traffic Signal Maint		250.00
Check	08/21/2020	95789	Accounts Payable	Branch's Janitorial		950.00
	Invoice			Description		Amount
	228000			Washed Windows - CH, Annex & CC		950.00
Check	08/21/2020	95790	Accounts Payable	Carmel Roasters, Inc.		292.79
	Invoice			Description		Amount
	59649			FD Coffee		292.79
Check	08/21/2020	95791	Accounts Payable	Chavan & Associates LLP		12,900.00
	Invoice			Description		Amount
	C&A-16818			City Audit		12,900.00
Check	08/21/2020	95792	Accounts Payable	Cheryl Kent		5,400.00
	Invoice			Description		Amount
	2020-65			Code Enforcement Investigations		1,980.00
Check	2020-70			Code Enforcement Investigations		1,980.00
	2020-75			Code Enforcement Investigations		1,440.00
Check	08/21/2020	95793	Accounts Payable	Cintas Corporation		50.94
	Invoice			Description		Amount
	4056893074			Mat Service City Hall		50.94

Marina, CA LIVE
AP Check Register 08-21-20
 Bank Account: 905 - Chase - Checking
 Batch Date: 08/21/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	08/21/2020	95794	Accounts Payable	Coffman Associates		23,011.00
	Invoice		Date	Description		Amount
	20SP10-3		07/31/2020	Update Marina Operating Documents & Rent Study		10,500.00
	20EA13-1		07/31/2020	Marina Joby Aviation EA Phase I		9,154.00
	19GS04-7		07/31/2020	Pen & Ink ALP Update For Joby Buildings		3,357.00
Check	08/21/2020	95795	Accounts Payable	Consolidated Electrical Distributors, Inc.		220.42
	Invoice		Date	Description		Amount
	4914-583853		05/26/2020	Bldg & Grnd - material & supply		144.29
	4914-583965		05/26/2020	Flush mount - Airport Bldg 554 (bathroom)		76.13
Check	08/21/2020	95796	Accounts Payable	Crowe Investments LLC		12,943.70
	Invoice		Date	Description		Amount
	033-012-023		08/18/2020	Debt Service Refund Marina Greens		9,401.47
	033-012-029		08/18/2020	Debt Service Refund Marina Greens		3,542.23
Check	08/21/2020	95797	Accounts Payable	David & Loretta Della Mora Trust		3,591.40
	Invoice		Date	Description		Amount
	033-012-011MG		08/13/2020	Debt Service Refund MG		3,591.40
Check	08/21/2020	95798	Accounts Payable	Directv		9.25
	Invoice		Date	Description		Amount
	37637635315		07/26/2020	TV Service for Pilot's Lounge		9.25
Check	08/21/2020	95799	Accounts Payable	Employment Development Department		21,130.00
	Invoice		Date	Description		Amount
	L1423769312		07/29/2020	Employment Development Department (2nd Quarter 2020)		21,130.00
Check	08/21/2020	95800	Accounts Payable	Epic Aviation		14,221.28
	Invoice		Date	Description		Amount
	7340981		08/12/2020	Airport_Jet A Fuel Purchase		14,221.28
Check	08/21/2020	95801	Accounts Payable	First Alarm		454.71
	Invoice		Date	Description		Amount
	559157		08/15/2020	Alarm Monitoring - City Hall		92.67
	561635		08/15/2020	Alarm Monitoring - 3200 Del Monte Blvd - VDP		183.69

Marina, CA LIVE
AP Check Register 08-21-20
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 Batch Date: 08/21/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	561637		08/15/2020	Monitoring Service-Police/Fire 9/1 thru 11/30/20		178.35
	08/21/2020	95802	Accounts Payable	Gary Lynn & Deborah Lee Stowe Trust		4,129.18
	Invoice		Date	Description		Amount
Check	033-012-013MG		08/13/2020	Debt Service Refund MG		4,129.18
	08/21/2020	95803	Accounts Payable	Granicus, LLC		12,805.00
	Invoice		Date	Description		Amount
Check	1835		12/31/2019	STR TOT Compliance		12,805.00
	08/21/2020	95804	Accounts Payable	Harry A & Mary J Smith Trust		2,067.14
	Invoice		Date	Description		Amount
Check	033-012-023MG		08/18/2020	Debt Service Refund MG		2,067.14
	08/21/2020	95805	Accounts Payable	Jack & Bonnie Padrick Trust		2,844.71
	Invoice		Date	Description		Amount
Check	033-111-012ML		08/13/2020	Debt Service Refund ML		2,844.71
	08/21/2020	95806	Accounts Payable	John & Pamela Jo Leding		4,252.40
	Invoice		Date	Description		Amount
Check	033-281-021MG		08/13/2020	Debt Service Refund MG		4,252.40
	08/21/2020	95807	Accounts Payable	Kirtley Overhead Door Co.		7,462.36
	Invoice		Date	Description		Amount
Check	37040A		08/18/2020	B514_Airport Fire Station New Roll Up Bay Door -50% Pmt.		7,462.36
	08/21/2020	95808	Accounts Payable	L.N. Curtis & Sons		902.25
	Invoice		Date	Description		Amount
Check	INV413194		08/12/2020	2.5" & 1.5" kwik tach mounting plates		545.44
	INV412890		08/11/2020	Black strap hulligan tool and smoke chaser pump		356.81
	08/21/2020	95809	Accounts Payable	Marina Coast Water District		1,126.76
	Invoice		Date	Description		Amount
Check	000057000 073120		07/31/2020	000057 000 - 3220 Imjin Road (07/01/20 - 07/31/20)		140.28
	000056041 073120		07/31/2020	000056 041 - 3260 Imjin Rd, Fire Station 2 (07/01/20 - 07/31/20)		261.25
	000056043 073120		07/31/2020	000056 043 - 761 Imjin Rd, Hangar 524 (07/01/20 - 07/31/20)		144.65
	000056044 073120		07/31/2020	000056 044 - 781 Neeson Rd, Admin Office (07/01/20 - 07/31/20)		140.28

AP Check Register 08-21-20

Bank Account: 905 - Chase - Checking

Batch Date: 08/21/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	000056049	073120	07/31/2020	000056 049 - Imjin Rd Univ (31 accounts) (07/01/20 - 07/31/20)		162.78
	014874000	073120	07/31/2020	Water Billing/South Field Office 7/1 thru 7/31/20		132.87
	000056091	073120	07/31/2020	Water Billing/Training Center 7/1 thru 7/31/20		144.65
	08/21/2020	95810	Accounts Payable	Marina Grocery Outlet		22.37
Amount						
Check	05-06-20 yc		05/06/2020	Youth Center Purchases		12.57
	07-13-20 yc		07/13/2020	Youth Center Purchases		9.80
	08/21/2020	95811	Accounts Payable	Microsoft		2,630.71
	Invoice		Date	Description		Amount
Check	E0700BWC0R		08/11/2020	Citywide MS Office 365 - August 2020		1,299.74
	E0700BWA38		08/11/2020	Citywide MS Office 365 - August 2020		5.00
	E0700BWA1Q		08/11/2020	Citywide MS Office 365 - August 2020		545.97
	E0700BWC7D		08/11/2020	Citywide MS Office 365 - August 2020		780.00
Check	08/21/2020	95812	Accounts Payable	Monterey Auto Supply		116.14
	Invoice		Date	Description		Amount
	748619		08/13/2020	Veh - Maint Parts & Supply - Unit 5400		17.99
	748733		08/14/2020	Veh - Maint Parts & Supply - Unit 897		89.61
Check	08/21/2020	95813	Accounts Payable	Monterey Bay Office Products		8.54
	Invoice		Date	Description		Amount
	420756942		08/03/2020	City Hall Copier Lease Payment - August 2020		380.19
	08/21/2020	95814	Accounts Payable	Monterey Bay Systems		380.19
Check	Invoice		Date	Description		Amount
	388131		07/06/2020	City Hall Copier Maintenance Contract		427.40
	08/21/2020	95815	Accounts Payable	Monterey County Herald		634.94
	Invoice		Date	Description		Amount
Check	0006501629		07/12/2020	Public Hearing Notice - Amending Cannabis Ord		329.69
	0006504794		07/25/2020	Public Hearing Notice - Amending Cannabis Ord.		305.25
	08/21/2020	95816	Accounts Payable	Monterey County Tax Collector		88.92
	Invoice		Date	Description		Amount

AP Check Register 08-21-20

Bank Account: 905 - Chase - Checking

Batch Date: 08/21/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	032-383-050		08/13/2020	Supp Property Tax		88.92
	08/21/2020	95817	Accounts Payable	Monterey One Water		344.50
	Invoice		Date	Description		Amount
	13-000148_070120		07/31/2020	Sewer Service_B520		26.50
	13-000149_070120		07/31/2020	Sewer Service_B521		15.90
	13-000152_070120		07/31/2020	Sewer Service_B527		15.90
	13-000153_070120		07/31/2020	Sewer Service_B529		15.90
	13-000157_070120		07/31/2020	Sewer Service_B533		106.00
	13-000158_070120		07/31/2020	Sewer Service_B535		26.50
	13-000161_070120		07/31/2020	Sewer Service_B524		121.90
	13-000144_070120		07/31/2020	Sewer Service_B507		15.90
	08/21/2020	95818	Accounts Payable	Monterey Regional Waste Management District		1,859.20
	Invoice		Date	Description		Amount
	07-31-20		07/31/2020	Citywide - Dump Fees		1,859.20
Check	08/21/2020	95819	Accounts Payable	Monterey Tire Service		94.15
	Invoice		Date	Description		Amount
	1-95470		07/31/2020	Loose wheels - balance - Unit 551		58.00
	1-95471		07/31/2020	Tire disposal fee		36.15
Check	08/21/2020	95820	Accounts Payable	My Chevrolet		61.34
	Invoice		Date	Description		Amount
	116596CVR		08/10/2020	Relay - Unit 897		61.34
	08/21/2020	95821	Accounts Payable	Natividad Medical Center		93.00
Check	Invoice		Date	Description		Amount
	08-10-20		08/10/2020	Blood Alcohol-V720409549/W. Scribner 6/13/20		31.00
	08-12-20		08/12/2020	Blood Alcohol Results July 2020		62.00
	08/21/2020	95822	Accounts Payable	Northern Safety Co., Inc.		170.08
	Invoice		Date	Description		Amount
	904101846		08/13/2020	Clear Face shields - COVID 19 Response		170.08
Check	08/21/2020	95823	Accounts Payable	Office Depot		158.82

Marina, CA LIVE

AP Check Register 08-21-20

Bank Account: 905 - Chase - Checking
Batch Date: 08/21/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	Invoice			Description		Amount
	2420640854		07/24/2020	Office Supplies/Investigations 7/24/20		85.64
	108964378001		07/30/2020	Office Supplies/Patrol 7/30/20		73.18
	08/21/2020	95824	Accounts Payable	Online Solutions LLC		30,000.00
Check	Invoice			Description		Amount
	3786		07/15/2020	Annual Billing (25 user subscriptions)		30,000.00
	08/21/2020	95825	Accounts Payable	Pacific Gas & Electric		2,772.00
	Invoice			Description		Amount
	582-7.AUG20		08/10/2020	PG&E - 8161432582-7		153.37
	353-7.AUG20		08/10/2020	PG&E - 9930567353-7		66.63
	148-6.AUG20		08/10/2020	PG&E - 5593414148-6		185.23
	943-2.AUG20		08/10/2020	PG&E - 6150212943-2		76.66
	085-2.AUG20		08/11/2020	PG&E - 5434906085-2		96.75
	202-3.AUG20		08/11/2020	PG&E - 6594070202-3		94.79
	210-0.AUG20		08/12/2020	PG&E - 3242976210-0		135.70
	311-8.AUG20		08/11/2020	PG&E - 6513132311-8		10.51
	562-0.AUG20		08/11/2020	PG&E - 4758891562-0		1,136.12
	720-0.AUG20		08/11/2020	PG&E - 0167505720-0		755.57
	767-2.AUG20		08/11/2020	PG&E Billing/Training Center 7/9 thru 8/9/20		60.67
	08/21/2020	95826	Accounts Payable	Robert R. Wellington		19,394.00
	Invoice			Description		Amount
	25405		08/11/2020	Retainer - September 2020		1,800.00
	25397		08/11/2020	Abrams B - July 2020		72.00
	25400		08/11/2020	Cemex Coastal Commission		117.00
	25401		08/11/2020	Code Enforcement Matters - July 2020		36.00
	25409		08/11/2020	Marina Equestrian Center - July 2020		171.00
	25415		08/11/2020	Tax & Finance Matters - July 2020		162.00
	25418		08/11/2020	Voting Rights Act		382.00
	25412		08/11/2020	Police Personnel Matters - July 2020		216.00
	25411		08/11/2020	Misc Personnel Matters - July 2020		1,179.00
	25399		08/11/2020	Cannabis Matters - July 2020		3,239.00
	25402		08/11/2020	Covid-19 Issues - July 2020		650.00

Marina, CA LIVE
AP Check Register 08-21-20
 Bank Account: 905 - Chase - Checking
 Batch Date: 08/21/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	25403		08/11/2020	Election Matters - July 2020		2,544.00
	25404		08/11/2020	Fort Ord Reuse Matters - July 2020		1,539.00
	25407		08/11/2020	Land Use & Operations - July 2020		3,016.00
	25410		08/11/2020	Misc Litigation Matters - July 2020		515.00
	25413		08/11/2020	Public Records Act Requests - July 2020		1,575.00
	25414		08/11/2020	Abrams Park-Marina Height-Sea Haven - July 2020		1,326.00
	25416		08/11/2020	The Dunes - July 2020		375.00
	25417		08/11/2020	Urban Growth Boundary Extension Matters - July 2020		352.00
	25406		08/11/2020	Joby Aero Inc.		54.00
	25398		08/11/2020	Marina Municipal Airport Matters_July 2020		74.00
	08/21/2020	95827	Accounts Payable	Scott & Antonia Leavenworth		4,909.70
	Invoice		Date	Description		Amount
Check	033-281-022MG		08/18/2020	Debt Service Refund MG		4,909.70
	08/21/2020	95828	Accounts Payable	Shartsis Friese LLP		126,100.25
Check	Invoice		Date	Description		Amount
	5425367		07/23/2020	Professional Services - MPSWP = June 2020		126,100.25
Check	08/21/2020	95829	Accounts Payable	Sierra Springs & Alhambra		50.24
	Invoice		Date	Description		Amount
Check	7266038 080720		08/07/2020	Water Cooler Rental and Replacement Water		50.24
	08/21/2020	95830	Accounts Payable	Stephen M & Nida R Neff Trust		3,353.49
Check	Invoice		Date	Description		Amount
	033-012-012MG		08/13/2020	Debt Service Refund MG		3,353.49
Check	08/21/2020	95831	Accounts Payable	Symbol Arts		64.63
	Invoice		Date	Description		Amount
Check	0356045-IN		08/10/2020	Badge & Badge Pin 8/10/20		64.63
	08/21/2020	95832	Accounts Payable	TechRx Technology Services		1,829.89
Check	Invoice		Date	Description		Amount
	8686		07/31/2020	webcam		294.94
Check	8745		08/01/2020	Purchase of new Laptop for Matthew Mogensen		1,534.95
	08/21/2020	95833	Accounts Payable	Telematrix		2,780.00

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Bank Account: 905 - Chase - Checking

Batch Date: 08/21/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
	Invoice			Description		Amount
	3896		05/22/2020	B533_Extend Marina Guest wifi to Bldg. Tenants		1,200.00
	3898		06/10/2020	B524_Replace Gate Network Switch in Bldg.		395.00
	3894		06/12/2020	B554_Repair Gate 13 - Replace Contactor		660.00
	3897		07/14/2020	B533_Replace Ethernet Switch		525.00
Check	08/21/2020	95834	Accounts Payable	TrafFix Devices, Inc.		1,532.46
	Invoice			Description		Amount
	3094412		07/23/2020	Type I high impact folding barricade w/ legs & panel		1,532.46
Check	08/21/2020	95835	Accounts Payable	Underground Service Alert		749.15
	Invoice			Description		Amount
	120045DIG20		08/14/2020	CA State Fee for Regulatory Costs		749.15
Check	08/21/2020	95836	Accounts Payable	United Site Services		701.97
	Invoice			Description		Amount
	114-10758497		08/11/2020	Toilet Rentals - Gabilian Crew		458.88
	114-10779085		08/14/2020	Toilet Rentals - Corner Beach Rd - De Forest		243.09
Check	08/21/2020	95837	Accounts Payable	Valley Saw & Garden Equipment		219.44
	Invoice			Description		Amount
	242425		08/06/2020	Supplies for Maintaining Airport Chainsaw		122.32
	242504		08/07/2020	Trimmer line & starter rope - Landscape		97.12
Check	08/21/2020	95838	Accounts Payable	Verizon Wireless		360.62
	Invoice			Description		Amount
	9860440000		08/10/2020	Monthly Verizon Bill-308174766		360.62
Check	08/21/2020	95839	Accounts Payable	Wal-Mart Real Estate Business Trust		20,967.57
	Invoice			Description		Amount
	033-111-009		08/13/2020	Debt Service Refund Marina Landing		15,677.41
	033-111-029		08/13/2020	Debt Service Refund Marina Landing		5,290.16
Check	08/21/2020	95840	Accounts Payable	Zoom Imaging Solutions		13.53
	Invoice			Description		Amount
	IN1548214		07/30/2020	Shipping Charges for new Printer Toner		13.53

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Bank Account: 905 - Chase - Checking

Batch Date: 08/21/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
EFT	08/21/2020	1023	Accounts Payable	Richard B. Standridge	121042882 / 8312012522	3,610.00
	Invoice		Date	Description		Amount
	20-17		08/14/2020	Services 03-03/08-13-20		3,610.00
905 Chase - Checking Totals:						\$395,379.59
	Checks:	62				
	EFTs:	1				
						\$391,769.59
						\$3,610.00

Marina, CA LIVE
AP Check Register 08-28-20
 Bank Account: 905 - Chase - Checking
 Batch Date: 08/28/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: 905 - Chase - Checking						
Check	08/28/2020	95841	Accounts Payable	Ace Hardware		105.37
	Invoice		Date	Description		Amount
	075746		08/18/2020	Number plates for 5422		8.72
	075774		08/20/2020	Plastic key ID tags & Fasteners		12.61
	075609		08/08/2020	CREDIT - Cord extension		(5.46)
	075768		08/19/2020	Disinfectant supplies		58.93
	075817		08/22/2020	Broom and Hose mender male		30.57
Check	08/28/2020	95842	Accounts Payable	Ace Hardware		267.66
	Invoice		Date	Description		Amount
	075735		08/18/2020	Adapter PVC, Elbow & coupling _ Roundabout		7.29
	075731		08/18/2020	Easy fit tee & elbow and coupling - Roundabout		133.89
	075755		08/19/2020	Folex CRPT		8.73
	075760		08/19/2020	Hook bike screw in bulk		16.32
	075762		08/19/2020	Couple hose plastic shutoff		6.54
	075777		08/20/2020	Marking Paint		15.27
	075696		08/14/2020	Bldg & Grnd - material & supply - Community Center		41.46
	075771		08/20/2020	Bldg & Grnd - material & supply - PD Parkinglot		23.97
	075807		08/21/2020	Wire speaker		14.19
Check	08/28/2020	95843	Accounts Payable	Aerial & Crane Experts, LLC		2,878.95
	Invoice		Date	Description		Amount
	20536		08/20/2020	Crane parts & repair - Corp Yard		2,878.95
Check	08/28/2020	95844	Accounts Payable	American Supply Co.		615.84
	Invoice		Date	Description		Amount
	2905874		08/21/2020	Cleaning Supplies - gloves, & clean spray (COVID -19) Recreation		615.84
Check	08/28/2020	95845	Accounts Payable	Aramark Uniform Service		236.35
	Invoice		Date	Description		Amount
	760938831		08/19/2020	Uniform Service - Public Works Crew		41.32
	760938829		08/19/2020	Uniform Service - Public Works Crew		55.89
	760938830		08/19/2020	Uniform Service - Public Works Crew		58.55
	760938832		08/19/2020	Uniform Service - Public Works Crew		80.59

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Bank Account: 905 - Chase - Checking
Batch Date: 08/28/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	08/28/2020	95846	Accounts Payable	AT & T		210.04
	Invoice		Date	Description		Amount
	08-13-20		08/13/2020	AT & T 831-582-9957		210.04
Check	08/28/2020	95847	Accounts Payable	AT & T		437.51
	Invoice		Date	Description		Amount
	000015192185		08/15/2020	CALNET3-9391023435 (237-267-6922)		181.54
	000015192162		08/15/2020	CALNET3-9391023491 (884-9654)		83.03
	000015192154		08/15/2020	CALNET3-9391023482 (884-0985)		22.03
	000015192155		08/15/2020	CALNET3-9391023483 (884-0986)		22.03
	000015192156		08/15/2020	CALNET3-9391023485 (884-2573)		22.03
	000015192151		08/15/2020	CALNET3-9391023479 (883-0919)		22.03
	000015192161		08/15/2020	CALNET3-9391023490 (884-9568)		40.76
	000015192157		08/15/2020	CALNET3-9391023486 (884-9153)		22.03
	000015192158		08/15/2020	CALNET3-9391023487 (884-9497)		22.03
Check	08/28/2020	95848	Accounts Payable	Branch's Janitorial		2,339.47
	Invoice		Date	Description		Amount
	228001		08/17/2020	Van & Truck Upholstery Cleaning		280.00
	228011		08/25/2020	January Custodial Service August		2,059.47
Check	08/28/2020	95849	Accounts Payable	California Department of Toxic Substance Control		175.00
	Invoice		Date	Description		Amount
	08-17-20		08/17/2020	EPA Verification PS Bldg - FEIN 942321991 VQ # 202086611		175.00
Check	08/28/2020	95850	Accounts Payable	Carmel Fire Protection Associates		200.00
	Invoice		Date	Description		Amount
	120262		08/17/2020	BP TI - Plan review & Inspection for Best Buy		200.00
Check	08/28/2020	95851	Accounts Payable	Cheryl Kent		1,920.00
	Invoice		Date	Description		Amount
	2020-80		08/20/2020	Code Enforcement Investigations		1,920.00
Check	08/28/2020	95852	Accounts Payable	Comcast		166.95
	Invoice		Date	Description		Amount

Marina, CA LIVE

AP Check Register 08-28-20

Bank Account: 905 - Chase - Checking

Batch Date: 08/28/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	08-14-20			teen center cable tv		166.95
	08/28/2020	95853	Accounts Payable	CSC of Salinas		28.90
	Invoice		Date	Description		Amount
Check	000763976			Veh - Maint Parts & Supply - Unit 592		28.90
	08/28/2020	95854	Accounts Payable	Dave's Repair Service		103.75
	Invoice		Date	Description		Amount
Check	32031			Monthly Site Inspections		103.75
	08/28/2020	95855	Accounts Payable	DBT Transportation Services, LLC		9,462.07
	Invoice		Date	Description		Amount
Check	2544387			AWOS_Annual Service Agreement Cost FY20-21		8,150.00
	08/17/2020			AWOS_Purchase of Cell Modem & Setup of NADIN Service/Account		1,312.07
	2544411			Fastenal Company		724.33
Check	08/28/2020	95856	Accounts Payable			Amount
	Invoice		Date	Description		Amount
	CASEA99996			Gloves - COVID 19 Response		724.33
Check	08/28/2020	95857	Accounts Payable	Eric Frost		3,200.00
	Invoice		Date	Description		Amount
	0017 Barrington			Reimb.: MLK Sculpture Refurbish		3,200.00
Check	08/28/2020	95858	Accounts Payable	Gavilan Pest Control		1,225.00
	Invoice		Date	Description		Amount
	0132366			Airport Pest Control Services		1,150.00
Check	0132367			Airport Pest Control Services_B504		75.00
	08/28/2020	95859	Accounts Payable	Johnson Associates		334.25
	Invoice		Date	Description		Amount
Check	445998			Seat saver - Unit 596		257.83
	08/17/2020			Square LED worklight - Unit 592		76.42
	445997			Kimley-Horn & Associates		3,590.00
Check	08/28/2020	95860	Accounts Payable			Amount
	Invoice		Date	Description		Amount
	17191431			2nd Ave Extension & Patton Pkwy (R5) (07/01/20 - 07/31/20)		3,590.00
Check	08/28/2020	95861	Accounts Payable	L.N. Curtis & Sons		487.60

User: Monika Collier

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AP Check Register 08-28-20

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Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	Invoice		Date	Description	Amount	
	INV413816		08/14/2020	Model 1-A Wye for new engine	487.60	
	08/28/2020	95862	Accounts Payable	LSA Associates, Inc.	27,877.68	
	Invoice		Date	Description	Amount	
	172662		06/18/2020	Marina Airport BP Specific Plan	12,659.75	
Check	173026		07/16/2020	Marina Airport BP Specific Plan	15,217.93	
	08/28/2020	95863	Accounts Payable	Marina Coast Water District	7,724.04	
	Invoice		Date	Description	Amount	
	000056051.073120		07/31/2020	Water Service_B533	166.50	
	000056092.073120		07/31/2020	Water Service_B527	1,074.42	
	000056096.073120		07/31/2020	Water Service_B554	100.50	
	000056097.073120		07/31/2020	Water Service_B507	450.27	
	08-20-20		08/20/2020	Commercial Connection Permit Application - Gloria Jean Tate Park	875.00	
	000056025 081420		08/14/2020	000056 025 - 327 Reind- Los Arb Sprt Comp (07/18/20 - 08/14/20)	63.96	
	000056007 081420		08/14/2020	000056 007 - Califor Ave Landscape (07/18/20 - 08/14/20)	82.30	
	000056005 081420		08/14/2020	000056 005 - Calif Ave. and Patton Pkwy (07/18/20 - 08/14/20)	82.30	
	000056027 081420		08/14/2020	000056 027 - Center Med & ROW Calif Ave (07/18/20 - 08/14/20)	44.13	
	000056001 081420		08/14/2020	000056 001 - 209-13 Cypress (07/18/20 - 08/14/20)	95.09	
	000056022 081420		08/14/2020	000056 022 - Ctr Med & Row Del Monte (07/18/20 - 08/14/20)	33.99	
	000056020 081420		08/14/2020	000056 020 - 304 Hillcrest Ave, Teen Ctr (07/18/20 - 08/14/20)	89.17	
	000056021 081420		08/14/2020	000056 021 - Ctr Med Res Rd-Post Off (07/18/20 - 08/14/20)	33.99	
	000056019 081420		08/14/2020	000056 019 - 213 Hillcrest Ave, Comm Ctr (07/18/20 - 08/14/20)	942.68	
	000056024 081420		08/14/2020	000056 024-Ctr Med Del Mont Blvd/Palm Ave (07/18/20 - 08/14/20)	82.30	
	000056017 081420		08/14/2020	000056 017 - 208 A Palm Ave, Fire Station (07/18/20 - 08/14/20)	74.78	
	000056016 081420		08/14/2020	000056 016 - Ctr Med Reserv & Seacrest Ave (07/18/20 - 08/14/20)	33.99	
	000056018 081420		08/14/2020	000056 018 - 208 Palm Ave, Fire Station (07/18/20 - 08/14/20)	126.40	
	000056034 080720		08/07/2020	000056 034 - 3240 DeForest - Windy Hill Pk (07/11/20 - 08/07/20)	615.05	
	000056030 080720		08/07/2020	000056 030 - Center Med. Reser-Ramada Inn (07/11/20 - 08/07/20)	33.99	
	000056085 080720		08/07/2020	000056 085 - Ctr Med 3192 Crescent Ave. (07/11/20 - 08/07/20)	25.21	
	000056032 080720		08/07/2020	000056 032 - Cresc Ave/Costa Mont Bay Est (07/11/20 - 08/07/20)	55.95	
	000056015 080720		08/07/2020	000056 015 - Cypress Cove II (07/11/20 - 08/07/20)	55.95	
	000056084 080720		08/07/2020	000056 084 - Ctr Med 3172 Cresc- Shuler (07/11/20 - 08/07/20)	25.21	
	000056086 080720		08/07/2020	000056 086 - Center Median 3208 Crescent (07/11/20 - 08/07/20)	25.21	

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Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	000056014	080720	08/07/2020	000056 014 - VD Park 3200 Del Monte Blvd (07/11/20 - 08/07/20)		2,171.49
	000056008	080720	08/07/2020	000056 008 - Reservation Rd & Del Monte (07/11/20 - 08/07/20)		25.21
	000056087	080720	08/07/2020	000056 087 - Center Med 3218 Crescent (07/11/20 - 08/07/20)		25.21
	000056093	073120	07/31/2020	Water Service_B529		213.79
	08/28/2020	95864	Accounts Payable	Monterey Auto Supply		235.03
Check	Invoice		Date	Description	Amount	
	749448		08/17/2020	Veh - Maint Parts & Supply - Unit 595	54.07	
	750101		08/19/2020	Veh - Maint Parts & Supply - Unit 612	93.52	
	750599		08/21/2020	Veh - Maint Parts & Supply - Unit 612	87.44	
	08/28/2020	95865	Accounts Payable	Monterey County Convention & Visitors Bureau	14,076.81	
Check	Invoice		Date	Description	Amount	
	Jun 2020		06/30/2020	Jun 2020 TID	14,076.81	
	08/28/2020	95866	Accounts Payable	Monterey One Water	26.50	
	Invoice		Date	Description	Amount	
	13-000145.070120		07/31/2020	Sewer Service_B514	26.50	
Check	08/28/2020	95867	Accounts Payable	My Chevrolet	525.08	
	Invoice		Date	Description	Amount	
	116668CVR		08/17/2020	Camera - Unit 897	220.35	
	116756CVR		08/18/2020	Links - Unit 897	304.73	
	08/28/2020	95868	Accounts Payable	Nextel Communications - Sprint	390.90	
Check	Invoice		Date	Description	Amount	
	866147022-216		08/22/2020	Rec Dept Cell Phones	390.90	
	08/28/2020	95869	Accounts Payable	Office Depot	281.80	
	Invoice		Date	Description	Amount	
	116052691001		08/12/2020	Toners, storage boxes & clipboards	281.80	
Check	08/28/2020	95870	Accounts Payable	Pacific Gas & Electric	14,448.04	
	Invoice		Date	Description	Amount	
	827-8-AUG20		08/13/2020	PG&E - 0423929827-8	106.72	
	535-3-AUG20		08/13/2020	PG&E - 6161832535-3	199.27	

Marina, CA LIVE
AP Check Register 08-28-20
 Bank Account: 905 - Chase - Checking
 Batch Date: 08/28/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Check	851-0.AUG20		08/14/2020	PG&E - 3440977851-0		163.56
	172-2.AUG20		08/19/2020	PG&E - 5618207172-2		587.61
	272-1.AUG20		08/18/2020	PG&E - 2862559272-1		46.80
	362-9.AUG20		08/19/2020	PG&E - 5996678362-9		112.61
	533-8.AUG20		08/18/2020	PG&E - 2253666533-8		88.72
	683-2.AUG20		08/18/2020	PG&E 6217294683-2		1,220.25
	098-7.AUG20		08/10/2020	Utilities_ B524		1,467.53
	103-6.AUG20		08/11/2020	Utilities_ B507		6,867.59
	288-5.AUG20		08/11/2020	Utilities_ B520 & B529		822.50
	347-0.AUG20		08/10/2020	Utilities_ B519		477.54
Check	415-6.AUG20		08/10/2020	Utilities_ B504		50.58
	451-7.AUG20		08/10/2020	Utilities_ B554		228.14
	608-2.AUG20		08/11/2020	Utilities_ B514		661.15
	694-1.AUG20		08/11/2020	Utilities_ B533		1,347.47
	08/28/2020	95871	Accounts Payable	Peter H & Karen A Scudder Trust		8,254.42
	Invoice		Date	Description		Amount
	033-281-019MG		08/25/2020	Debt Service Refund MG		4,127.21
	033-281-020MG		08/25/2020	Debt Service Refund MG		4,127.21
	08/28/2020	95872	Accounts Payable	Quill Corporation		6.33
	Invoice		Date	Description		Amount
Check	9745656		08/19/2020	Office Supplies/Records 08/19/20		6.33
	08/28/2020	95873	Accounts Payable	Salinas Valley Ford		556.24
	Invoice		Date	Description		Amount
	105787		08/19/2020	Battery - Unit 898		170.45
Check	105797		08/20/2020	Cabin Filter - Unit 612		33.82
	105781		08/19/2020	Cabin & oil Filter - Unit 612		45.75
	15058		08/14/2020	Veh - Maint Parts & Supply - Unit 5400		306.22
	08/28/2020	95874	Accounts Payable	Sierra Springs & Alhambra		112.19
Check	Invoice		Date	Description		Amount
	14225799 081320		08/13/2020	Corp Yard - Annex - Sierra Spring - Water Svc		112.19
	08/28/2020	95875	Accounts Payable	Tartaglia Engineering		3,382.50

Marina, CA LIVE
AP Check Register 08-28-20
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 Batch Date: 08/28/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
	Invoice			Description		Amount
Check	07ETB		08/21/2020	Extend Taxiway B - FAA Grant Project		3,382.50
	08/28/2020	95876	Accounts Payable	TechRx Technology Services		711.98
	Invoice			Description		Amount
Check	8757		08/12/2020	Webcams, cables & speakers		711.98
	08/28/2020	95877	Accounts Payable	Valley Fabrication		1,559.85
	Invoice			Description		Amount
Check	87177		08/12/2020	Door repair - Unit 98-01		1,559.85
	08/28/2020	95878	Accounts Payable	W.W. Grainger, Inc.		238.50
	Invoice			Description		Amount
Check	9623416154		08/17/2020	Key control cabinet		238.50
	08/28/2020	95879	Accounts Payable	Wald, Ruhnke & Dost Architects, LLP		5,212.50
	Invoice			Description		Amount
Check	2008402		07/31/2020	On-Call Architect Services_B533 Improvements		5,212.50
	08/28/2020	95880	Accounts Payable	Marina Employees Association		155.00
	Invoice			Description		Amount
Check	08-21-20		08/21/2020	24 - MEA Dues		155.00
	08/28/2020	95881	Accounts Payable	Marina Professional Fire Fighters Association		300.00
	Invoice			Description		Amount
Check	08-21-20		08/21/2020	35 - MPFFA Dues		300.00
	08/28/2020	95882	Accounts Payable	Premier Access Insurance		1,724.40
	Invoice			Description		Amount
EFT	09-01-20		09/01/2020	101 - Dental EE+1*		5,193.42
	09-01-20.		09/01/2020	Dental Claim (09/2020)		(3,469.02)
	08/28/2020	1034	Accounts Payable	Marina Police Association-MPOA	322271627 / 901587928	250.00
	Invoice			Description		Amount
EFT	08-21-20		08/21/2020	23 - MPOA Dues		250.00
	08/28/2020	1035	Accounts Payable	Police Officers Association - POA	322271627 / 901589106	1,350.00

Marina, CA LIVE

AP Check Register 08-28-20

Bank Account: 905 - Chase - Checking
Batch Date: 08/28/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Invoice						
	08-21-20			08/21/2020		
905 Chase - Checking Totals:						
	Checks:	42				
	EFTs:	2				
				\$116,508.83		
				\$1,600.00		
				Transactions: 44		
				25 - POA Dues		
						Amount
						1,350.00
						\$118,108.83

Marina, CA LIVE

SA Check Register 08-21-20

Bank Account: 921 - Chase - Successor Agency
Batch Date: 08/21/2020

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: 921 - Chase - Successor Agency						
Check	08/21/2020	53	Accounts Payable	Keyser Marston Associates		12,718.26
	Invoice		Date	Description		Amount
	0034824		08/06/2020	Successor Agency Fiscal Services_July 2020		12,718.26
EFT	08/21/2020	50	Accounts Payable	Richard B. Standridge	121042882 / 8312012522	95.00
	Invoice		Date	Description		Amount
	20-17 SA		08/14/2020	Services 08-03/08-13-20		95.00
921 Chase - Successor Agency Totals:						
				Transactions: 2		\$12,813.26
Checks:		1		\$12,718.26		
EFTs:		1		\$95.00		



DRAFT

Agenda Item: **8b(1)**
City Council Meeting of
September 1, 2020

MINUTES

Tuesday, June 30, 2020

6:00 P.M. CLOSED SESSION
6:15 P.M. OPEN SESSION

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

Council Hall
211 Hillcrest Avenue
Marina, California
Telephone (831) 884-1278 - Fax (831) 384-9148
E-Mail: marina@cityofmarina.org Website: www.cityofmarina.org

Zoom Meeting URL <https://zoom.us/j/730251556>

Zoom Meeting Telephone Only Participation: 1-669-900-9128 Webinar ID:730 251 556

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

MEMBERS PRESENT: Lisa Berkley, Frank O'Connell, Mayor Pro-Tem/Vice Chair, Gail Morton, Mayor/Chair Bruce C. Delgado

MEMBERS ABSENT: Adam Urrutia (Excused)
3. CLOSED SESSION: *As permitted by Government Code Section 54956 et seq., the (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, Preston Park Sustainable Communities Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency Members and Marina Groundwater Sustainability Agency) may adjourn to a Closed or Executive Session to consider specific matters dealing with litigation, certain personnel matters, property negotiations or to confer with the City's Meyers-Milias-Brown Act representative.*
 - a. Conference with Legal Counsel, anticipated litigation – significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of CA Govt. Code Section 54956.9: one potential case.

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

Robert Rathie reported out Closed Session: Council met in closed session this evening with the matter listed on the agenda, exposure to litigation. Information was received, direction provided, and no reportable action was taken.

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.*

- a. City Council consider adopting **Resolution No. 2020-82**, receiving draft New Ord Community Water and Wastewater Services Agreement between City of Marina and Marinca Coast Water District and provide direction to staff.

Council questions: Does this agreement stand alone, away from other jurisdictions? Section 1 – would the change in the allocation require a unanimous vote? Section 2 – where it says MCWD shall update Section 1 Allocation by amendment, do they have exclusive authority to do that or again does it require that the jurisdictions have a say in it?

DELGADO/BERKLEY: THAT WE ADOPT RESOLUTION NO. 2020-82, RECEIVING THE DRAFT AGREEMENT AND FOR THE CITY ATTORNEY TO WORK ON INCORPORATING COMMENTS. 4-0-1(Urrutia)-0 Motion Passes by Roll Call Vote

Public Comments:

- Doug Yount, Marina Community Partners – Commend Council for taking this action relative MCWD and particularly for Council Member Morton’s comments about making sure that this stands alone and not on the action of others, other jurisdictions. It’s very important to have these allocations be codified if you will in this agreement. We were able to submit comments from our water attorney to help with some of the language in there and appreciate the city incorporating some of that throughout and particularly the allocation table, which is important. Marina Community Partners definitely supports where you’re headed with this resolution and agreement.

- b. City Council consider adopting **Resolution No. 2020-83**, approving a replacement to the FORA Community Facilities District (CFD) fee for the Dunes and Sea Haven Development in accordance with the terms and conditions of the Development Agreements for each development.

Council Questions: We have the authority in the future to relook at this, correct?

MORTON/DELGADO: TO ADOPT RESOLUTION NO. 2020-83, APPROVING A REPLACEMENT TO THE FORA COMMUNITY FACILITIES DISTRICT (CFD) FEE FOR THE DUNES AND SEA HAVEN DEVELOPMENT IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE DEVELOPMENT AGREEMENTS FOR EACH DEVELOPMENT. 4-0-1(Urrutia)-0 Motion Passes by Roll Call Vote

Public Comments:

- John Kinsey, Wanger Jones Helsely PC – Submitted a letter and that included the expert comments from Lechowicz & Tseng who specialize in development impact fees and they obviously have some significant concerns with what the city is going to do tonight. The proposed action announced to a breach of the development agreement in the first amendment in addition to a violation of Wathens rights under the Mitigation Fee Act. First, there is nothing in the contract that states that Wathens agreed to any specific amount, only provisions sealing a proposed cap on the amount. By simply imposing a fee that replicates the FORA fee without complying with the

Mitigation Fee Act or the Nolan Dolan standard simply constitutes a breach of the development agreement. In addition, the development agreement and first amendment clearly impose upper limits on the new fees. Marina County Water District for example is in the process of adopting its own fees utilizing the Mitigation Fee Act and we've included evidence that demonstrates, and this is from MCWD attorney that approximately \$4,800.00 of their proposed fee relates to obligations they're assuming from FORA. Those absolutely must be offset pursuant to the plain language of the first amendment of the development agreement. By imposing this fee in the amount of \$25,000 per unit and not taking MCWD fees into account that's clearly a breach of the document and there are provisions in the development agreement that allow the prevailing party to receive their attorney fees and costs in the event of any such action. The City, under the normal course would typically adopt a generally applicable fee for all new development within the Fort Ord area. Here however the new fees specifically target Wathans Castanos and Shea with declining to impose similar fees on any other property owners. Wathens bares a disproportionate burden of these post-FORA obligations. This is particularly true given that there is no fee adopted on any other lands. Wathen is engaging in duplicative mitigation for biological impact to the tune of \$1 million or more and looking at the staff report the costs that are articulated there don't match up with the capital improvement plan that was sided to that was approved by FORA. The numbers just don't align. So, there is no factual basis for the amount of the fees. Finally, this is not only unfair to Wathen but it's a violation of Wathen's constitutional rights. Wathen's should not be treated differently from other individuals in the community. This is millions of dollars in fees, it shouldn't be decided on 24-hours' notice to a critical stakeholder and contractual counterparty.

- Doug Yount, Marina Community Partners/Shae Homes – The primary issue here is we just need some more time to understand how the figures were prepared, understand what goes into the CIP, what determines those fees, and make sure all that is in conformance with the language that was approved in the recently adopted operating agreement, which had some clarification to the DA. It's important that we spend the amount of time necessary to go through this. As the previous speaker noted we have two major projects happening with Sea Haven and The Dunes. They're both very significant to the city in many ways, not just the positive fiscal impact but other ways and we obviously want to continue with that strong partnership. I think it's important to note that we do believe that per the provisions of the operating agreement and the language that's there, there does need to be a reduction related to TAMC and MCWD fees. It was very clear during all the transition that there wasn't to be double counting of fees that were once paid to this agency or by FORA now or by this agency. But in order to understand that you really need to understand the full CIP that FORA had, the CIP that the city has, the other fees paid by the city, which project are paid by what and it takes time to go through it. There's time to do that. We're not going to be pulling building permits for a little while here this next year. As you know we close the property on Phase II of The Dunes today and we so have funds coming to the city in the terms of \$7.1 million, there was a Phase II Tentative Map that was just approved. We removed 70 dilapidated barrack buildings on C-DAC Hill. We're clearly investing, the city is clearly investing in moving this project forward let's just take the time necessary to do that. We respectfully request this item be delayed for this evening. Thank you.
- Liezbeth Visscher – As a new homeowner I was interested in hearing how much the fee was. Meanwhile I've heard it from the gentleman speaking that it was \$25,000 per home and I didn't know if that was a fixed fee or a percentage of the purchase price of the home. I'm interested in knowing how the city is using these fees. We all know that there are negative consequences from adding homes like increased traffic and we all know that residents have asked for traffic calming improvements, so it's just my curiosity how these fees are being used by the city.

- Dennis Martin, Building Industry of the Bay Area (BIA) – We represent builders throughout the Bay Area but also in the Central Coast Region and the Ord Community. BIA submitted letter earlier today requesting the city delay their action on this item and conduct nexus studies and provide proper notification for the new fees. On January 22, 2020 BIA submitted a formal request for fee notification in accordance with GC. This request for notification required that the city provide notification of the new fee at a hearing at least 14-days in advance of the hearing. The city is also required to provide all data pertaining to the fee at least 10-days in advance of the hearing. This city provided neither the 14-day notice nor the 10-day deadline for the fee data. The City of Marina's actions are not consistent GC66016 and in that case the city should delay action and re-notice the item for hearing. The city is also required to conform with the Mitigation Fee Act by demonstrating a reasonable relationship between the amount of the fee and the cost of the public facility attributable to the development and the city has not delivered the demonstration of this reasonable relationship through nexus study, cost of services study or any other analysis of the collection of the fee or the distribution of the fee. BIA urges that the City of Marina and the City Council delay acting on this item, provide a plan for conducting proper nexus studies and for proper notification of fee increases. I want to thank you for taking the time to take my comments. The members of the BIA are very excited about continuing to work in the Ord Community and we look forward to work with the City of Marina more and more in the future.
- Mike Slater, General Counsel for Wathens Castanos Homes – We reached out to the city on this issue back in March and we got no response from the city until something in early June and at that time I requested special notice of any efforts by the city to adopt a fee. We received no such special notice and in fact found out late last night that this meeting was occurring, and we scrambled to get a letter in place in opposition. There's been no prior communication with staff regarding this fee whatsoever really since the time we were in front of council some time ago to adopt the first amendment to the development agreement. I'm a little disappointed that the request for special notice was not honored and would reiterate the other comments made by the other builders that this action be continued to a date when we would have an opportunity to meet and discuss this fee, the basis of this fee with city staff. We had a good history of work with the city on things and the fact that we sort of got hit in the back of the head with a 2x4 on this is just really doesn't represent well and we would appreciate it if you would take the opportunity to continue this to a date in the future so that we can meet with staff. Thank you
- Steve Emerson – It seems to me and listening to what Karen Tiedemann said and the developers that there are obviously procedural issues here. Duplication of fees, notices and all of that. It sounds in the big picture that it's just seems appropriate to delay this or come back with it and continue the communication with the developers. It sounds like this probably isn't something that shouldn't take too long to work through. I would hope that you would delay this at this point in time and back and recommunicate and deal with this course of the next couple of weeks and get it resolved so we can continue these developments that are really benefiting our community.
- Joshua Peterson – We've had very little interaction with staff, we definitely had no interaction with staff that were substantial. Asked for clarification of Councilmember Morton's motion? What I heard was her motion was to approve the new fee post-fora in accordance with our development agreements. Is there anymore substance to that other than just charging a fee of \$25,000? Is there going to be any more, kind of dive into our development agreements, or look at off-sets? Does the City plan on conducting any nexus studies to enlighten the developers on mitigation measures or other post-fora obligations that they're going to proceed with? We're due that process. I'd like to propose if the city was amendable to this, is we would like to continue to pull permits and either escrow the fees that are due, we would even be willing to escrow the entire \$25,000 while we work through this issue and what my commitment would be is that if this issue took four or six or however many months we would go back and whatever that fee is that is approved and we all agree

to, that the city would still receive those funds from July 1st on. We don't want this to impact all of our development. We don't want to take revenue away from the city but what we do want this to be is be fair. I spent an incredible amount of time at the podium debating this, debating with Karen Tiedemann, debating this with the council members and the spirit of those business agreements are not being met with the motion tonight. We are going to uphold our part of this agreement, but we expect the City of Marina to be partners as well and hold up theirs. I'm hear for any questions if you have them. Thank you

- Harvey Dadwal – If this decision can be postponed tonight then they're going to have all the developers who are doing developments in Fort Ord enough time to digest and go over the history. So, I would request that no decision should be made tonight, and we should have more time to go over it. Thank you
- Cristina Medina Dirksen – Is time of an essence on making a decision on this matter? Listening to the other speakers, especially Josh understanding that the builders are ready working in good faith. I would urge if there's no time of the essence cause that an escrow account could be pulled and funds be diverted into that for use later I think that would be good faith effort on their end and I urge you that if time is not of essence to listen to the developers that have come to town looking for good relationships with Marina as well as the builders.
- Don Hofer – Thank you all for your time. Doug really spoke well on behalf of Marina Community Partners, but I did want to bring up one additional item and that is of parody across lands that were part of Fort Ord but also within the City of Marina. One of the concerns that I have is that the fee in addition to what Doug said, the fee that you're approving tonight is only for the Dunes development and Sea Haven and to the extent that development occurs outside of our developments within the City of Marina in theory would be no similar fee. I'm not exactly how that works in terms of impacts and mitigation of impacts or your fee programs, but it certainly is a concern of ours relative to just simple competitiveness in the marketplace. We're both are investing big money into the community and we just want to make sure that we're all on an even playing field particularly with lands that fall outside of our developments but are within the Ord area in the City of Marina. I would ask that you consider that also as part of this and ensuring that there's equal playing field as these projects more forward.
- Nancy Amadeo – In listening to the comments would have to agree with Cristina Medina, it sounds like if an escrow account could be brought forward where monies could be deposited until some of the issues that have come up from the developers are addressed appropriately so that is an even playing field, we have land that right now is developable but is not yet part of a development project and that they would not have to pay those fees really does make for an undo burden on the current developers that we have. I would suggest that Cristina's direction was appropriate, and I would support that, and I hope you would too. Thank you.
- Brian McCarthy – Wanted to remind council that when they hold special meetings to some extent you prevent the public who plans to attend regular council meetings at a set time from speaking out on other items. Agrees that an escrow account should be set up.

- c. City Council discussion regarding private funds received for Martin Luther King Jr. sculpture restoration and direction from Council on how to proceed with a process to restore the sculpture and to evaluate potential sites for display of the sculpture.

Council Questions: Has the Marina Foundation received more than \$5,000? What is the donation amounts to date? Has a GoFundMe account been established?

MORTON/DELGADO: THAT WE SENT THIS TASK TO THE RECREATION AND CULTURAL SERVICES PROVIDED THEY CAN RECONVENE THROUGH ZOOM; AND THAT WE TAKE INTO ACCOUNT IN THEIR STUDY TO SECURE INFORMATION FROM AN EXPERT ON INSTALLATIONS OF WORKS OF ART; WHAT COSTS AND HOW MUCH WORK NEEDS TO BE DONE TO REPAIR AND LOCATION OF WHERE OUR CITY RESIDENTS THINK IT WOULD BEST SERVE THE MONUMENTAL IMPETUS THAT WE'RE HOPING IT MOVES US FORWARD IN OUR CITY; AND THAT THE RECREATION AND CULTURAL SERVICES COMMISSION DISCUSS POTENTIAL AMENITIES SUCH AS BENCHES OR BENCH, PATHWAYS OR PATHS, LANDSCAPING AND POTENTIALLY OTHER SCULPTURES AND REFLECTION POOL; IF THERE'S LOCATIONS THAT ARE SCALABLE IN THE FUTURE TO BE ADDED WITH MORE SCULPTURES; AND INVITE A REPRESENTATIVE FROM THE MARTIN LUTHER KING JR. FOUNDATION TO THE DEDICATION; AND THAT AS THIS GOES THROUGH THE PROCESS THAT IT COME BACK TO US FOR CONSIDERATION OF ADDITIONAL WORK THAT NEEDS TO BE PROVIDED BY OUR CITY STAFF AND OR FUNDS TO ACCOMPLISH THE PLACEMENT OF THE STATUE IN A PLACE OF HONOR AND A PLACE THAT'S INVITING TO THE PUBLIC; AND COMMISSION WORK ON EITHER HAVING THE DEDICATION ON THE DATE OF HIS BIRTH, JANUARY 15TH OR THE DATE OF HIS DEATH, APRIL 4TH. 4-0-1(Urrutia)-0 Motion Passes by Roll Call Vote

Public Comments:

- Cristina Medina Dirksen – Remembers Mr. Paige's sculpture very well, at the time it was a very important thing that an African American businessman who helped so many people in town commission something of this scale. It was put on display for some time in the sculpture garden and then it went into storage. I'd like to know how many of you actually seen it. How many of you were actually aware of it? I'm very proud of our community because that's what Marina does, we do come together. I believe that it is a city responsibility to show "good faith money" to come forward and put taxpayers' dollars as a show of good faith. I work in the nonprofit sector and I want to tell you that there's something called "giving fatigue" and some nonprofits are struggling. I'm proud of our residents who've stepped forward just wanting to do it, knowing that it had to happen. I think we need to move forward, but as you move forward be more aware of your constituents and what's going on in our community. Decisions are made at the budgetary level that most people have no clue about. So, as we move forward, I ask you to reach out more and ask people to be more involved in the process. If the motion could be amended to include adding some city funding, we don't know what it will look like in the end I think that would be a very good place to start.
- Carissa Mann – Agrees with previous speaker and thinks the city should reach out to the community to get a better feel and understanding for what the community wants. There was some confusion and misunderstanding at the last council meeting about what the best direction would be for the city to go. During the discussion, as a member of the public it was really challenging to hear the discussion end with a 2-3 vote to not put city money and effort into reinstalling this sculpture. Feels the idea was dismissed. The world is listening eagerly for people in power to start making bold choices and support of disadvantaged communities. I don't want the issues surrounding the current civil rights movement to become a wedge between the community and government, it needs to move in the exact opposite direction. We need to work together, now is the time. Specifically for the statue my hope is for the continued progress of the statue and have the city continue supporting the effort by involving possibly the Recreation and Cultural Services Commission and the Planning and including a group of resident volunteers to get it done a simply and as quickly as possible. We can make plans to develop a sculpture garden that reflect the many

cultures in Marina as a future plan when the pandemic and related financial crisis has calmed. For now, let's just do the MLK Statue and choose 2-3 locations to offer the public to select from, like the City Hall, the Library or Vince DiMaggio Park.

- Danielle Burchett – Thank you for your support of effort to install the MLK bust and the I Have a Dream plaques in a prominent location in Marina. This effort will be a strong symbolic show of support for equality and against racial injustice in our city. Although Covid-19 related financial uncertainties lead the city council to vote against putting city funds toward this project we're now fortunate to have ample private funding to make it happen. Please, prioritize moving this project forward quickly so that Marina can soon celebrate a symbol of practical efforts to engage in real reflection and change in our city government. There are volunteers waiting for the opportunity to help with this endeavor. Suggested that the council makes a public call for engagement of citizens of color so that they may have the loudest voices and designating this lasting tribute and that they are offered compensation for their efforts. The killing of George Floyd and many other black Americans has ignited a desire in many people to do their part and make a positive impact. The fact that over \$15,000 in funds was donated within 24-hours demonstrates that local community members are ready to help. If this can be done very quickly perhaps you could consider the possibility of a ground-breaking on a selected site on August 28th, the anniversary of the I have a dream speech. If that's not possible then January 15th should also be prioritized at the very latest. Thank you
- Catina Smith – I am a black American living in Marina. Thank you, council, for taking the time to voice your support for the restoration and installation of the MLK statue within our community at the last meeting. I would like to say a little bit about how this statue relates to our community's people of color, specifically the Black Lives Matter movement that we're experiencing. I heard a lot of things that lead me to believe that there is common misunderstanding about what Black Lives Matter means. It doesn't mean that Black Lives Matter more than all other lives. When you believe that Black Lives Matter, you're saying that you believe black lives matter as much as all other lives. Since the movement arrived in Marina there have been some very eye-opening experiences. What stands out to me the most is all the negative and hateful things that I've read on the Nextdoor App from people in my own community. It has me looking at my town in a different way. You won't allow city funds to make this happen and you put up a roadblock and use language like "it's not the right time" well, when is the right time? The day after that decision was made funds were provided by several generous donors and shame on you that you were so out of sync with what this community truly needs so much so that the members of this community had to step in to do your job for you. There are members of the city council that don't believe all lives matter because they don't believe black lives matter too. It's a small sum to contribute to a drop in the bucket. I'm asking you as a member of your community and as a person of color to take this opportunity to show full support for the restoration and installation of the MLK statue.
- Nathaniel Sawyer – I've been fighting in Monterey County for a long time now about changing policies in every city and I'm proud of my city because we've been doing a lot better than most. I am just one of the many African American's in the city of Marina. We have beautiful young, middle-aged and older black and brown people in Marina that should be represented. Our stories deserve to be echoed in the classrooms. Our love, culture and power deserved to be shared with the Marina tribes of all ethnicities, creeds and religions. As a future father, husband and man we cannot change the past, but we can create policies today that implement the future. The MLK statue should be a beacon of hope for Marina residents and outsiders. All over the United States we are seeing confederate statues brought down by red and blue towns, cities and states. Let's show them what statues need to be placed up in the public eye. If I were a sculpture, I would put up a statue of all ethnicities holding hands together in unity because that's Marina's future. Let's show our neighboring cities how our actions are speaking during the Covid-19 and Black Lives

Matter movement. Make the right decision for my black and brown brothers and sisters. If you don't see that we just want equity to put up something that's meaningful to our city. Change the policies that benefit everyone and see what happens.

- Cecilee Johnson – We would like to thank you for the support that is being voiced tonight and at last Tuesday's council meeting for the restoration and installation of the Martin Luther King Jr. sculpture that my grandparents Leonard and Carrie Paige commissioned as a gift to the City of Marina so many years ago. The displaying of the Martin Luther King Jr sculpture here in Marina is of course a great symbol of African-American history, Dr King's dream and legacy and the great appreciation that my family has for this community and all that it has done for us and to support my grandfather. We want to thank the host of private investors that have rallied so quickly to make this possible. Our family truly appreciates your support for having this piece of art on display for the entire community. This was my grandparents dream all those years ago. Tonight, we urge you the council to find a way to expeditiously but intelligently plan and install this sculpture. We hope that a permanent space can once again be found. It truly means the world to us to have the opportunity to have the sculpture back on display for the residents of Marina and visitors of the city to enjoy as well as my family to continue to celebrate Leonard and Carrie Paige in the important space that Marina held in their hearts as their community in them. We support the council in directing city staff to engage the Recreation and Cultural Service Commission to lead a public process to decide where to install the Martin Luther King sculpture. Thank you
- Michael Owen – My wife was president of the Marina Arts Council, which the sculpture park and installation of the Martin Luther King statue was their major project. That was in the early 2000's. They took years to plan for this, but they didn't plan thoroughly and as a result just a few years after they opened all those sculptures had to be removed. There is no one who honors the legacy of my wife than I do but she basically made a big mistake which, if she was here she would strongly advise you against making this same mistake that she did in hastily going forward without checking all possible uncertainties that would put the installation of the Martin Luther King Jr. statue at risk at a permanent location. Two months ago I asked the council if their intent to have the tree committee meet as soon as possible would happen and the City Manager explained that could not happen, it was not possible for council to make an exception of their blanket suspension of all nine critical commissions and committees without a regular agendaized council meeting rescinding that suspension, as far as I know that hasn't changed. It's less likely that that suspension is going to happen. I don't know if the state gave authority to the cities to cherry-pick which commissions to suspend or not suspend etcetera because as far as I can tell the Recreation and Cultural Services Commission, which Gainell Paige is on and should review this is not able to do any reviewing because they have been suspended. Recommends as a temporary interim measure that it go back to the original place and have the Imjin Road extension into the airport designated Martin Luther King/BLM Way.
- Karen Anderson – I heard it said by others in Marina that this was not the right time to bring out the MLK statue and speech pedestal when the majority of the city council voted against spending \$10,000 for that purpose last week. I would like to ask who remembers when segregation was outlawed in 1954? And Ana Matilda was murdered in 1955? Rosa Parks and associates started the Montgomery Bus Boycott, also in 1955? The Supreme Court outlawed segregation on bus lines in November 1956. Megard Evers was killed in 1963. The march on Washington was August 28, 1963 and that's the date of the I Have a Dream speech. John F. Kennedy was killed in November 1963. The Mississippi Summer was in 1964 with 3 prominent murders. Malcom X was killed in 1965. Martin Luther King Jr. April 1968 and Bobby Kennedy in June 1968. All of these pivotal events happened well over 50-years ago. So, how long it too long to wait for racial justice and racial equity? It's an honor to follow Cristina, Carissa, Danielle, Catina, Nate, Cecilee and Mike here tonight.

- Nancy Amadeo – You should have received an email from me and pleased to see that this is going forward. The money that has been raised does it go only to the restoration and installation of the Martin Luther King Jr. sculpture or as a matter of course does some of that money go to pay for staff time? My opinion is, is that the staff time could be the portion that is provided by the city rather than coming up with a dollar amount. You have no idea how long this is going to take, no estimates on how long it's going to take to restore the plaques that go around the base not do we have an idea of how long it will take to restore the sculpture itself. Read something she wrote 5-years ago about Marina being a small community with many flavors. Then read something she wrote the other day indicating her views from then have not changed and much work still needs to be done to change systemic racism.
- Steve Emerson – the Marina Foundation will continue to hold the funds. We will not pay for staff time. All funds donated will go directly to the MLK statue and whatever we put around it. The original design also has a small reflecting pool which is part of the sculpture and the speech that goes with it. So, you want to make sure when this discussion happens that this is an all-inclusive look at where that would go. While we do have urgency, we want to put it in a place that is going to stay permanently. Council Member Morton said that the cultural services commission would meet by Zoom and that would be how it happened. We would love to see that this moves into a larger discussion of public art around Marina but what the priority and funds raised in this specific case is for this specific statue. All the funds being raised is being held in a separate account just for this. We have done this before with the City of Marina. We have done this with the community for the park up at City Hall. We have done for the city for the ADA van for the Recreation Department. We look forward to continuing being on that process and being a part of helping to make this happen. We continue to raise funds not only by those who wish to provide checks but also online at www.themarinafoundation.org. We do not have an idea of what this will cost of the restoration, the cost of the landscaping or design improvements.
- Mike Kennedy – Read a post from Yanka Osbourne. “If not now than when will it ever be the time? We the people of the city of Marina are proud of all that we are. Our diversity, our rich cultural heritage, our inclusiveness. The choices we make now on behalf of future generations will only make this connection stronger. We the people are defining in this moment at this time a legacy and a vision for Marina. As you enter the gateway to the City of Marina you see the statue of Martin Luther King Jr. you'll know without doubt you are entering the City of Marina, California a city of peace, freedom, equity, justice and love for all.” Thank you for your leadership.
- Surinder Rana – Slightly disappointed about the discussions that went down on that on the basis of a lack of funds we were denying ourselves the responsibility to install this iconic statue in our city. Very happy and glad to hear in today's deliberation that the city council has finally decided to restore this statue, which is very, very correct decision. Happy to know about the donations my fellow citizens have made towards this direction and I would like to vocalize some of my friends and coworkers and community members towards this call and also if you fall short of any funding I think the city should be able to contribute because we are a great city with so much diverse people living in Marina. This whole thing should not be seen from a political perspective. It's an iconic step to commemorate someone who devoted his life towards civil liberties for the citizens and the civil liberties is a part of our constitution. So, if you celebrate that it should not be seen from a political angle. Happy to see this going in the right direction. Thank you
- Brian McCarthy – Asked about the process for placing items on a special council meeting agenda versus a regular council meeting agenda. Thanked all the people involved especially those donating money to the statue. It makes me proud to live here and it's people like these donors that make Marina a special place to live. All involved represent the spirit of Martin Luther King Jr.

I've had the privilege of seeing the statue and I would like to see the statue prominently displayed much sooner rather than later. I hope part of any motion puts a date to get this statue out for me to respect in months if not sooner. In previous city council meeting you discussed some city owned land that is in a place many would consider the exact center of our downtown, it's part of the Locke Paddon community. Staff mentioned that there is already water infrastructure in that spot which coincides with Mr. Emerson's comments requiring a reflection pool at the statue location. Just something to consider. Black Lives do Matter, Thank you

- Grace Silva-Santella – For those of you who do not know the history, it was in 1999 that all of these sculptures came together. It was in 2002 that a white woman made sure that this statue of a black hero was erected. I thank Leonard and Carrie Paige for having commissioned this statue; it was erected and dedicated back in 2002 in a sculpture garden at the Marina Airport. Unfortunately, that sculpture garden was dismantled. In 2008 and 2009, 20-residents served on different committees to reinstall the statue, which Bruce was on one of those committees. Perhaps you can explain why this statue has not been reinstalled when it was discussed. I support the motion that you've made this evening involving the Recreation & Cultural Services Commission. The Recreation and Cultural Services Commission should be the oversight that we as a community need to be thoughtful, thorough and deliberative in the site selection and design of the space. Hope someday to include a statue of Caesar Chavez for the largest growing minority group living here in Marina and that we can have a celebration of Native American indigenous people. I did not hear tonight any back-peddling by any of the council members from the last council meeting. Nor did I hear any confusion in the last council meeting when the three council members cast the vote they did. What I heard were council members who were wrestling with budget decisions during constraints caused by a pandemic and I thank those council members. I thank Mayor Pro-Tem who spoke to the fact that lets see what the community can pull together, the city council can then contribute. Thank you
- Kathleen Founds – Offered hearty support of the statue and having an important place in Marina and that Violet and Lila suggested Vice DiMaggio Park because there's a lot of space.
- Deanna Lynn – Asked that Council support the restoration and installation of the MLK statue. It would be a strong gesture with the city of Marina and our community stand for equality and equity. We all know that Marina is a beautifully diverse place. Let's affirm that people of all colors belong here by honoring Martin Luther King Jr's legacy with a statue. Our community is hurting from the hardship of Covid-19 and I would like us to show solidarity with African Americans that have suffered from state violence across the nation. We need this positive act to bring our community together and support our African American community members. Happy to hear that private donors have contributed funds but I think it is important the city contribute financially as well. The city council should not stand in the way of this moving ahead. We don't know how much money it will take to accomplish this, but I think the city should pledge a few thousand dollars and then maybe the city can leave it open to filling a gap if the community can't raise enough money. The city can further discuss filling a financial gap that might keep it moving forward. Please move forward with tasking the Recreation Commission with leading the public process to find a location as quickly as possible but with care.
- Harvey Biala – Believes the Martin Luther King Jr. statue is much more than just a statue, it's a lasting testament of our city standing on any quality and racism. Our region and city must have reminders of the best ideals of people to prevent the worst of behavior from continual raising their ugly head. I applaud individual donors to this cause but really it is more important that our city be behind the message that the statue will inspire. How could it not be, when apparently, we own the statue that already exists and is in storage and will be placed on public property owned by Marina. Why is Marina not taking a stand on this? Why do you depend upon others to show a commitment but not the city? After all, Marina is a city with 64% non-white population. The statue speaks for

not just African Americans but all people non-white or white. Marina should be a leader in our region at this most important time based on national and global sentiment. Make things right by an open commitment to say to the region that Marina commits as a principle of Martin Luther King Jr. I ask that Marina contribute \$5,000 to the project. This will not break the bank and will give Marina a symbolic ownership of the project and please do not say “but we did whole heartedly support the effort”. You had every chance to approve this, instead you voted it down. The MLK statue speaks to all of us not just African Americans but to all non-white and white residents of Marina. It’s time for us to change. Thank you

- Kathy Biala – Minorities and people of color are afraid to ask in the first place and then are doubly afraid to speak out when they are told no and then they have to come back again. The events of past history whether it be the violence and eradication of Chinese on the Monterey Peninsula or the hundred twenty thousand Japanese American citizens taken away to interment camps or 400-years of inequitable treatment and murders of African Americans brings us here today. If your first instinct was to deny and vote no on the MLK statue I’m hoping that after you hear from those who you represent you will change your position. I see this as a learning moment to reflect on your public actions and how you use the power of your position. We speak of compassionate cities; I believe it is compassionate to acknowledge a mistake and to show active support now. Described two personal experiences as to the value of displaying relevant symbols or values in our community. That is why nationally statues are being torn down and Marina can put up a symbol of diversity and inclusion as a best example. The City of Marina must own and lead the message and direct action that reflect the best ideals of our city and our country and not leave it up to the generosity of individual donors. Please contribute some city funding of the placement of the statue; and if you vote for the Recreation and Cultural department to decide on the location of the statue please ensure some representation of people of color in that decision-making group. Thank you.
- Paula Pelot – This should go to the Recreation and Cultural Services Commission. Appreciates the idea of appointing perhaps an ad-hoc committee to expand that because I’m not quite sure of the ethnic make-up of that commission right now. As far as the timing, I think that there could be a problem because of Covid and getting all these things done in any of the constructs. When we made our first \$5,000 donation, we put a one-year timeframe on it in light of Covid. We’ve removed that time restriction. I hope that when this is dedicated that we bring the artist Berrington McClain, he was the person who produced the sculpture and he was also the first African American instructor at Cabrillo Community College. The idea of restoring a reflecting pond would be great, this is a piece of great importance. It’s not just a sculpture but it is a message that speak to equity and social justice. Martin Luther King Jr. was a great man, great spiritual leader, a great social justice leader, a leader of peace; he was many things and can be an inspiration for every single person in this community. We have a lot of repairs to do and this is a step towards doing it. I was disappointed that this did not go through at the last council meeting. I didn’t take it the way that some of the other speakers have this evening. I took it as a call out to the community and we responded to that. When it was talked about in 2008, I can remember being in a townhall meeting where I heard it was too controversial, he was too controversial to put in a public library. Hopefully we’re well beyond that and we can get this up and out in a permanent well-considered place of honor, with a pond where people can come, to contemplate the words and reflect upon it and reflect upon their own hearts and minds so that we can all move forward together. Thank you.
- Steve Zmak – I don’t want to see us as a community get bogged down right now in committees and discussions and right now is a time to make a statement as a community. No better statement could be made now than getting that statue of Dr. Martin Luther King Jr. out and in the public eye as soon as possible. A monument to this great man, someone who has always been a hero of mine throughout my life should be standing proud right in the center of town. So here is the headline I

would like to see running across the top of the Monterey County Herald on the fourth of July – Dr. Martin Luther King Jr. Monument unveiled in front of Marina Police Station until permanent location is determined. Thank you

- Liebeth Visscher – As a mostly white woman I would like to thank all people who spoke so passionately about why the statue is more than just a band-aid. Just like many other residents I'm asking the city to consider at least partial funding of this important symbol for our city and thank you all for letting residents help choosing a good place to get this statue reinstalled as soon as possible. I agree with Steve it should be displayed right in the middle of our town. We are missing a real town center, but this might be the start of it. Thank you
- Greg Furey – I really hope that there is a possibility for a carefully planned well-orchestrated tribute not only to Dr. King, but to the First Nation, the Costanoan Ohlone Isela people that settled this land and were driven off of it by genocide, religion and all other kinds reasons. To Cesar Chavez, to the military who played an important part in the history of this town. When people talk about Monterey they talk about the beach, the aquarium but when they talk about Marina, I would love to see Marina become a destination or to have a sculptural garden that pays tribute to not only Dr. King but to some of these other figures who are so important in our history, some who have been oppressed and make that a center piece of the fabric of this community. I'm not sure what else we can say represents our community. I would love to see a tribute to leaders of this country and in this land and in this area, foremost would be Dr. King and make that a center piece for which we're known that reflect our community. That may take some time but with the appropriate location and the appropriate planning I think it would be a wonderful asset to our town. It would certainly help us stand out in this very commercialized area of Monterey Bay as a community of depth, caring and diversity. Thank you
- Gainel Paige Johnson – I would like to thank the members of the city council for their support at last Tuesday's meeting regarding the installation of the Martin Luther King sculpture that my father and mother donated to Marina many years ago. Thankfully, substantial private funding has been donated which will support all expenses related to the reinstallation of the sculpture. It is my hope that council will direct staff to engage the Recreation and Cultural Services Commission to lead a public process to develop a strategic plan for the development of the sculpture park and placement of the Martin Luther King sculpture. Tonight, I urge you to direct the appropriate staff to expeditiously but intelligently plan and install the artwork. Thank you for your continued support. It was the dream and vision of my parent and Mrs. Candy Owens. Thank you.
- Richard – I am in support of this statue to be put up as soon as possible. Also, in support of the gentleman who spoke before me and I'm hoping that Marina with such diversity in the future we have a place or location to present all the cultures all the way back to native Americans. I'm really for it and if I can help in the future, I would love to be part of it. Thank you
- Dr. Karen – Thanks to everyone for their time and efforts on this. When you look at Monterey County Dr. King wasn't talking about Carmel or Pebble Beach, Dr. King was really talking about Marina and I think this is just a really wonderful opportunity to not let go by and to jump on. Glad that so many private citizens jumped forward to assist and I hope the city is going to take advantage of that. There is a long history in Monterey of African American soldiers fighting in the United States really based on principles before they really had any rights and just honoring that here with the generations of families that come from those soldiers would be a wonderful addition. Thank you.

- d. City Council consider adopting **Resolution No. 2020-84**, approving Amendment No. 1 to the agreement between the City of Marina and CSG Consultants, Inc. of Foster City, California, extending the current contract to June 30, 2023, and; authorize the City Manager to execute the amendment on behalf of the City subject to final review and approval by the City Attorney.

MORTON/DELGADO: TO APPROVE RESOLUTION NO. 2020-84, APPROVING AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN THE CITY OF MARINA AND CSG CONSULTANTS, INC. OF FOSTER CITY, CALIFORNIA, EXTENDING THE CURRENT CONTRACT TO JUNE 30, 2023, AND; AUTHORIZE THE CITY MANAGER TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY. 4-0-1(Urrutia)-0 Motion Passes by Roll Call Vote

Public Comments: None received

- e. City Council consider adopting **Resolution No. 2020-85**, approving an agreement between the county of Monterey and the City of Marina for Emergency Communications Dispatch Services (9-1-1); and authorize the Mayor to execute agreement on behalf of the City of Marina subject to final review and approval by the City Attorney

BERKLEY/MORTON: TO APPROVE RESOLUTION NO. 2020-85, APPROVING AN AGREEMENT BETWEEN THE COUNTY OF MONTEREY AND THE CITY OF MARINA FOR EMERGENCY COMMUNICATIONS DISPATCH SERVICES (9-1-1); AND AUTHORIZE THE MAYOR TO EXECUTE AGREEMENT ON BEHALF OF THE CITY OF MARINA SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

Public Comments: None received

5. ADJOURNMENT: The meeting adjourned at 9:45 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of September 1, 2020

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2020-,
APPROVING THE DESTRUCTION OF CASH RECEIPT RECORDS
ACCORDING TO THE CITY'S RECORDS RETENTION POLICY
COVERING THE YEARS OF JULY 2006 to JUNE 2014.**

REQUEST:

It is requested that the City Council:

1. Adopt Resolution No. 2020-, approving the destruction of cash receipt records according to the City's Records Retention Policy covering the calendar years of July 2006 to June 2014.

BACKGROUND:

The City has adopted a records retention policy. The policy specifies when records may be destroyed. The policy requires the employee in custody of the records, the department head responsible for the record and the City Attorney to certify that the records can be destroyed according to the City's records retention policy.

ANALYSIS:

The City's requirements for maintaining records vary. Cash receipt records may be disposed 5 years after the current audit year, FY 19/20 as shown in Table I, Records Retention Requirements for Cash Receipts. In other words, all cash receipts older than FY 14/15 may be destroyed, see 407.03.

Table I
Records Retention Requirements for Cash Receipts

City of Marina

Records Retention/Disposition Schedule

			RETENTION PERIODS			FORMAT	VITAL	DoR	REMARKS	CITATION
			Active	Inactive	Total	See legend on last page				See legend on last page
407		REVENUE								
407	01	Revenue General Information	2	--	2	HC	--	FF		GC 34090
407	02	Bank Reconciliations	Au	5	Au+5	HC	Yes	FF	Statements, summaries for receipts, disbursements & reconciliations	GC 34090; 26 CFR 1600-1
407	03	Billing Information	Au	5	Au+5	D HC	Yes	FF	Invoices, Accounts Receivable, taxes (e.g. TOT and Sales tax revenues, etc.) HazMat, falsa alarms, SB 198, strike teams. This series includes cash register receipt tapes and credit card receipt copies	GC 34090; CCP 338
407	04	Business License and Other Customer Files	C	5	C+5	D HC	Yes	FF	TOT customers, etc. Paid and Reports	GC 34090; CCP 337
407	05	Fee Schedules	C	5	C+5	E	--	FF		GC 34090
407	06	Investment Records	C	P	P	D HC	Yes	FF	Summary of transactions, inventory and earnings report	GC 34090; GC 53607; CCP 337
407	07	Assessment Districts	C	P	P	D HC	Yes	FF	Transcript binder, collection information, account statements, administration, bond, coupons certifying compliance with state law re: assessments, and CC staff reports on this topic	GC 34090
407	08	Bond Transcript Binder	C	P	P	HC	Yes	FF		GC 34090; CCP337.5
407	09	Revenue Bonds and Other Bond Information	C	10	C+10	HC	Yes	FF	Vital during life of debt. Account statements, Administration, Bond or coupons. A revenue bond is a bond issued by the City for a specific public works project and supported by revenue from the project	GC 34090; GC 53921; CCP337.5
407	10	Deposits, Receipts	Au	5	Au+5	D HC	Yes	FF	Current documents are vital records	GC 34090; CCP 337

The destruction of these records meets the requirements of the policy. Attached is the Records Destruction Form certifying these are being properly disposed of. (**"EXHIBIT A"**)

FISCAL IMPACT:

The disposal of these records will relieve the Finance Department of the burden of maintaining these records.

CONCLUSION:

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

Respectfully submitted,

Eric Frost
Finance Director
City of Marina

REVIEWED/CONCUR:

Layne Long
City Manager
City of Marina

Attachment: Records Destruction Form

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
AUTHORIZING THE DESTRUCTION OF CASH RECEIPT RECORDS
ACCORDING TO THE CITY'S RECORDS RETENTION POLICY
COVERING THE YEARS OF July 2006 TO June 2014

WHEREAS, the City of Marina is required to retain records permanently or for a set period of time;
and

WHEREAS, the City of Marina has adopted a records retention policy to provide for an orderly
disposal of records when allowed by law; and

WHEREAS, the employee in possession of the records, the department head responsible for the
records and the City Attorney have all approved the destruction of the records as shown on the
Records Destruction Form; and,

WHEREAS, the City Council approves the final destruction of all records; and

WHEREAS, a permanent record of what records have been destroyed will be retained by the City
Manager's Office.

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

SECTION 1. The City Council authorizes the destruction of the following records:

Cash Receipts from July 2006 to June 2014

PASSED and ADOPTED by the City Council of the City of Marina at a regular meeting duly held
on this 1st day of September 2020 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

RECORDS DESTRUCTION FORM

The records listed below are scheduled to be destroyed, as indicated on:

x Retention Schedule adopted by City Council

x Law. Specific Code Section: GC 34090 and others below

 City Council Resolution Number

Pursuant to the City's Records Retention Policy and Records Retention Schedule adopted by Resolution No. 2020-08, I am recommending that the following records be destroyed:

The attached shows which cash receipt records are being proposed to be destroyed. The newest record is from June 2014, the newest record which is allowed to be disposed of by policy. The City's retention policy dealing with cash receipt records is shown below.



407		REVENUE							
407	01	Revenue General Information	2	--	2	HC	--	FF	GC 34090
407	02	Bank Reconciliations	Au	5	Au+5	HC	Yes	FF	Statements, summaries for receipts, disbursements & reconciliations GC 34090; 26 CFR 1600-1
407	03	Billing Information	Au	5	Au+5	D HC	Yes	FF	Invoices, Accounts Receivable, taxes (e.g. TOT and Sales tax revenues, etc.) HazMat, false alarms, SB 198, strike teams. This series includes cash register receipt tapes and credit card receipt copies GC 34090; CCP 338
407	04	Business License and Other Customer Files	C	5	C+5	D HC	Yes	FF	TOT customers, etc. Paid and Reports GC 34090; CCP 337
407	05	Fee Schedules	C	5	C+5	E	--	FF	GC 34090
407	06	Investment Records	C	P	P	D HC	Yes	FF	Summary of transactions, inventory and earnings report GC 34090; GC 53607; CCP 337
407	07	Assessment Districts	C	P	P	D HC	Yes	FF	Transcript binder, collection information, account statements, administration, bond, coupons certifying compliance with state law re: assessments, and CC staff reports on this topic GC 34090
407	08	Bond Transcript Binder	C	P	P	HC	Yes	FF	GC 34090; CCP337.5
407	09	Revenue Bonds and Other Bond Information	C	10	C+10	HC	Yes	FF	Vital during life of debt. Account statements, Administration, Bond or coupons. A revenue bond is a bond issued by the City for a specific public works project and supported by revenue from the project GC 34090; GC 53921; CCP337.5
407	10	Deposits, Receipts	Au	5	Au+5	D HC	Yes	FF	Current documents are vital records GC 34090; CCP 337

DOCUMENTS HAVE BEEN REVIEWED AND APPROVED FOR DESTRUCTION:

Employee

Date



Department Head



Date



City Attorney



Date

(Complete after destruction has been performed)

I HEREBY CERTIFY that the items listed above have been destroyed in accordance with City policies and procedures:

Employee

Date

Records held in Finance awaiting disposition. The destruction of these records is authorized by GC 34090 and CCP 338.

Cash Receipts

1. Jul 2006 – Dec 2006
2. Jan 2007 – Jun 2007
3. Dec 2009 – Apr 2010
4. May 2010 – Jun 2010
5. Jul 2010 – Nov 2010
6. Dec 2010 – May 2011
7. Mar 2014 – Jun 2014

All these cash receipts are older than required by the records retention policy. These records are eligible for destruction under the City's records retention policy 407.3.

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of September 1, 2020

RECOMMENDATION TO CONSIDER ADOPTING RESOLUTION NO. 2020-, APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN CITY OF MARINA AND FORMATION ENVIRONMENTAL, LLC, TO PROVIDE ENGINEERING SERVICES FOR GROUNDWATER SUSTAINABILITY PLANNING; AUTHORIZE A BUDGET APPROPRIATION FROM THE GENERAL FUND IN THE AMOUNT OF \$37,770; AUTHORIZE THE FINANCE DIRECTOR TO MAKE THE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES; AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

RECOMMENDATION:

It is recommended that the City Council:

1. Consider adopting Resolution No. 2020-, approving an amendment to the agreement between City of Marina and Formation Environmental, LLC. to provide engineering services for the groundwater sustainability planning;
2. Authorize a budget appropriation from the General Fund in the amount of \$37,770;
3. Authorize the Finance Director to make the necessary accounting and budgetary entries; and
4. Authorize the City Manager to execute the agreement on behalf of the City subject to final review and approval by the City Attorney.

BACKGROUND:

On March 20th, 2018, City Council passed Resolution 2018-25 forming the Marina Groundwater Sustainability Agency (MGSA) to undertake sustainable groundwater management within a portion of the Salinas Valley Ground Water Basin 180/400 Foot Aquifer Subbasin within the City and outside of the Marina Coast Water District (MCWD) service area.

The cornerstone of the Sustainable Groundwater Act (SGMA) is the development and adoption of a Groundwater Sustainability Plan (GSP). GSPs for the “critically overdrafted” 180/400 Foot Aquifer Subbasin must be adopted by January 31st, 2020. On June 24th, 2019, MGSA, through the City Council, passed Resolution No. 2019-66a approving a professional services agreement in the amount of \$274,780 with Formation Environmental for the preparation of the MGSA GSP.

On December 17th, 2019, City Council passed resolution 2019-136 approving an amendment to the professional services agreement in the amount of \$52,766 with Formation Environmental for additional work needed to complete the MGSA GSP.

On May 5th, 2020, City Council passed resolution 2020-46 approving an amendment to the professional services agreement in the amount of \$32,000 with Formation Environmental for additional work needed to prepare analysis and documents in support of the MGSA position on jurisdiction legitimacy, sufficiency of the MGSA GSP versus the Salinas Valley Basin GSA (SVBGSA) GSP adopted by the County of Monterey, and the validity of data generated by Stanford.

ANALYSIS:

The MGSA GSP has been submitted to the State Department of Water Resources (DWR) with review pending current litigation. The approval of the Monterey Peninsula Water Supply Project (MPWSP) by the California Coastal Commission (CCC) is scheduled later in September. There is a continuing need for services from Formation Environmental in preparation for the CCC hearing.

Formation Environmental has reviewed and commented on reports prepared in preparation for the CCC hearing and will continue to provide technical assistance as needed. Staff anticipates that additional services will be required from Formation Environmental to participate as the City's representative on the Technical Advisory Committee to the Seawater Intrusion Working Group that was recently formed by SVBGSA and basin stakeholders which include the City of Marina. The City will also be participating in review of the MCWD GSP which is being prepared which may require input from Formation Environmental on technical matters. Also included in the scope are limited hours for initial SGMA compliance efforts required pending the outcome of litigation and permitting for the MPWSP.

Staff has reviewed and recommend for approval the proposed contract amendment of \$37,770 for the scope of work, which is included as **EXHIBIT A** for a new, not-to-exceed contract total of \$397,550.

FISCAL IMPACT:

Should the City Council approve this request, \$37,770 will have to be appropriated from the General Fund for expenditure on groundwater sustainability activities. Because the City's General Fund resources for this year have been fully committed, this money will need to come from undesignated fund balance which was approximately \$5.0 million as of the last audit.

Further, unless this expenditure is classified as a one-time expenditure, the City would be exceeding the guidance of Resolution 2012-46 and spending more than its General Fund revenues. (see page 57 of the audit). However, this expenditure appears to qualify as a one-time expenditure.

CONCLUSION:

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

Respectfully submitted,

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer
City of Marina

REVIEWED/CONCUR:

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2020-

A RESOLUTION OF CITY COUNCIL OF THE CITY OF MARINA APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN CITY OF MARINA AND FORMATION ENVIRONMENTAL, LLC, TO PROVIDE ENGINEERING SERVICES FOR GROUNDWATER SUSTAINABILITY PLANNING; AUTHORIZE A BUDGET APPROPRIATION FROM THE GENERAL FUND IN THE AMOUNT OF \$37,770; AUTHORIZE THE FINANCE DIRECTOR TO MAKE THE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES; AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

WHEREAS, on March 20th, 2018, City Council passed Resolution 2018-25 forming the Marina Groundwater Sustainability Agency (MGSA) to undertake sustainable groundwater management within a portion of the Salinas Valley Ground Water Basin 180/400 Foot Aquifer Subbasin within the City and outside of the Marina Coast Water District (MCWD) service area, and;

WHEREAS, the cornerstone of the Sustainable Groundwater Act (SGMA) is the development and adoption of a Groundwater Sustainability Plan (GSP). GSPs for the “critically overdrafted” 180/400 Foot Aquifer Subbasin must be adopted by January 31st, 2020. On June 24th, 2019, MGSA, through the City Council, passed Resolution No. 2019-66a approving a professional services agreement in the amount of \$274,780 with Formation Environmental for the preparation of the MGSA GSP, and;

WHEREAS, on December 17th, 2019, City Council passed resolution 2019-136 approving an amendment to the professional services agreement in the amount of \$52,766 with Formation Environmental for additional work needed to complete the MGSA GSP, and;

WHEREAS, on May 5th, 2020, City Council passed resolution 2020-46 approving an amendment to the professional services agreement in the amount of \$32,000 with Formation Environmental for additional work needed to prepare analysis and documents in support of the MGSA position on jurisdiction legitimacy, sufficiency of the MGSA GSP versus the Salinas Valley Basin GSA (SVBGSA) GSP adopted by the County of Monterey, and the validity of data generated by Stanford

WHEREAS, additional work by Formation Environmental was required to review and commented on reports prepared in preparation for the California Coastal Commission hearing for the Monterey Peninsula Water Supply Project, and;

WHEREAS, staff anticipates that additional services will be required from Formation Environmental to participate as the City’s representative on the Technical Advisory Committee to the Seawater Intrusion Working Group, provide support to City staff in review of the GSP being prepared by MCWD, and initial SGMA compliance efforts and;

WHEREAS, staff has reviewed and recommend for approval the proposed contract amendment of \$37,770 for the scope of work, which is included as Exhibit A for a new, not-to-exceed contract total of \$397,550, and;

WHEREAS, should the City Council approve this request, \$37,770 will have to be appropriated from the General Fund for expenditure on the GSP.

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

1. Approve an amendment to the agreement between City of Marina and Formation Environmental, LLC. to provide engineering services for groundwater sustainability planning;
2. Authorize a budget appropriation from the General Fund in the amount of \$37,770;
3. Authorize the Finance Director to make the necessary accounting and budgetary entries; and
4. Authorize the City Manager to execute the agreement on behalf of the City subject to final review and approval by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 1st day of September 2020, 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

August 11, 2020

Mr. Layne Long
City of Marina
211 Hillcrest Avenue
Marina, CA 93933



Subject: Statement of Work No. 4, Consulting Services Agreement dated June 25, 2019
Requested Supplemental Hydrogeologic Services
City of Marina Groundwater Sustainability Agency
Marina, California

Dear Mr. Long:

As requested, Formation Environmental LLC (Formation) has been performing supplemental hydrogeologic consulting services to support the City of Marina Groundwater Sustainability Agency (MGSA) in processing its Groundwater Sustainability Plan (GSP), supporting litigation with Monterey County and the California Department of Water Resources (DWR), and supporting the City in commenting on the California Coastal Commission proceedings regarding California American Water Company's (CalAm) Monterey Peninsula Water Supply Project (MPWSP). Through June 2020, these services were provided under Statement of Work No. 3 for the project and billed under Task 9. Additional supplemental services are anticipated through January 2021. All services will be performed under Task 9 of our existing contract pursuant to scopes of work requested by MGSA staff.

If acceptable, this supplement will be appended to Exhibit A – Statement of Work of the Consulting Services Agreement between Formation Environmental, LLC and the City of Marina, dated June 25, 2019, and will become Statement of Work No. 4 of that agreement.

Scope of Work

Task 9: Additional Out of Scope Services

The following services were requested and will be performed on an as needed/as requested basis in July 2020 through January 2021:

The following additional services are anticipated through January 2021:

- **Support for California Coastal Commission Proceeding Regarding the MPWSP.** Formation will support the City in its responses and comments on the California Coastal Commission proceeding regarding the MPWSP. Specifically, Formation was requested to review and comment on a hydrogeologic report prepared by Weiss Associates in July 2020, and a biological, soils and hydrologic report characterizing vernal ponds near the City prepared by WRA Associates in July 2020. It is anticipated that additional review, comments and consultation may be requested prior to an upcoming CCC hearing in September 2020.
- **Seawater Intrusion Technical Advisory Group.** Formation has been requested to represent the City and MGSA as a technical consultant on the Seawater Intrusion Technical Advisory Group (SWIG) that is being formed by the Salinas Valley Groundwater Sustainability Agency (SVBGSA) to

FORMATION ENVIRONMENTAL, LLC
1631 Alhambra Boulevard, Suite 220
Sacramento, CA 95816

investigate and address seawater intrusion into the 180/400-Foot Subbasin. Anticipated services through January 2021 include preparation for and participation in monthly SWIG meetings and review and comment on technical documents and scopes of work. It is likely that services to support the City's participation in the SWIG will be required after this time; however, the current scope of work is focused on the first six months of support during the group's initial activities.

- **Support for Sustainable Groundwater Management Act (SGMA) Compliance Activities.** It is anticipated that technical support will be required for activities related to various aspects of compliance with SGMA. Services could include providing support and comment on matters related to ongoing litigation between the MGSA and the County and the California Department of Water Resources regarding the Groundwater Sustainability Plan filed by the MGSA, review and comment on SGMA compliance documents prepared by the SVBGSA and others, Comment on GSP implementation activities, and additional technical support as may be requested.
- **Miscellaneous As-Needed Support Services.** Additional services could include, but may not be limited to support for discussions with Marina Coast Water District, review of additional documents as needed, support for meetings and presentation, consultation with PR specialists, and other potential assignments.

Budget Estimate

The estimated budget for the scope of work is \$37,770, which will be added to the existing budget for Task 9. A detailed breakdown of this budget estimate is included as Attachment A. This is a not-to-exceed budget based on the work requested and performed to date and an assumed level of effort for future services through January 2021. We will invoice our services monthly based on the actual time and expenses incurred in accordance with the rate sheet presented as Exhibit B of our Consulting Services Agreement dated June 25, 2019. The budget will not be exceeded without your prior authorization.

Schedule

This Statement of Work No. 4 is intended for anticipated supplemental services through January 2021. It is possible that services may be required beyond this time, and such services after January 2021 if the budget allows. Alternatively, a revised Statement of Work No. 5 will be issued for your approval.

Closure

Thank you for considering us for this interesting and important project. If you have any questions or would like to discuss these matters further, please contact the undersigned at (916) 200-9038.

Sincerely,

Formation Environmental LLC



Mike Tietze, PG, CHG, CEG
Senior Engineering Geologist/Hydrogeologist

AGREED AND ACCEPTED BY:

FORMATION:

FORMATION ENVIRONMENTAL, LLC

CLIENT:

CITY OF MARINA

By: _____

Name: Brian G. Hansen, PE, PG

Title: Partner

Date: _____

By: _____

Name: _____

Title: _____

Date: _____

Attachment A
COST ESTIMATE FOR REQUESTED SUPPLEMENTAL HYDROGEOLOGIC CONSULTING SERVICES
City of Marina Groundwater Sustainability Agency
Marina, California

WORK BREAKDOWN STRUCTURE		LABOR COSTS						COST SUMMARY			OTHER DIRECT COSTS		
TASK/SUBTASK		Sr. Consultant III M. Tietze	Sr Consultant III S. Carlton	Senior I M. Lugsch E. Tozzi	Scientist II H. Dickey	Scientist I S. Sinclair	Controller/ Technical Editor	Labor Subtotals	Expense Subtotals	Task Totals	Travel	Shipping & ODCs	Document Production Costs
Task 9 - Supplemental Services													
	Review Weiss 2020 Report	24	8	6				\$ 7,090.00	\$ -	\$ 7,090.00	\$ -	\$ -	\$ -
	Additional Coastal Commission Proceeding Support	8	8	8				\$ 4,280.00	\$ -	\$ 4,280.00	\$ -	\$ -	\$ -
	SWIG Participation (6 months)	48	6			6	6	\$ 11,580.00	\$ -	\$ 11,580.00	\$ -	\$ -	\$ -
	SGMA compliance support	16	8	8	8	8	8	\$ 8,280.00	\$ -	\$ 8,280.00	\$ -	\$ -	\$ -
	Miscellaneous requests (TBD)	8	8	8	6	6	6	\$ 6,110.00	\$ 430.00	\$ 6,540.00	\$ 229.43	\$ 100.57	\$ 100.00
	TOTAL TASK 9							\$ 37,340.00	\$ 430.00	\$ 37,770.00	\$ 229.43	\$ 100.57	\$ 100.00
TOTAL PERSONNEL-HOURS/UNITS		104	38	30	14	20	20	226					
TOTAL COSTS		\$20,280.00	\$7,030.00	\$4,650.00	\$1,680.00	\$2,200.00	\$1,500.00	\$37,340.00	\$430.00	\$37,770.00	\$ 229.43	\$ 100.57	\$ 100.00
								GRAND TOTAL			\$37,770		

TRANSPORTATION AGENCY FOR MONTEREY COUNTY

www.tamcmonterey.org

HIGHLIGHTS

August 26, 2020



TAMC Board Receives Revised Measure X Revenue Forecasts

The Transportation Agency Board of Directors learned that using an initial conservative estimate of \$20 million to estimate Measure X annual revenues proved to be a wise decision during a staff presentation on the revised revenue forecast. Actual Measure X revenues that were as high as \$30.5 million in fiscal year 2018/19 fell to \$23.5 million in fiscal year 2019/20 due to the impacts of COVID-19. The most recent forecast for the next three years estimates revenues will bounce back to between \$26.7 million to \$27.4 million annually.

This projection combined with the Board's decision to continue programming Measure X funds to match the initial estimate of \$20 million per year, still provides full funding for near-term Measure X projects as programmed in the 2019 Integrated Funding Plan.

These priority projects include the Imjin Road Widening project, which uses \$17 million of Measure X funds as match to a \$19 million SB1 Local Partnership Program grant, the Highway 218 Segment of the Fort Ord Regional Trail and Greenway, which uses \$1.0 million of Measure X funds as a match to a \$9.2 million Active Transportation Program grant, and the State Route 156 / Castroville Boulevard project, pending receipt of \$20 million of grant funds with \$2.5 million of Measure X as match.

[Measure X Sales Tax Projections](#)

[Measure X Cash Flow - August 2020 Revision](#)

TAMC Board Approves Competitive Grant Funding for Local Projects

The TAMC Board of Directors approved nearly \$11.39 million for a three-year competitive grants program to fund local transportation projects. The resolution follows the Board's decision to fund allocations for a new round of competitive funds in March.

The approval of the resolution will fund the following projects through the competitive grant program for fiscal years 2020/21 through 2022/23:

- Salinas - Boronda Road Congestion Relief Project - \$4,000,000
- Salinas - Bardin Road Safe Routes to School - \$1,800,000
- King City - Complete Streets Downtown Streetscape - \$950,000

- Monterey - Traffic System, Pedestrian/Bike Upgrades - \$1,680,000
- Salinas - Pedestrian Crossing Enhancements - \$545,000
- Pacific Grove - Point Pinos Trail Project - \$382,000
- Greenfield - Walnut Avenue Pedestrian/Bike Improvements - \$590,000
- Seaside - Broadway Avenue Corridor Improvements - \$600,000

CSUMB Student Appointed to the Measure X Citizens Oversight Committee

The TAMC Board of Director appointed Cal State University, Monterey Bay student, Natalie Olivas to serve as the alternate youth representative on the Measure X Citizens Oversight Committee. Her appointment fills a long-standing vacancy on the committee that has existed since members were appointed by the TAMC Board in 2017.

Members of the Citizens Oversight Committee represent a diverse range of community interests to assure that a broad range of geographic and stakeholder interests are represented on the committee. Their duty is to ensure that Measure X funds are spent according to the terms of the Measure X Transportation Safety & Investment Plan.

Youth representation on the committee is one of the additional appointments the Board deemed to be important to assure that a broad range of geographic and stakeholders' interests are represented.

The Plan, approved by voters in November 2016, is anticipated to generate an estimated \$600 million over 30 years for transportation projects & programs in Monterey County.

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of September 1, 2020

CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2020-, APPROVING THE ALLOCATION OF \$29,000 TO BE FUNDED FROM THE ROAD IMPACT FEE FUND AND THE REMAINING \$9,740.00 WILL NEED TO BE APPROPRIATED FROM UNDESIGNATED FUND BALANCE, TO THE IMJIN PKWY PEDESTRIAN SAFETY CORRIDOR STUDY, AND, AND; AUTHORIZE THE FINANCE DIRECTOR TO MAKE THE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES.

REQUEST:

It is requested that the City Council:

1. Consider adopting Resolution No. 2020-, approving the allocation of \$29,000 to be funded from the Road Impact Fee Fund and the remaining \$9,740.00 will need to be appropriated from undesignated fund balance, to the Imjin Pkwy Pedestrian Safety Corridor Study, and, and;
2. Authorize the Finance Director to make the necessary accounting and budgetary entries.

BACKGROUND:

Earlier in 2020, the City Police Department responded to a pedestrian collision at the intersection of 3rd Avenue on Imjin Parkway. The City Council directed staff to look at options to improve pedestrian safety at this crossing. After evaluation with the Police Traffic Division and the Regional Planning Agency's traffic engineer, the decision was made to conduct a corridor study for any potential pedestrian improvements and enhance corridor mobility.

ANALYSIS:

Utilizing the City's on-call consultants approved by City Council through Resolution No.2017-117, staff received a proposal (**EXHIBIT A**) from Kimley Horn for a traffic study examining historical traffic data, updates from the Traffic Impact Analysis of the Dunes Settlement Agreement, and existing corridor improvements along Imjin Parkway, from Imjin Road to the State Route 1 bridge of Caltrans right-of-way. The study will review all available traffic incident information to 1) provide short term pedestrian safety solutions, 2) long-term pedestrian safety improvements, 3) conduct signal warrants at key intersections along the corridor, and 4) evaluate the planned Fort Order Trail and Greenway (FORTAG) crossing at California Avenue in terms of pedestrian and traffic safety.

FISCAL IMPACT:

Should the City Council approve this request, \$29,000 will be funded from the Road Impact Fee Fund and the remaining \$9,740.00 will need to be appropriated from undesignated fund balance, which is approximately \$5.0 million as of the last audit.

Further, unless this expenditure is classified as a one-time expenditure, the City would be exceeding the guidance of Resolution 2012-46 and spending more than its General Fund revenues. (see page 57 of the audit). However, this expenditure appears to qualify as a one-time expenditure.

CONCLUSION:

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

Respectfully submitted,

Edrie Delos Santos, P.E.
Senior Engineer
Public Works Department
City of Marina

REVIEWED/CONCUR:

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer
City of Marina

Eric Frost
Interim Finance Director
City of Marina

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING THE ALLOCATION OF \$29,000 TO BE FUNDED FROM THE ROAD
IMPACT FEE FUND AND THE REMAINING \$9,740.00 WILL NEED TO BE
APPROPRIATED FROM UNDESIGNATED FUND BALANCE, TO THE IMJIN PKWY
PEDESTRIAN SAFETY CORRIDOR STUDY, AND; AUTHORIZE THE FINANCE
DIRECTOR TO MAKE THE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES.

WHEREAS, earlier in 2020, the City Police Department responded to a pedestrian collision at the intersection of 3rd Avenue on Imjin Parkway. After evaluation with the Police Traffic Division and the Regional Planning Agency's traffic engineer, the decision was made to conduct a corridor study for any potential pedestrian improvements and enhance corridor mobility, and;

WHEREAS, utilizing the City's on-call consultants approved by City Council through Resolution No.2017-117, staff received a proposal (**Exhibit A**) from Kimley Horn for a traffic study examining historical traffic data, updates from the Traffic Impact Analysis of the Dunes Settlement Agreement, and existing corridor improvements along Imjin Parkway, from Imjin Road to the State Route 1 bridge of Caltrans right-of-way. The study will review all available traffic incident information to not only provide short term and long-term planning for possible pedestrian mobility enhancements and conduct signal warrants at key intersections along the corridor. The planned Fort Order Trail and Greenway (FORTAG) crossing at California Avenue will also be evaluated and rendered in terms of pedestrian and traffic safety, and;

WHEREAS, should the City Council approve this request, \$29,000 will be funded from the Road Impact Fee Fund and the remaining \$9,740.00 will need to be appropriated from undesignated fund balance, which is approximately \$5.0 million as of the last audit.

WHEREAS, further, unless this expenditure is classified as a one-time expenditure, the City would be exceeding the guidance of Resolution 2012-46 and spending more than its General Fund revenues. (see page 57 of the audit). However, this expenditure appears to qualify as a one-time expenditure.

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

1. Approve the allocation of \$29,000 to be funded from the Road Impact Fee Fund and the remaining \$9,740.00 will need to be appropriated from undesignated fund balance, to the Imjin Pkwy Pedestrian Safety Corridor Study, and;
2. Authorize the Finance Director to make the necessary accounting and budgetary entries.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Marina, duly held on the 1st day of September 2020 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

August 21, 2020

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer
City of Marina
211 Hilcrest Avenue
Marina, CA 93933

Re: Proposal – Imjin Parkway Safety Review

Dear Mr. McMinn:

Thank you for inviting Kimley-Horn and Associates, Inc. (“Kimley-Horn” or “Consultant”) to provide engineering services to City of Marina (“Client”) for the proposed Imjin Parkway Safety Study. This proposal describes the scope for the study.

This letter is in accordance with your request and constitutes a proposal setting forth our proposed Scope of Services, Schedule, and Fee to our Amendment No. 1 to Master Professional Services Agreement with Kimley-Horn and Associates, Inc.

Project Understanding:

The Project is located along Imjin Parkway in the City of Marina. The City of Marina staff is requesting Kimley-Horn in identifying short term and longer-term measures for improving the pedestrian’s crossings and the corridor mobility. The immediate focus will be at the intersections and approaches of Imjin Parkway with one intersection between Imjin Road and 3rd Avenue. For our team we recommend the inclusion of Daniel Carley and Kevin Aguigui, our roadway and traffic engineering design experts. In addition, we will prepare a rendering for the proposed FORTAG crossing at Imjin Parkway and California Avenue.

Scope of Services

Task 1 – Data Collection and Review

Kimley-Horn will obtain accident data from the City police department. Speed data will be provided by the City. Recent traffic count data will be obtained from Streetlight data. Some historic counts are also available. A memorandum will be prepared indicating accident hot spots, cause of accidents, speed zone data, and volume data. The data will be used to determine signal installation warrants. Data will be collected for the Imjin corridor between Imjin Road, where the current widening project ends through the SR 1 interchange with Imjin Parkway. The University Villages Settlement Agreement data will also be used in the analysis.

Task 2 – Develop Conceptual Short Term and Longer-Term Improvements for Pedestrian crossings along Imjin Parkway

Kimley-Horn team will use aerial photography layouts to develop conceptual short term and long-term improvements for pedestrian crossings along Imjin Parkway. These measures will be illustrated graphically in plan view and examples of these measures will be included in the memorandum. The memorandum will be presented in Draft and up to 3 rounds of comments addressed to refine and or determine alternatives and estimates of probable costs prepared. The impact of each feature will be discussed in tabular format to evaluate the feasibility and potential qualitative contribution to safety it may have at the intersection. It is anticipated that most of the features will be extracted from the CA MUTCD.

The Concept will include a FORTAG crossing at the intersection of Imjin Road and California Avenue. The scope includes up to three revisions on this layout. Coordination will also be required with TAMC.

Task 3 – Meetings and Coordination

Kimley-Horn will attend up to one (6) conference calls/ meetings with City staff to discuss the Project and proposed standard roadway cross section. This also includes a presentation to City Council. We assume the remainder of project coordination effort will occur through email and phone calls.

Schedule:

Kimley-Horn will provide the services identified above as expeditiously as practicable to meet a mutually agreed upon schedule.

Due to the everchanging circumstances surrounding the COVID-19 outbreak, situations may arise during the performance of this Agreement that may affect availability of resources and staff of Kimley-Horn, the Client, other consultants, and public agencies. There could be changes in anticipated delivery times, jurisdictional approvals, and project costs. Kimley-Horn will exercise reasonable efforts to overcome the challenges presented by current circumstances, but Kimley-Horn will not be liable to Client for any delays, expenses, losses, or damages of any kind arising out of the impact of the COVID-19 situation.

Compensation, Fees and Expenses:

We propose to perform the Scope of Services outlined in Tasks 1 to 3 for a Not to Exceed Fee of \$38,740. This includes direct expenses for the project such as in-house duplicating, facsimile, mileage, telephone, and postage.

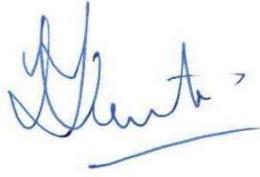
We appreciate the opportunity to provide these services to you. Please contact me if you have any questions.



CITY OF MARINA
Imjin Parkway
COST PROPOSAL
1 August 2020

Task	HOURLY BILLING RATE	Senior Professional II	Senior Professional I	Professional	Analyst	Support Staff	Total Hours	Total Labor Cost
		P6-8	P5	P3-4	P1-2	N1-6		
1	Data Collection and Review	2	2	6	16	4	30	\$ 5,730
2	Develop Conceptual Short and Longer-Term Improvements	12	8	60	22		102	\$ 22,890
3	Meetings and Coordination (5+ City Council)	10	6	10	10	4	40	\$ 9,320
								\$ -
	Total Hours	24	16	76	48	8	172	
	Total Labor Cost	\$ 8,520	\$ 3,760	\$ 16,340	\$ 8,400	\$ 920		\$ 37,940
	Other Direct Costs							
	Direct Expenses							\$ 300
	Traffic Count Data							\$ 500
	Total Other Direct Costs							\$ 800
	TOTAL							\$ 38,740

Very truly yours,
KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read 'F. Venter', with a horizontal line underneath.

Frederik Venter P.E.
Project Manager
P.E. No.: C64621

ORDINANCE NO. 2020 -

AN ORDINANCE DELETING TITLE 8, CHAPTER 8.24 "SECURITY AND FIRE SYSTEMS"
AND ADOPTING TITLE 8, CHAPTER 8.24 ENTITLED "ALARM SYSTEMS".

-oOo-

THE CITY COUNCIL OF THE CITY OF MARINA DOES HEREBY ORDAIN AS
FOLLOWS:

1. The Current Chapter 8.24 is Deleted and New Chapter 8.24 is Adopted. Chapter 8.24 of the Marina Municipal Code, entitled "Security and Fire Systems" is deleted and a new Chapter 8.24 entitled "Alarm Systems" is hereby adopted, as set forth on the attached fourteen (14) pages, marked Exhibit "A," and incorporated herein by this reference thereto.

2. Effective Date. This ordinance shall be in full force and effect 30 days after its final passage and adoption.

3. Severability. If any portion of this ordinance is found to be unconstitutional or invalid the City Council hereby declares that it would have enacted the remainder of this Ordinance regardless of the absence of any such invalid part.

4. CEQA Exemption. This ordinance is exempt from the environmental review requirements of CEQA pursuant to Section 15061 (b)(3) of Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the provisions contained herein may have a significant negative effect on the environment.

5. 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 the City Council.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Marina duly held on August 18, 2020 and was passed and adopted at a regular meeting duly held on September 1, 2020 by the following vote:

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

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk

CHAPTER 8.24
ALARM SYSTEMS

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The City of Marina City Council finds and declares that:

- A. The vast majority of alarms to which the Police Department responds are False Alarms, which are reported to the Police by alarm companies.
- B. Most False Alarms are the result of improper maintenance or improper or careless use of an Alarm System.
- C. The public and Police Officers are subjected to needless danger when the Officers are called to respond to False Alarms.
- D. Officers responding to False Alarms are not available to carry out other Police duties.
- E. In the interest of using limited Police resources most effectively and efficiently, the number of False Alarms can and must be reduced.
- F. The purpose of this chapter is to reduce the dangers and inefficiencies associated with False Alarms and to encourage alarm companies and property owners to maintain the operational reliability, properly use Alarm Systems, and to reduce or eliminate False Alarm Dispatch Requests.
- G. This chapter governs systems intended to summon a Police response, establishes fees, fines, establishes a system of administration, sets conditions for the suspension of a Police response, and establishes a public education and training program.

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8.24.020 Definitions

For purposes of this chapter, the following terms shall have the following meanings:

“Alarm Administrator” means the person or persons designated by the Police Department to administer the provisions of this chapter.

“Alarm Agreement” means the legal contract or agreement by and between the Alarm Installation Company and/or Monitoring Company and the Alarm User.

“Alarm Agreement Holding Company” means the Alarm Installation Company or Monitoring Company that holds the Alarm Agreement with the Alarm User.

“Alarm Dispatch Request” means a notification to the Police Department that an alarm, either manual or automatic, has been activated at a particular Alarm Site.

“Alarm Installation Company” means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an Alarm System at an Alarm Site for compensation, and includes individuals or firms that install and service Alarm Systems used in a private business or proprietary facility.

“Alarm Registration” means a registration and unique Number issued by the Alarm Administrator to an Alarm User, which authorizes the operation of an Alarm System.

“Alarm Response Manager (ARM)” means a person designated by an Alarm Installation Company and Monitoring Company to handle alarm issues for the company and act as the primary point of contact for the City’s Alarm Administrator.

“Alarm Site” means a location served by one or more Alarm Systems. In a multi-unit building or complex, each unit shall be considered a separate Alarm Site if served by a separate Alarm System. In a single unit building that houses two or more separate businesses with separate Alarm Systems, each business will be considered a separate Alarm Site.

“Alarm System” means a device or series of devices, which emit or transmit an audible or remote visual or electronic alarm signal, which is intended to summon Police response. The term includes hardwired systems, surveillance cameras and systems interconnected with a radio frequency method such as cellular or private radio signals, and includes Local Alarm Systems, but does not include an alarm installed in a motor vehicle or a system which will not emit a signal either audible or visible from the outside of the building, residence or beyond, but is designed solely to alert the occupants of a building or residence.

“Alarm User” means any person and/or business who has contracted for Monitoring, repair, installation or maintenance service for an Alarm System from an Alarm Installation Company or Monitoring Company, or who owns or operates an Alarm System which is not monitored, maintained or repaired under agreement.

“Alarm User Awareness Class” means a class conducted for the purpose of educating Alarm Users about the responsible use, operation, and maintenance of Alarm Systems and the problems created by False Alarms.

“Alarm User List” means a list provided by the Alarm User’s Alarm Installation Company or if no Alarm Agreement exists between the Alarm User and an Alarm Installation Company, the Alarm User’s Monitoring Company.

“Arming Station” means a device that controls an Alarm System.

“Automatic Voice Dialer” means any electronic, mechanical, or other device which, when activated, is capable of being programmed to send a prerecorded voice message to the Police Department or City requesting an officer dispatch to an Alarm Site.

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“Burglar Alarm” means an alarm intended to identify the presence of an intruder in either a business or residence.

“Business License” means a Business License issued by the City of Marina Finance Department to an Alarm Installation Company or Monitoring Company to conduct business in the City.

“Cancellation” means the termination of a Police response to an Alarm Site after an Alarm Dispatch Request is made but before an Officer’s arrival at the Alarm Site.

“Conversion of Alarm User” means the transaction or process by which one Alarm Installation Company or Monitoring Company begins the servicing or monitoring of a previously unmonitored Alarm System or an Alarm System that was previously serviced or monitored by another alarm company.

“Duress Alarm” means a silent Alarm System signal generated by the entry of a designated code into an Arming Station in order to signal that the Alarm User is being forced to turn off the system and requires an Officer response.

“Enhanced Call Confirmation (ECC)” means an attempt by the Monitoring Company, or its representative, to contact the Alarm Site and/or Alarm User and/or the Alarm User’s designated representatives by telephone and/or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting a Police Burglar Alarm Dispatch, in an attempt to avoid an unnecessary Alarm Dispatch Request. For the purpose of this chapter, telephone confirmation shall require, as a minimum that a second call be made to a different number, if the first attempt fails to reach an Alarm User who can properly identify themselves to determine whether an alarm signal is valid before requesting an officer dispatch. Names and numbers of those contacted or attempted to contact, shall be provided when requested.

“False Alarm” means an Alarm Dispatch Request to the Police Department, which results in the responding officer finding no evidence of a criminal offense or attempted criminal offense after completing an investigation of the Alarm Site.

“Hold-Up Alarm” means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

“Local Alarm System” means an unmonitored Alarm System that annunciates an alarm only at the Alarm Site or is a self-monitored Alarm Site.

“Monitoring” means the process by which a Monitoring Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the Police Department.

“Monitoring Company” means a person in the business of providing Monitoring services.

“One Plus Duress Alarm” means the manual activation of a silent alarm signal by entering a code that adds one number to the last digit of the normal arm/disarm code (e.g., normal code = 1234, one plus duress code = 1235).

“Panic Alarm” means an Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring an officer response.

“Person” means an individual, corporation, limited liability company, partnership, association, organization, or similar entity.

“Protective or Reactive Alarm System” means an Alarm System that produces a temporary disability or sensory deprivation through use of chemical, electrical, sonic, or other means, including use of devices that obscure or disable a person’s vision.

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“Registration Number” means a unique individual number assigned to an Alarm User as part of Alarm Registration issued by the Police Department.

“Responsible Party” means a person capable of appearing at the Alarm Site upon request who has access to the Alarm Site, the code to the Alarm System and the authority to approve repairs to the Alarm System.

“Robbery Alarm” means an alarm signal generated by the manual or automatic activation of a device, or any system, device or mechanism on or near the premises intended to signal that a robbery is in progress and that a person is in need of immediate Police assistance in order to avoid bodily harm, injury or death. The term has the same general meaning as “Hold-Up Alarm or Duress Alarm.”

“Takeover” means the transaction or process by which an Alarm User takes over control of an existing Alarm System that was previously controlled by another Alarm User.

“Zones” mean a division of devices into which an Alarm System is divided to indicate the general location from which an Alarm System signal is transmitted.

8.24.030 Administration—Funding—Increases in Fees and Fines—Annual Evaluation

- A. Responsibility for administration of this chapter is vested with the Police Department.
- B. The Police Department shall designate an Alarm Administrator to carry out the duties and functions described in this section.
- C. Monies generated by fees and fines assessed pursuant to this section shall be deposited into the City’s General Fund.
- D. The amount of the fees and fines set forth in this section shall be specified in the City Fee Schedule, which may only be revised by a duly adopted resolution of the City Council. For purposes of this subsection, “fees” include any type or class of fee and includes late charges.
- E. The Alarm Administrator shall conduct an annual evaluation and analysis of the effectiveness of this chapter and identify and implement system improvements as warranted.

8.24.040 Alarm Registrations Required—Terms—Fees and Fee Collection

- A. An Alarm User shall not operate, or cause to be operated, any Alarm System without a valid Alarm Registration. A separate Alarm Registration is required for each Alarm Site having a distinct address or business name. A registration fee including a completed Alarm Registration application shall be received and approved by the Alarm Administrator prior to any Alarm System activation. A 30-day grace period shall be granted from the date of all new alarm installations or takeovers between two alarm users, to accommodate the registration application process.
- B. Owners of Local Alarm Systems are required to adhere to all sections of this chapter and are subject to all fees, fines, suspensions, penalties, or other requirements that are applicable.
- C. The fee for a new initial Alarm Registration and the Alarm Registration renewal fee shall be collected by the Alarm Administrator.
- D. **Existing Alarm Systems**
 - 1. Any Alarm System that has been installed before the effective date of the ordinance codified in this chapter shall be registered and a registration fee collected by the Alarm Administrator.

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a. The Alarm Agreement Holding Company shall provide within 40 days of the effective date of the ordinance codified in this chapter, an Alarm User List of existing Alarm Users in the City, in a format approved by the Alarm Administrator, including name, address, billing address and telephone number to the Alarm Administrator.

b. The Alarm Agreement Holding Company may apply to the Alarm Administrator for an extension of the time limit in subsection (D)(1)(a) based on extenuating circumstances.

2. The Alarm Agreement Holding Company may, through a mutual written agreement, have another Alarm Company provide the Alarm User's list.

E. New Alarm Systems

1. Failure of an alarm user to notify the Alarm Administrator within 20 days that an Alarm System has been installed and send the Alarm Administrator the required information shall result in a fine.

2. In the case of self-installed alarm systems that are to be monitored by a Monitoring Company, the user shall act as the Alarm Installation Company regarding the duties to notify the Alarm Administrator.

3. The initial Alarm Registration fee shall be collected by the Alarm Administrator. Failure of the Alarm User to submit an application and registration fee within the 30 days after notice shall result in the Alarm System being classified as non-registered and late charges being assessed.

F. Alarm Registration and Renewal Fees

1. An Alarm Registration shall expire on July 1st of each year. New registrations will be prorated, and must be renewed annually by the Alarm User. The Alarm Administrator shall notify the Alarm User of the need to renew their registration 30 days prior to the expiration of the registration. It is the responsibility of the Alarm User to submit the updated information and renewal fees prior to the registration expiration date. Failure to renew shall be classified as use of a non-registered Alarm System and subject the Alarm Site to a suspension and late charge.

2. Registration fees shall be collected annually based on a one-year registration period. The amount of the registration and renewal fees required are established by resolution of the City Council.

G. Late Charge. Alarm Users who fail to make payment for an Alarm Registration prior to the registration's expiration date will be assessed a late charge as established by resolution of the City Council.

H. Refunds. No refund of a registration fee or registration renewal fee will be made.

I. Upon receipt of a completed Alarm Registration application form and the Alarm Registration fee, the Alarm Administrator shall issue a Registration Number or Alarm Registration renewal to the applicant unless:

1. The applicant has failed to pay any fee or fine assessed under this chapter; or

2. An Alarm Registration for the Alarm Site has been suspended, and the condition causing the suspension has not been corrected; or

3. The Alarm Installation Company and/or the Monitoring Company listed on the registration application are not in possession of a current valid State of California Department of Consumer Affairs Alarm Company Operators License.

4. Any false statement of a material fact made by an applicant for the purpose of obtaining an Alarm Registration shall be sufficient cause for refusal to issue an Alarm Registration.

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8.24.050 Registration Application—Contents

An application for an Alarm Registration must be in a format provided by the Police Department. The information required on such forms shall be determined by the Alarm Administrator. Registration applicants acknowledge that the Police response may be influenced by factors including, but not limited to, the availability of Officers, priority of calls, traffic conditions, weather conditions, emergency conditions, prior alarm history, administrative actions, and staffing levels.

8.24.060 Transfer of Registration Prohibited

A. An Alarm Registration cannot be transferred to another person or Alarm Site. An Alarm User shall inform the Alarm Administrator and their Alarm Company of any change to the information listed on the Alarm Registration application within 10 business days after such change.

B. Exceptions may be made at the discretion of the Alarm Administrator when the transfer proposed is among members of the family of the original registration holder or successors in interest to the property for which the Alarm Registration has been issued.

8.24.070 Duties of Alarm Users

A. An Alarm User shall:

1. Maintain the Alarm Site and the Alarm System in a manner that will minimize or eliminate False Alarms;
 2. Make every reasonable effort to arrive at the Alarm System's location within 30 minutes after being requested by the Monitoring Company or Police Department in order to:
 - a. Deactivate an Alarm System,
 - b. Provide access to the Alarm Site, and/or
 - c. Provide alternative security for the Alarm Site;
 3. Provide his, her, or its Monitoring Company with the updated names and telephone numbers of at least two individuals who are able and have agreed to:
 - a. Receive notification of an Alarm System activation at any time,
 - b. Respond to the Alarm Site at any time, and
 - c. Provide access to the Alarm Site and deactivate the Alarm System, if necessary;
 4. Not activate an Alarm System for any reason other than an occurrence of an event that the Alarm System was intended to report;
 5. Notify his, her, or its Monitoring Company of any suspension of Police response (as provided for under this chapter) and request that the Monitoring Company not make a Burglar Alarm Dispatch Request.
- B. Operate or cause to be operated any Automatic Voice Dialer which, when activated, uses a telephone device or attachment to automatically dial a telephone line leading into the Police Department or the City and then transmit any pre-recorded message or signal.
- C. Keep a set of written operating instructions for each Alarm System at each Alarm Site.

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8.24.080 Audible Alarms—Restrictions, Abatement of Malfunctioning Alarm

- A. No Alarm System shall emit a sound resembling an emergency vehicle siren or civil defense warning. The Chief of Police shall make the final determination regarding any question of an audible alarm within this section.
- B. After the effective date of the ordinance codified in this chapter, no one shall install, modify or repair an Alarm System in the City of Marina that has a siren, bell or other signal that is audible from any property adjacent to the Alarm Site that sounds for longer than 15 consecutive minutes after the alarm is activated, or that repeats the 15-minute audible cycle more than two consecutive times during a single armed period.
- C. In the event that an audible alarm is activated and fails to reset itself or continues to activate for more than 60 minutes and the responsible person listed on the Alarm Registration or other responsible person cannot or will not respond and silence the alarm, and the continued activation of the alarm is creating a disturbance, the Police Department may cause the alarm to be silenced in a manner determined appropriate for the circumstances. The Alarm User shall be held responsible for the actual costs involved to abate the malfunctioning alarm up to a maximum of \$300.00. The City, its employees or agents shall not be responsible or liable for damage resulting from such disconnection.

8.24.090 Registration and Duties of Alarm Installation Companies and Monitoring Companies

A. Registration.

- 1. No alarm company operator or alarm agent, as defined by the [Business and Professions Code](#), shall install, maintain, or repair any Alarm System within the City unless the Alarm Company operator or alarm agent has, prior to performing such work, obtained a City Business License.
- 2. Each Alarm Installation Company and Alarm Monitoring Company must designate one individual as the Alarm Response Manager (ARM) for the company. The individual designated as the ARM must be knowledgeable of the provisions of this chapter, as well as have the knowledge and authority to deal with False Alarm issues and respond to requests from the Alarm Administrator. The name, contact number, and email address of the ARM shall be provided to the Alarm Administrator. Failure to comply within 30 days after being notified in writing from the Alarm Administrator may result in the suspension of Police Department response to Alarm Dispatch Requests from the non-complying Alarm Installation Company or Monitoring Company.
- 3. Each Alarm Installation Company shall provide the name, address, and phone number of any Monitoring Company it is using to monitor its Alarm Sites within the City, and Monitoring Companies shall do the same for Alarm Installation Companies that use their monitoring services within the City.

B. Alarm Installation Companies shall:

- 1. Upon the installation or activation of an Alarm System, the Alarm Installation Company shall distribute to the Alarm User information summarizing:
 - a. The applicable law relating to False Alarms, including the Registration Fee and the potential for fines and suspension of an Alarm Registration;
 - b. How to prevent False Alarms; and
 - c. How to operate the Alarm System.

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2. After the effective date of the ordinance codified in this chapter, Alarm Installation Companies shall not program Alarm Systems so that they are capable of sending One Plus Duress Alarms. Monitoring Companies may continue to report One Plus Duress Alarms received from Alarm Systems programmed with One Plus Duress Alarms installed prior to the effective date of the ordinance codified in this chapter.
 3. After the effective date of the ordinance codified in this chapter, Alarm Installation Companies shall not install, modify or repair “single action” devices for the activation of Hold-Up, Robbery or Panic Alarms. New devices shall require two actions or an activation time delay to provide more positive assurance that the user intends to activate the device.
 4. Shall include a device in audible Alarm Systems which will limit the duration of the audible alarm to a period of not more than 15 minutes per activation.
 5. Shall not use an Automatic Voice Dialer for any Alarm System which, when activated, uses a telephone device or attachment to automatically dial a telephone line leading into the Police Department or the City and then transmit any pre-recorded message or signal.
 6. Ensure that Alarm Users of Alarm Systems equipped with a Duress, Robbery, Holdup or Panic Alarm has been provided adequate training as to the proper use of the Alarm System’s operation and function.
 7. Shall supply Alarm Systems with an uninterrupted power supply in such a manner that the failure or interruption of the normal electric utility service for a period of up to four hours will not activate the Alarm System.
- C. A Monitoring Company shall:
1. Report alarm signals by using telephone numbers or procedures designated by the Alarm Administrator or other approved communication processes.
 2. Employ Enhanced Call Confirmation procedures on All Burglar Alarm Dispatch Requests. The Marina Police Department may refuse to accept an Alarm Dispatch Request from a Monitoring Company that has failed to comply with the procedures required by Enhanced Call Confirmation. This subsection becomes effective 90 days after the effective date of the ordinance codified in this chapter.
 3. Communicate Alarm Dispatch Requests to the Police Department in a manner and form determined by the Alarm Administrator.
 4. Communicate Cancellations to the Police Department in a manner and form determined by the Alarm Administrator.
 5. Communicate all available Zone activations information (north, south, front, back, door, window, etc.) about the location of an alarm signal(s) as part of an Alarm Dispatch Request.
 6. Communicate the type of alarm activation (silent or audible, interior or perimeter), if available, on any Alarm Dispatch Request.
 7. Notify Communications (Dispatch) of any Alarm Site that it knows, or reasonably should know has guard dog(s), pets or is fitted with a Protective-Reactive Alarm System. During any alarm at such a site, a Responsible Party must be contacted and confirm that he or she will respond to the Alarm Site to disarm the device or take control of the guard dog(s).
 8. After an Alarm Dispatch Request, promptly advise the Police Department if the Monitoring Company knows that the Alarm User or a Responsible Party is on the way to the Alarm Site.

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9. Maintain, for a period of at least one year after the date of an Alarm Dispatch Request, all records relating to the Alarm Dispatch Request. Records must include the name, address and telephone number of the Alarm User, each Alarm System zone activated, the time of Alarm Dispatch Request and evidence of all attempts to verify. The Alarm Administrator may request copies of such records for any individual Alarm User. If the request is made within 60 days after an Alarm Dispatch Request, the Monitoring Company shall furnish requested records within three business days after receiving the request. If the records are requested between 60 days and one year after an Alarm Dispatch Request, the Monitoring Company shall furnish the requested records within 30 days after receiving the request.

10. Shall, upon request, immediately provide the Police Department with the names and phone numbers of the Alarm User's emergency contacts at the time of each Alarm Dispatch Request.

D. Conversion of Alarm Users. An Alarm Installation Company or Monitoring Company that converts the servicing of any Alarm System account from another company shall notify the Alarm Administrator of such conversion and shall make a reasonable effort to provide to the Alarm Administrator, within 60 days from the date of conversion, an Alarm User List of the converted accounts, in a format acceptable to the Alarm Administrator.

8.24.100 Duties and Authority of the Alarm Administrator

A. The Alarm Administrator shall:

1. Designate the manner and form of Alarm Dispatch Requests and the telephone numbers and/or communication process that are to be used for such requests; and

2. Establish a procedure to accept Cancellation of Alarm Dispatch Requests.

B. Establish a procedure to acquire and record information on Alarm Dispatch Requests.

C. Establish and implement a procedure to notify the Alarm User of a False Alarm. The notice shall include the following:

1. The date and time of an Officer's response to the False Alarm; and

2. Any False Alarm fine incurred.

D. The Alarm Administrator may require that a conference be held with an Alarm User and the Alarm Installation Company or Monitoring Company responsible for repairing or monitoring of the Alarm System to review the circumstances of each False Alarm. The conference may be held in person or through a conference telephone call, at the Alarm Administrator's discretion. Failure to participate may result in suspension of the Alarm Registration, as indicated by the facts of the case.

E. The Alarm Administrator may establish an Alarm User Awareness Class. The Alarm Administrator may request the assistance of associations, alarm companies and law enforcement agencies in developing and implementing the class. The class shall inform Alarm Users of the Alarm Ordinance; problems created by False Alarms and teach Alarm Users how to avoid creating False Alarms.

F. If a false Robbery, Hold-Up or Panic Alarm has occurred and the alarm was triggered using a single action, non-recessed device, the Alarm Administrator may consider a waiver or partial waiver of the False Alarm fine, if action is taken by the Alarm User to remove or replace the single action, non-recessed device.

G. The Alarm Administrator shall make a copy of this chapter and/or an ordinance summary sheet available to each Alarm User.

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H. The Alarm Administrator may use electronic means to communicate with Alarm Users, Alarm Installation Companies and Monitoring Companies when applicable or when requested by the recipient and at the Alarm Administrators discretion.

8.24.110 False Alarm Fines—Fees—Late Charges

A. The Alarm Administrator may assess the Alarm User a fine for a False Alarm occurring at that Alarm User's Alarm Site. The amount of said fines for the listed categories shall be established by City Council and may be subsequently amended by resolution of the City Council.

1. Burglar False Alarm Fines;
2. Robbery False Alarm Fines;
3. Panic False Alarm Fines.

B. If a False Alarm fine is not paid within 30 days after the invoice is mailed, a late charge as established by resolution of the City Council shall be imposed.

C. **Fines for False Alarms from Non-Registered Alarm Systems.** For person(s) operating a Non-Registered Alarm System incurring a False Alarm, fines shall be imposed as established by resolution of the City Council.

D. Any Monitoring Company after five business days of receiving notice from the Alarm Administrator that an Alarm User's registration status is that of Non-registered shall not make a Burglar Alarm Dispatch Request from that Alarm User

E. If Cancellation of a Police response occurs prior to the Officer's arrival at the Alarm Site, the response is not considered a False Alarm and no False Alarm fine will be assessed.

F. The Alarm Installation Company shall be assessed a fine in an amount established by resolution of the City Council if the Officer responding to a False Alarm determines that an on-site employee of the Alarm Installation Company directly caused the False Alarm. Such False Alarms are not included in the total number of False Alarms for the Alarm User, nor is the Alarm User to be held liable for any False Alarm fine resulting from such alarm activation.

G. A fine in an amount established by resolution of the City Council shall be imposed against any Monitoring Company that fails to verify Alarm System signals as required in Section [8.24.090\(C\)\(2\)](#) of this chapter.

H. Notice of the right of appeal under this chapter will be included with notice of any fine.

I. All registration fees, renewal registration fees or fines assessed under this section are due within 30 days of written notice unless otherwise noted. A late charge in an amount established by resolution of the City Council shall be imposed for each individual fee or fine due that is not paid within 30 days.

J. The Alarm Administrator may waive the False Alarm fine for the first chargeable False Alarm during the Alarm User's one-year registration period, pending the successful completion of the Online Alarm User Awareness Class available through the Alarm Administrator. In order to have the fine waived, the Alarm User shall have successfully completed the class within 30 days of the fine notice. Alarm Users without online access may request the online school and test be mailed to them. Reasonable additional time to complete the Alarm User Awareness Class shall be allowed for mail delivery.

8.24.120 Notice to Alarm Users of False Alarms and Suspension of a Police Response

A. The Alarm Administrator shall notify the Alarm User in writing or by other electronic means after each False Alarm. The notice shall include the amount of the fine for the False Alarm, the fact that Police response to further alarms may be suspended after the fourth False Alarm (**PER MUNI CODE 8.24.120: “WITHIN ANY THREE CONSECUTIVE CALENDAR MONTH PERIOD OR TWO FALSE ROBBERY ALARMS WITHIN ANY THREE CONSECUTIVE CALENDAR MONTH PERIOD IS EXCESSIVE AND THEREBY CONSTITUTES A PUBLIC NUISANCE** during the Alarm User’s one-year Alarm Registration period, (excluding Duress, Robbery, Holdup and Panic Alarms), and that the Alarm User has the right to appeal.

B. The Alarm Administrator shall notify the Alarm User in writing 30 days beforehand that a Police Department response to further alarms is to be suspended. The right of appeal under this chapter shall be included with the notice. The notice of suspension shall also include the amount of any fees and/or fines due and a description of the reinstatement process.

8.24.130 Alarm Registration Suspension, Fees, Fines, Violation to Make Alarm Dispatch Request for Suspended Alarm Site

A. The Alarm Administrator shall notify the Police Department of each Alarm User whose Alarm Registration qualifies for suspension under this section. The Alarm Administrator may suspend an Alarm Registration if it is determined that:

1. There is a false statement of a material fact in the registration application; or
2. The Alarm User has had four or more False Burglar Alarms within the one-year registration period, except that the Alarm Administrator may waive a suspension of a registration upon receipt of documented work orders showing reasonable attempts to repair the Alarm System prior to the notice of suspension; or
3. The Alarm User fails or refuses to pay an Alarm Registration or Alarm Registration Renewal fee, False Alarm fine, late charge, or any other fee, fine, or charge assessed under this section.

B. It is a violation of this section for a person to operate a Burglar Alarm System during the period in which the Alarm Registration is suspended. It is a violation of this chapter for a Monitoring Company to make an Alarm Dispatch Request to a Burglar Alarm Site after the Monitoring Company’s Alarm Response Manager (ARM) has been notified by electronic mail by the Alarm Administrator that the registration for that Alarm Site has been suspended. A grace period of five business days after the ARM’s notification shall be granted the Monitoring Company to comply. The Alarm Monitoring Company shall be assessed a fine in an amount established by resolution of the City Council for requesting a Burglar Alarm Dispatch Request on a suspended Alarm Site.

C. **False Alarm Fines Under Suspension Status.** In addition to the fines set forth in Section [8.24.110\(A\)](#), a supplemental fine is hereby imposed upon any person operating a suspended Burglar Alarm System. The amount of said fines shall be established by resolution of the City Council.

D. It shall be the responsibility of the Alarm User to notify their respective Alarm Monitoring Company of their suspension status. An Alarm User shall be held financially accountable for all false alarm fines incurred.

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E. Unless there is a separate indication that there is a crime in progress, the Police Department may or may not dispatch an Officer to an Alarm Site for which an Alarm Registration is suspended.

8.24.140 Appeals of Determinations Regarding Alarm Registrations, Fees and Fines

A. If the Alarm Administrator assesses a fee or fine, suspends an Alarm Registration or denies the issuance, renewal or reinstatement of an Alarm Registration, the Alarm Administrator shall send notice of the action and a statement of the right to appeal to the affected applicant, Alarm User, Alarm Installation Company or Alarm Monitoring Company.

B. The applicant, Alarm User, Alarm Installation Company or Alarm Monitoring Company may appeal any action described in subsection A to the Police Chief (or designee) by setting forth in writing the reasons for the appeal and delivering the appeal to the Police Chief (or designee) within 20 days after receipt of notice of the action. Failure to deliver the appeal within that time period is a waiver of the right to appeal.

C. The procedure for an appeal to the Police Chief (or designee) is as follows:

1. The applicant, Alarm User, Alarm Installation Company or Monitoring Company may file a written request for appeal by paying an appeal fee and setting forth the reasons for the appeal. The appeal must be entitled "Appeal from Alarm Administrator's Action." The appeal fee shall be in an amount established by resolution of the City Council and will be returned to the appealing party if the appeal is successful.

2. The Police Chief (or designee) shall conduct a hearing on the appeal within 30 days after the Police Department's receipt of the request for appeal and appeal fee and shall consider the evidence submitted by the appealing party and the Alarm Administrator. The Police Chief (or designee) must base the decision on the preponderance of evidence presented at the hearing and must render a decision within 15 days after the date of the hearing. The decision shall affirm or reverse the decision or action taken by the Alarm Administrator.

3. Filing of an appeal stays any action by the Alarm Administrator to suspend an Alarm Registration or require the payment of a fee or fine until the appeal process has been exhausted. This provision applies only to the action of the Alarm Administrator that is the subject of the appeal. This provision does not operate as a bar to enforcement action on violations of this section that occur thereafter.

D. The Alarm Administrator or the Police Chief, or their respective designees, may adjust the count of False Alarms or assessed fees based on:

1. Evidence that a False Alarm was caused by action of a communications service's provider (i.e., telephone, cellular, cable company);

2. Evidence that a False Alarm was caused by a power outage of more than four hours or severe weather such as a tornado, earthquake, or excessive winds (35 m.p.h. or above as measured by the City of Marina (LIST LOCATION such as the International Airport weather monitoring station);

3. Evidence that an Alarm Dispatch Request was not a False Alarm; or

4. The occurrence of multiple alarms within a 24-hour period, which may be considered as one False Alarm if the Alarm User has taken corrective action, unless the False Alarms are directly caused by the Alarm User.

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E. The Alarm Administrator may waive all or part of a False Alarm fine due to extenuating circumstances or to encourage corrective action with supervisor approval.

8.24.150 Reinstatement of Suspended Alarm Registrations

A. On the suspension of an Alarm Registration, a person whose Alarm Registration has been suspended may obtain reinstatement of the registration by the Alarm Administrator if the person:

1. Pays a reinstatement fee as established by resolution of the City Council;
2. Pays, or otherwise resolves, all outstanding fees, fines, and other charges;
3. Submits a written notice from an Alarm Installation Company stating that the Alarm System has been inspected and repaired (if necessary) by the Alarm Installation Company;
4. The Alarm User successfully completes an Alarm User Awareness Class and test.

B. The Police Department shall reinstate its response to an Alarm Site as soon as is practicable after receiving notice of reinstatement from the Alarm Administrator. The Alarm User and Monitoring Company shall take notice that the Alarm Site has been officially reinstated only after receiving notice from the Alarm Administrator of that fact. It shall be the responsibility of the Alarm User to verify that his, her, or its registration status and future Police response has been properly restored.

8.24.160 Suspension of Police Response to Dispatch Requests from Certain Alarm Installation Companies and Monitoring Companies

A. The Police Chief or Chief's designee may suspend Police response to an Alarm Dispatch Request from an Alarm Installation Company or Monitoring Company if it is determined that:

1. There is a violation of this chapter by the Alarm Installation Company or Monitoring Company and the condition causing the violation has not been corrected; and/or
2. The Alarm Installation Company or Monitoring Company has failed to pay any fee, fine, or other charge assessed under this section, more than 60 days after the fee, fine, or other charge is due.

B. The Police Department may not respond to any Alarm Dispatch Request where the Alarm Installation Company or Monitoring Company who installed or monitors that alarm has failed to comply with California licensing requirements or failed to maintain a valid copy of the State of California Department of Consumer Affairs Alarm Company Operators License.

C. A suspension of Police response made pursuant to this subsection is subject to the appeal process provided for within this chapter. In addition, the Alarm Administrator has the ability to accept a workable solution from the affected party prior to an appeal. The affected party has 60 days after the written notice of suspension before Police response is suspended to its alarm customers.

D. The Alarm Administrator shall notify all known Alarm Users subscribing to an Alarm Installation Company or an Alarm Monitoring Company that the Police Department has suspended response to the company's Alarm Dispatch Requests.

E. The City shall assess the Alarm Installation Company or Monitoring Company a reinstatement fee in an amount established by resolution of the City Council. In addition, if the Alarm Administrator has incurred costs in notifying Alarm Users by mail of the suspension of their Alarm Installation Company or Monitoring Company, reimbursement to the City of those costs shall be a condition of reinstatement.

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8.24.170 Police Department Response

A. Subject to the suspension provisions in Section [8.24.130](#) and the discretion discussed in Section [8.24.190](#), the Police Department at its discretion will respond to all “in progress” Robbery, Panic or Burglar Alarms as promptly as possible, taking into account pending calls for service and any policy establishing priority of dispatched calls following notification of the receipt of the alarm from the Monitoring Company. Police supervisors may, at their discretion, cancel a Police response to any or all alarms based on weather or other factors affecting Police service needs.

B. The Police Chief or designee may re-prioritize assignment of Burglar Alarms and response time at any time during a 24-hour period as may be necessary due to the service needs of the community.

8.24.180 Confidentiality of Alarm Information

All information contained in documents gathered through Alarm Registrations, the submission of customer lists, the alarm appeal process and records relating to Alarm Dispatch Requests must be held in confidence by all employees of the Alarm Administrator, City of Marina and any third-party alarm administrator. Such information is proprietary and is hereby declared confidential and not a public record. Absent special circumstances, such information must not be released to the public or any person other than a law enforcement agency, third party administrator or the applicable Alarm User, Alarm Installation Company or Alarm Monitoring Company except pursuant to court order. Per California [Government Code](#) Section 6254(f).

8.24.190 Scope of Police Duty—Immunities Preserved

The issuance of Alarm Registrations does not create a contract between the Police Department and/or the City of Marina and any Alarm User, Alarm Installation Company or Monitoring Company, nor does it create a duty or obligation, either expressed or implied, on the Police Department to respond to any alarm. Any and all liability and consequential damage resulting from the failure of the Police Department to respond to an Alarm Dispatch Request is hereby disclaimed and full governmental immunity as provided by law is retained. By applying for an Alarm Registration, the Alarm User acknowledges that the Police Department response is influenced by the availability of officers, priority of calls, traffic conditions, weather conditions, emergency conditions, staffing levels, prior response history and administrative actions.

August 27, 2020

Item No: **81(2)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of September 1, 2020

**CITY COUNCIL CONSIDER READING BY TITLE ONLY,
INTRODUCING AND ADOPTING AN URGENCY ORDINANCE TO
ADOPT THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH'S
GUIDANCE FOR THE USE OF FACE COVERINGS TO BE
ENFORCEABLE BY ADMINISTRATIVE CITATION WITHIN THE CITY
OF MARINA.**

REQUEST:

It is requested that the City Council:

1. Read by title only and introduce and adopt an urgency ordinance to adopt the California Department of Public Health's Guidance for the use of face coverings to be enforceable by administrative citation within the City of Marina.

BACKGROUND:

At your adjourned regular meeting on August 21, 2020, the Council provided direction to prepare an urgency ordinance to protect the public's health, safety and welfare through civil enforcement of the requirement to wear face coverings within the City to prevent the spread of COVID-19.

ANALYSIS:

Having a civil enforcement tool available whereby fines could be assessed using the provisions of Chapter 1.12 "Administrative Fines" of the Marina Municipal Code will encourage compliance with wearing face coverings in accordance with the Monterey County Health Officer's Order of April 28, 2020, and the California Department of Public Health's ("CDPH") Guidance without the need to resort to criminal enforcement by charging such offense as a misdemeanor. The proposed urgency ordinance will enable the City to enforce the Monterey County Health Officer's Order and the CDPH Guidance administratively. The fine for a first offense for not wearing a face covering in accordance with the CDPH Guidance is proposed to be \$100, for a second offense \$150, and for a third offense \$200.

Government Code section 36937(b) authorizes the City Council to adopt an urgency ordinance which contains a declaration of the facts constituting the urgency for the immediate preservation of the public peace, health and safety and requires such ordinances to be passed by at least a four-fifths vote of the City Council with the ordinance becoming effective immediately upon its passage.

FISCAL IMPACT:

There will be costs associated with the enforcement of the urgency ordinance. In addition to staff the City will hire an additional temporary contract code enforcement officer to assist with educating the public. The cost is estimated to be \$60.00 per hour. The revenue generated from administrative citations will be deposited to the general fund.

CEQA

This urgency ordinance is exempt from environmental review under the California Environmental Quality Act (“CEQA”) as an emergency project pursuant to California Public Resources Code section 21080(b)(4) as an action to mitigate and emergency, and pursuant to CEQA Guideline 15269 (c) (14 CCR 15269) as a specific action to mitigate an emergency.

CONCLUSION

Recommend reading by title only, introduction and adoption of the urgency ordinance, attached hereto as **EXHIBIT A**, to adopt the California Department of Public Health’s Guidance for the use of face coverings to be enforceable by administrative citation within the City of Marina.

Respectfully submitted,

Robert W. Rathie

Robert W. Rathie
City Attorney’s Office

Reviewed and Concurred by,

Layne Long
City Manager
City of Marina

ORDINANCE NO. 2020-__

AN URGENCY ORDINANCE TO ADOPT THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH'S GUIDANCE FOR THE USE OF FACE COVERINGS TO BE ENFORCEABLE BY ADMINISTRATIVE CITATION WITHIN THE CITY OF MARINA
THE CITY COUNCIL OF THE CITY OF MARINA DOES ORDAIN AS FOLLOWS:

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named COVID-19; and

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and department, and help the state prepare for the broader spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency due to the spread of COVID-19; and

WHEREAS, in accordance with subsection 6.a. of section 2.20.020 of Chapter 2.20 of the Marina Municipal Code, in the event of the proclamation of a local emergency or the proclamation of a state of emergency by the Governor, the Director of Emergency Services is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

WHEREAS, on Friday, March 13, 2020, the City Manager, in his role as the Director of Emergency Services, proclaimed the existence of a local emergency pursuant to Chapter 2.20 of the Marina Municipal Code to ensure an effective response by the City to the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, in Resolution 2020-29, the City Council ratified said Proclamation; and

WHEREAS, on March 19, 2020, the Governor of the State of California issued Executive Order N-33-20, ordering all individuals in the State of California to stay home or at their place of residence, except as outlined by the California Department of Public Health, during the COVID-19 pandemic for the preservation of public health and safety throughout California and to ensure that the healthcare delivery system is capable of serving all, including those at higher risk and the most vulnerable. Executive Order N-33-20 requires all Californians to heed the state public health directives; and

WHEREAS, on March 17, 2020, the Monterey County Health Officer issued a shelter in place order that was amended on April 3, 2020; April 28, 2020; May 1, 2020; and May 8, 2020; and

WHEREAS, ON April 28, 2020, the Monterey County Health Officer issued an Order requiring that people wear face coverings in certain settings and situations; and

WHEREAS, on May 26, 2020, the Monterey County Health Officer issued an Order that was effective upon posting by the California Department of Public Health on its website, stating the Health Officer's Attestation for a Variance through Stage 2 of the State's Roadmap to Pandemic Resilience; and

WHEREAS, the May 26, 2020, Order suspended the May 1, 2020 and May 8, 2020 Orders of the Health Officer and left, among other matters, the April 28, 2020 (facial coverings) and May 3, 2020 (short term lodging facilities) orders in effect; and

WHEREAS on June 18, 2020, the California Department of Public Health (CDPH) released Guidance for the Use of Face Coverings (Guidance), which was updated on June 29, 2020. According to CDPH Guidance, "we have learned a lot about COVID-19 transmission, most notably that people who are infected but are asymptomatic or pre-symptomatic play an important part in community spread. The use of face coverings by everyone can limit the release of infected droplets when talking, coughing, and/or sneezing, as well as reinforce physical distancing;" and

WHEREAS, on July 2, 2020, the California Department of Public Health placed Monterey County on the COVID-19 County Data Monitoring Project watch list in response to elevated disease transmission as evidenced by Monterey County exceeding the State's 14-day case threshold of 100 cases per 100,000 residents, the percent of skilled nursing facilities with no new cases in the last 14 days, and by exceeding the State's threshold for percent change in three-day average COVID-19 hospitalizations; and

WHEREAS, following Monterey County's placement on the watch list on July 6, 2020, on July 7, 2020, the California Department of Public Health issued an Order stating that in addition to the impact on the general population, community spread increased the likelihood of expanded transmission of COVID-19 and directed restrictions for Monterey County on indoor operations for the following sectors: restaurants, wineries, movie theaters, zoos, museums and card rooms while leaving intact all other Orders, Guidance and directives including guidance mandating the wearing of face coverings; and

WHEREAS, according to the Monterey County Daily Situational Report dated August 25, 2020, there are 7,393 confirmed cases of COVID-19, 448 cumulative hospitalizations, 53 fatalities, 4,602 contacts, and a test positivity rate of 11.05% in Monterey County, with increasing rates in recoveries, 17,502 throughout the County; and

WHEREAS, "The CDC (Center for Disease Control), CDPH, and MCHD (Monterey County Health Department) now believe that wearing a face covering, when combined with physical distancing of at least six (6) feet and frequent hand washing, may reduce the risk of transmitting coronavirus when in public ... by reducing the spread of respiratory droplets." (Monterey County Health Officer Order dated April 28, 2020); and

WHEREAS, research has shown face coverings can significantly mitigate the spread of the virus; and

WHEREAS, under California law, Health & Safety Code section 101029, the local public health officer's orders issued for the purpose of preventing the spread of any contagious, infectious or communicable disease are enforceable by local police agencies, and people who fail to comply may be charged with a misdemeanor; and

WHEREAS, the number of infected persons in Monterey County is rising and having a high number of people in public without wearing a face covering seriously impedes community efforts to stem the local transmission of COVID-19; and

WHEREAS, THE City of Marina's code enforcement officers have received a number of complaints from City residents that the public is not heeding the Guidance; and

WHEREAS, Government Code section 36937 authorizes an urgency ordinance to take effect immediately if the ordinance is for the immediate preservation of the public peace, health, or safety, contains a declaration of the facts constituting the urgency and if the ordinance is passed by a four-fifths (4/5) vote of the City Council; and

WHEREAS, it is the intent of this urgency ordinance to provide a tool, in addition to educational efforts, to compel compliance with the Guidance by authorizing enforcement of the orders of the Monterey County Health Officer through the issuance of administrative citations pursuant to the general application of procedures established in Marina Municipal Code Chapter 1.12.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARINA that it hereby ordains, finds, declares, determines, and orders as follows:

1. The recitals set forth above are incorporated herein as if fully set forth, are true and correct, and are adopted as findings of the City Council. Based on the fact stated in the recitals this urgency ordinance is hereby declared by the City Council of the City of Marina to be necessary for the protection of the public health, safety and welfare.

2. That the immediate effective date of this urgency ordinance is necessary to avoid the immediate threat to public peace, health and safety, as failure to adopt this urgency ordinance would impede efforts to stem the local transmission of COVID-19. The City has a compelling interest to stop the spread of this communicable disease, and authorizing an administrative enforcement tool for failure to comply with the Monterey County Health Officers Order of April 28, 2020, and adherence to the CDPH's Guidance is a narrowly tailored means of achieving that objective.

3. The CDPH Guidance and exemptions, attached hereto as Exhibit A, and as may be amended from time to time, is hereby expressly adopted, acknowledged and declared to be enforceable within the City of Marina as if directly enacted by the City pursuant to Marina Municipal; Code section 2.20. The failure to comply with the Order of the Monterey County Health Officer and the CDPH Guidance is a public nuisance.

4. Any individual who violates the Guidelines is in violation of this urgency ordinance and is subject to administrative citations under Marina Municipal Code sections 1.12.010 through 1.12.110. The code section violated shall be given as “Monterey County Health Officer’s Order/CDPH Guidance-Face Covering.” The fine amount for the first violation is \$100, the second violation is \$150, and the third violation is \$200.

5. The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause and phrase of this urgency ordinance is severable and independent of every other section, subsection, paragraph, subparagraph, sentence, clause and phrase of this ordinance. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this ordinance is held invalid, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated.

6. This Ordinance shall not be codified. This ordinance shall be liberally construed to provide the best possible protection for the community. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

7. This ordinance shall be effective immediately upon adoption. This ordinance shall terminate and be of no further force and effect when the Guidelines are terminated by the CDPH or when it is terminated by the City Council, whichever occurs first.

8. The City Council finds this urgency ordinance is exempt from environmental review under the California Environmental Quality Act (“CEQA”) as an emergency project pursuant to California Public Resources Code section 21080(b)(4) as an action to mitigate and emergency, and pursuant to CEQA Guideline 15269 (c) (14 CCR 15269) as a specific action to mitigate an emergency.

9. After the passage of this ordinance, the Deputy City Clerk shall cause it to be posted in the three places in the City designated by resolution of the Council.

PASSED AND ADOPTED by the City Council of the City of Marina at regular meeting duly held on September 1, 2020, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk



SONIA Y. ANGELL, MD, MPH
State Public Health Officer & Director

State of California—Health and Human Services Agency California Department of Public Health

EXHIBIT A



GAVIN NEWSOM
Governor

Released June 18, 2020

- Revised on June 29, 2020 to clarify that children under two years old are exempt from wearing face coverings due to risk of suffocation

GUIDANCE FOR THE USE OF FACE COVERINGS

Because of our collective actions, California has limited the spread of COVID-19 and associated hospitalizations and deaths in our state. Still, the risk for COVID-19 remains and the increasing number of Californians who are leaving their homes for work and other needs, increases the risk for COVID-19 exposure and infection.

Over the last four months, we have learned a lot about COVID-19 transmission, most notably that people who are infected but are asymptomatic or pre-symptomatic play an important part in community spread. The use of face coverings by everyone can limit the release of infected droplets when talking, coughing, and/or sneezing, as well as reinforce physical distancing.

This document updates existing [CDPH guidance](#) for the use of cloth face coverings by the general public when outside the home. It mandates that face coverings be worn state-wide in the circumstances and with the exceptions outlined below. It does not substitute for existing guidance about social distancing and handwashing.

Guidance

People in California must wear face coverings when they are in the high-risk situations listed below:

- Inside of, or in line to enter, any indoor public space;¹
- Obtaining services from the healthcare sector in settings including, but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank;²
- Waiting for or riding on public transportation or paratransit or while in a taxi, private car service, or ride-sharing vehicle;
- Engaged in work, whether at the workplace or performing work off-site, when:
 - Interacting in-person with any member of the public;
 - Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;

¹ Unless exempted by state guidelines for specific public settings

² Unless directed otherwise by an employee or healthcare provider



- Working in any space where food is prepared or packaged for sale or distribution to others;
- Working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;
- In any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically distance.
- Driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present. When no passengers are present, face coverings are strongly recommended.
- While outdoors in public spaces when maintaining a physical distance of 6 feet from persons who are not members of the same household or residence is not feasible.

The following individuals are exempt from wearing a face covering:

- Persons younger than two years old. These very young children must not wear a face covering because of the risk of suffocation.
- Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance.
- Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
- Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service.
- Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least six feet away from persons who are not members of the same household or residence.
- Persons who are engaged in outdoor work or recreation such as swimming, walking, hiking, bicycling, or running, when alone or with household members, and when they are able to maintain a distance of at least six feet from others.

- Persons who are incarcerated. Prisons and jails, as part of their mitigation plans, will have specific guidance on the wearing of face coverings or masks for both inmates and staff.

Note: Persons exempted from wearing a face covering due to a medical condition who are employed in a job involving regular contact with others should wear a non-restrictive alternative, such as a face shield with a drape on the bottom edge, as long as their condition permits it.

Background

What is a cloth face covering?

A cloth face covering is a material that covers the nose and mouth. It can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. A cloth face covering may be factory-made or sewn by hand or can be improvised from household items such as scarfs, T-shirts, sweatshirts, or towels.

How well do cloth face coverings work to prevent spread of COVID-19?

There is scientific evidence to suggest that use of cloth face coverings by the public during a pandemic could help reduce disease transmission. Their primary role is to reduce the release of infectious particles into the air when someone speaks, coughs, or sneezes, including someone who has COVID-19 but feels well. Cloth face coverings are not a substitute for physical distancing, washing hands, and staying home when ill, but they may be helpful when combined with these primary interventions.

When should I wear a cloth face covering?

You should wear face coverings when in public places, particularly when those locations are indoors or in other areas where physical distancing is not possible

How should I care for a cloth face covering?

It's a good idea to wash your cloth face covering frequently, ideally after each use, or at least daily. Have a bag or bin to keep cloth face coverings in until they can be laundered with detergent and hot water and dried on a hot cycle. If you must re-wear your cloth face covering before washing, wash your hands immediately after putting it back on and avoid touching your face. Discard cloth face coverings that:

- No longer cover the nose and mouth
- Have stretched out or damaged ties or straps
- Cannot stay on the face
- Have holes or tears in the fabric

###

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of September 1, 2020

CITY COUNCIL CONSIDER OPENING A PUBLIC HEARING, TAKE ANY TESTIMONY FROM THE PUBLIC OBJECTING TO ABATE SUCH WEEDS, RUBBISH AND/OR REFUSE, CONSIDER ADOPTING RESOLUTION NO. 2020, APPROVING ABATEMENT OF WEEDS, ACCUMULATION OF RUBBISH AND/OR REFUSE UPON CERTAIN SPECIFIED PRIVATE PROPERTY PARCELS TO BE PUBLIC NUISANCES BY CITY PUBLIC WORKS DIVISION, SCHEDULING PUBLIC HEARING FOR TUESDAY, OCTOBER 6, 2020, TO CONFIRM THE 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

RECOMMENDATION:

It is requested that the City Council:

1. Consider Opening a public hearing and take any testimony from the public objecting to abate such weeds, rubbish and/or refuse, and;
2. Consider adopting Resolution No. 2020-, 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;
3. Set public hearing for Tuesday, October 6, 2020, to confirm any assessment of costs for weed abatement to be levied against any parcel not in compliance, and;
4. Direct filing of such levy with Monterey County Assessor's Office.

BACKGROUND:

At the regular meeting of August 18, 2020, the City Council approved Resolution No. 2020-105 declaring growing weeds, rubbish and/or refuse accumulations upon private property parcels to be public nuisances and approving a "Notice to Abate" such nuisances.

During the period of June 1 through June 17, 2020 the City's Fire Department inspected properties in the City and found one hundred and five (105) properties out of compliance.

A notice was mailed by the Fire Department via first class regular mail to the one hundred and five (105) property owners notifying them of their non-compliance on June 17th, 2020.

During the period of July 13th through July 24th 2020, the City's Fire Department re-inspected the properties on the non-compliance list and found eighteen (18) properties still out of compliance.

On August 26th the properties out of compliance were re-inspected and 4 were found to be out of compliance.

ANALYSIS:

On August 19, 2020, the Fire Department sent registered letters via United States Postal Service to the four (4) properties where a fire hazard still exists on their property. The letter also notified them that a public hearing will be held on September 1, 2020 at 6:30 to allow the property owners an opportunity to state their objections to the proposed removal of the weeds, rubbish, refuse and dirt.

At the September 1, 2020 Council Meeting the affected property owners will have the opportunity to voice their objections to abate the weeds and be given due consideration by the City Council during a Public Hearing.

If the Council adopts this Resolution, the Fire Department will coordinate with City Public Works Division to abate weeds, rubbish, etc., if needed. As of this date, there are four (4) private properties that still need to comply with the weed abatement requirements (“**EXHIBIT A**”). Some of these properties may be foreclosures and code enforcement will be assisting.

If a property is cleared by City Public Works, a Public Hearing Notice to confirm the assessment of costs to abate will be mailed certified, registered mail to the affected property owners before Friday September 25th 2020 and brought to the City Council Meeting on Tuesday October 6, 2020 at 6:30 P.M. to confirm assessments.

FISCAL IMPACT:

A Lien will be place on the property to recover any cost that Public Works incurs during abatement.

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. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING ABATEMENT OF WEEDS, ACCUMULATION OF RUBBISH AND/OR REFUSE
UPON SPECIFIED PARCELS ON PRIVATE PROPERTY AS PUBLIC NUISANCES BY CITY
PUBLIC WORKS DEPARTMENT AND SCHEDULING PUBLIC HEARING TO CONFIRM
THE ASSESSMENT OF COSTS FOR WEED ABATEMENT

WHEREAS, at the regular meeting of August 18, 2020, the City Council approved Resolution No. 2020-105 declaring growing weeds, rubbish and/or refuse accumulations upon certain specified private property parcels to be public nuisances, and approving a "Notice to Abate" such nuisances; and

WHEREAS, during the period of June 1st through June 21st, 2020 the City's Fire Department inspected the properties in the City of Marina and found one hundred and five (105) properties that were out of compliance; and

WHEREAS, a notice was mailed by the Fire Department via first class regular mail to one hundred and five (105) property owners notifying them that their property is of compliance on June 17th, 2020; and

WHEREAS, during July 18th, through July 24th, 2020, the City's Fire Department re-inspected the properties on the non-compliance list and found that eighteen (18) were still out of compliance; and

WHEREAS, on August 26th, 2020, the City's Fire Department re-inspected the properties on the non-compliance list and found that four (4) were still out of compliance; and

WHEREAS, the City's Fire Department mailed certified registered letters to the affected property owners on August 19, 2020 as set forth in "**Exhibit A**"; and

WHEREAS, the City Council held a public hearing on September 1, 2020.

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

1. Approve abatement of weeds, accumulation of rubbish and/or refuse upon certain specified private property parcels as public nuisances by the City Public Works Division, and;
2. Schedule a public hearing to confirm the assessment of costs for weed abatement to be levied against any parcel not in compliance for 6:30 P.M., Tuesday, October 6th 2020, or as soon as the matter may be heard, if any abatement by the City is conducted.
3. Direct filing of such levy with Monterey County Assessor's Office

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on September 1, 2020 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

Exhibit A

As of August 26, 2020

APN#	Date	Address	First Name/Company	Last Name
32061005	6/3/2020	3199 Susan Avenue	Douglas	Lamb
32071023	6/3/2020	289 Young Circle	Raymond Shultz	c/o Thomas Shultz
32181011	6/2/2020	3144 Del Monte Blvd	PearlGate Inc	DBA Valero
32361020	6/1/2020	3057 Mildred Court	Sarat & John	Osborne

August 12, 2020

Item No: **11a**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of August 18, 2020

**CITY COUNCIL CONSIDER PROVIDING DIRECTION TO STAFF
CONCERNING DEVELOPMENT OF COUNCIL-ADOPTED GENERAL
PLAN AND LOCAL COASTAL PROGRAM AMENDMENTS TO
REPLACE THE 2000 URBAN GROWTH BOUNDARY.**

REQUEST:

It is requested that the City Council:

1. Provide direction to staff concerning development of Council-adopted General Plan and Local Coastal Program amendments to replace the 2000 Urban Growth Boundary.

BACKGROUND:

At the city council meeting on February 4, 2020, the Council provided direction that a measure be placed on the ballot for the November 3, 2020 General Municipal Election to extend until December 31, 2040, the 2000 Urban Growth Boundary (“2000 UGB”). The 2000 UGB was adopted by the voters at the November 7, 2000, General Municipal Election in response to a voter-sponsored initiative. Unless it is extended, the 2000 UGB will expire in accordance with its terms on December 31, 2020. Both the Planning Commission, on June 11, 2020, and the City Council, on June 16, 2020, unanimously approved placing the extension on the ballot for the November 3, 2020 election and the matter is to be considered by the voters at that time as Measure Q. If Measure Q is approved by the City’s voters the 2000 UGB will be extended and will remain in place until December 31, 2040.

The City Council also expressed an interest in considering options for the City to adopt the same changes proposed in the Urban Growth Boundary ballot measure, including what city codes and regulations would need to be changed and the processes involved to do this.

ANALYSIS:

If the voters approve Measure Q there would be no need for the Council to adopt a replacement “clone” of the 2000 UGB for the next twenty years.

In the event the voters do not approve Measure Q, the Council would have an opportunity to replace the 2000 UGB to impose the same restrictions on development to the north of the City. This new urban growth boundary would need to be processed as both General Plan and Local Coastal Program amendments with all that entails including making consistency findings and referrals, consultation with LAFCO and the California Coastal Commission, environmental review, citizen involvement, and noticed public hearings before both the Planning Commission and City Council. Significant effort would also be required to identify the modifications made to the 2000 General Plan by the 2000 UGB as the 2000 UGB initially modified the 1982 General Plan which was replaced by the 2000 General Plan after the 2000 UGB qualified for placement on the ballot but prior to its adoption by the voters.

In the event the voters do not approve Measure Q there is likely very little immediate need or urgency attached to having an urban growth boundary in place on January 1, 2021, as the greater part of the lands located north of the 2000 UGB are now in agricultural production and are believed to produce revenue sufficient to engender a high degree of confidence that those lands will remain in agricultural use for the foreseeable future. Also, if Measure Q fails to achieve a majority of the votes in the November election, the effort to develop a viable, long term replacement might benefit from an understanding of why the voters did not approve the Council-sponsored Measure Q.

If Council directs that work be undertaken now to develop a replacement urban growth boundary as a contingency in the event the voters do not approve Measure Q, given the existing workload, project priorities and staff resources available to the Community Development Department, it is recommended that the City Council consider directing the City Manager to engage a consultant or consultants to assist the Planning staff in that effort. In order for a replacement for the 2000 UGB or a new urban growth boundary to be in place by January 1, 2021, this work would need to commence immediately.

FISCAL IMPACT:

If Council decides at this time to forego replacing the 2000 UGB and to revisit the need for same following the November 2020 General Municipal Election there would be no fiscal impact.

If Council directs and authorizes the engagement of a consultant or consultants in support of the effort to replace the 2000 UGB with work to commence as soon as possible it is estimated that \$25,000 - \$50,000 would be required initially as an expenditure in support of that effort.

CONCLUSION:

Council is respectfully requested to provide staff with direction in this matter.

Respectfully submitted,

Fred Aegerter
Community Development Director
City of Marina

Reviewed and Concurred by,

Layne Long
City Manager
City of Marina

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of September 1, 2020

**RECOMMENDATION TO CONSIDER ADOPTING RESOLUTION NO. 2020-,
DIRECTING THE PURCHASE OF A ROSENBAUER BATTERY/ELECTRIC
FIRE ENGINE OR REQUEST THE REFUND OF \$200,000 AND APPLY THAT
AMOUNT TO THE PURCHASE OF THE ROSENBAUER AVENGER FIRE
ENGINE. IF DIRECTED TO PURCHASE THE AVENGER FIRE ENGINE USE
THE 100% PRE-PAY OPTION AND AUTHORIZE THE FINANCE DIRECTOR
TO MAKE NECESSARY ACCOUNTY AND BUDGETARY ENTRIES.**

REQUEST:

It is requested that the City Council:

1. Provide direction to purchase the Rosenbauer Battery/Electric Fire Engine or request the refund of the \$200,000 deposit and apply that amount to the purchase of the Rosenbauer Avenger Fire engine.
2. Consider the 100% Pre-Pay option if directed to purchase the Avenger Engine.
3. Consider authorizing the City Manager to issue a purchase order for a Rosenbauer Battery/Electric Engine or request a refund and apply that amount to the purchase of a Rosenbauer Avenger Engine on behalf of the City subject to final review and approval by the city attorney.
4. Consider authorizing the Finance Director to make necessary accounting and budgetary entries.

BACKGROUND:

At the March 3, 2020 City Council Meeting Resolution 2020- 21 was approved authorizing the purchase of a Type One Fire Engine as identified in our Capital Improvement vehicle replacement plan. Council also authorized a \$200,000 refundable deposit on a Rosenbauer Battery/Electric Type One Fire Engine to secure a spot in the production line. The original timeline to issue a Purchase Order for the refundable deposit was 90 days. Because of the Pandemic and the uncertain economic times associated with the Pandemic, we asked for and received an extension to September 9, 2020.

The Budget for Fiscal Year 2020/2021 allocated \$300,000 from on-going General Fund revenue to begin the purchase and construction of a new Type 1 Engine and the remaining funds for the engine would be budgeted in the Fiscal Year 2021/2022 budget.

The discussion at the meeting was to pursue grant opportunities to help offset the additional approximately \$700,000 cost of the battery/electric engine. Staff has not been able to find any grant opportunities yet.

ANALYSIS:

Rosenbauer is an international company and one of the world's three largest producers of firefighting vehicles. Rosenbauer is a single-source manufacturer that builds its own chassis and pumps. For the Battery/Electric engine Rosenbauer has partnered with Volvo. Rosenbauer has over 150 years of continued manufacturing experience with over 2,300 employees worldwide and over 2,000 vehicles produced worldwide annually. In North America, Rosenbauer has over 65 years of continuous operations with over 600 employees. Rosenbauer shares cutting-edge global technology with firefighters and is a leader in innovation with the ability to manufacture utilizing the latest 3D engineering programs.

Both the Battery/Electric and the Avenger meet the National Fire Protection Association (“NFPA”) 1901 Standard for Automotive Fire Apparatus. NFPA 1901 defines the requirements for new automotive fire apparatus and trailers designed to be used under emergency conditions to transport personnel and equipment and to support the suppression of fires and mitigation of other hazardous situations. Both Engines will meet the Department’s requirements and will provide the City over twenty years of reliable service.

The Battery/Battery/Electric Engine is designed to have a minimal carbon footprint and is built with 98% recyclable materials and design factors to protect the health and safety of our firefighters.

The firefighting capabilities are comparable on both the Battery/Electric and the Avenger Fire Engines.

Battery/Battery/Electric Engine		Avenger Engine
Power:	Battery/Electric	Diesel
Length:	28 Feet (Overall)	29.5 Feet
(Overall		
Width:	92.5 Inches	120 Inches
Drive:	All Wheel	Rear Wheel
Steering:	All Wheel Steer	Front Wheel
Steer		
Superstructure:	Aluminum	Aluminum
Fire Pump:	1500 GPM	1500 GPM
Water Tank:	500 Gallons	500 Gallons
Hose:	700’ 5” Hose	700’ 5” Hose
	700’ 2 ½” Hose	700’ 2 ½”
Hose		
	600’ 1 ¾” Hose	600’ 1 ¾”
Hose		
	200’ 1” Hose	200’ 1” Hose
Lights:	Integrated Shadow less LED Lights	Side Mounted
LED		

Functionally the Battery/Electric Engine has the following improved capability:

- The Command Center inside with Main Control Panel Screen for the Incident and Crew
- Safety Cell, including Rollover Protection (The Cab)
- Force feedback system and electronic mirror system
- Intuitive Touch Screen
- Electric Drive along with Reduced Noise Levels for better communication
- All Wheel Drive
- Low center of gravity
- EMEREC application with the drone that is mounted on the Engine
- Better Agility & driving performance
- Tighter Turning Radius
- The engine is Narrower to allow maneuverability on narrow streets
- Better Ground Clearance
- Outstanding Ergonomics, lowers to 6“ when parked
- Higher loading capacity
- Highest vehicle safety
- Environmental friendly

FISCAL IMPACT:

The City of Marina is a member of Sourcewell, member number 27263. Sourcewell is a national municipal cooperative purchasing agency. The Rosenbauer fire engine has been competitively bid through Sourcewell which ensures that the City is receiving competitive pricing in accordance with the requirements of California law and City policies.

Differences in Battery/Electric Vs. Diesel

	<u>Diesel</u>	<u>Battery/Electric</u>	<u>Difference</u>
Acquisition	\$750,000	\$1,400,000	(\$650,000)
Estimated Fuel (Year)	\$8,750	\$2,500	\$ 6,250
Maintenance	\$5,000	\$1,500	\$3,500

Estimated operating Cost Savings over 20 years:

Fuel \$125,000 + Maintenance \$70,000 = \$195,000 Savings over
20 years.

After deducting the maintenance and fuel savings, the estimated additional cost of the Battery/Electric Engine is approximately \$455,000.

When the Council was considering the Battery/Electric Engine option in March 2020 prior to the COVID-19 impacts, the General Fund was anticipated to have an ongoing surplus of \$1.1 million annually. It was anticipated that the additional cost could be funded from General Fund surplus remaining in FY20/21 or from surplus from FY 21/22. The General Fund no longer has an ongoing surplus and the additional \$455,000 would have to be taken from unallocated General Fund reserves which are approximately \$5.0 million at this time.

The City also still needs to plan to budget for another fire engine that has ladder capabilities in the next couple years. This engine is expected to cost \$1.0 million dollars

The City can receive approximately a \$50,000 discount in the purchase price if the City pre-pays for the Avenger diesel fire engine. Staff recommends doing this option if council recommends moving forward with the diesel Avenger fire engine. The remaining amount to purchase this engine would be \$200,000 and this could be funded from unallocated reserve or the equipment replacement reserve. Either of these funds could potentially be replaced during the budget for FY 21/22 since \$500,000 for the purchase of the engine has already been built into the existing ongoing General Fund base. The current reserve balance of the Vehicle Replacement Fund is \$3.1 million.

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

Respectfully submitted,

Doug McCoun
Fire Chief
City of Marina

REVIEWED/CONCUR:

Brian McMinn
Public Works Director
City of Marina

Eric Frost
Finance Director
City of Marina

Layne Long
City Manager
City of Marina

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA DIRECTING THE PURCHASE OF A ROSENBAUER BATTERY/ELECTRIC FIRE ENGINE OR REQUEST THE REFUND OF \$200,000 AND APPLY THAT AMOUNT TO THE PURCHASE OF THE ROSENBAUER AVENGER FIRE ENGINE. IF DIRECTED TO PURCHASE THE AVENGER FIRE ENGINE USE THE 100% PRE-PAY OPTION AND AUTHORIZE THE FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTY AND BUDGETARY ENTRIES.

WHEREAS, a “type one” fire engine is designed and typically used by municipal fire departments for fighting structural fires; and

WHEREAS, Marina Fire Department has budgeted for a new Fire Engine in the Vehicle Replacement fund; and

WHEREAS, funding is provided for in the Vehicle Replacement Fund; and,

WHEREAS, after evaluating all available data, the Apparatus Specification Committee recommends the purchase of a type one fire engine manufactured by the Rosenbauer America (“Rosenbauer”) firm as the Rosenbauer engine meets or exceeds all the specification requirements of the Marina Fire Department; and

WHEREAS, the City of Marina is a member of Sourcewell, formerly the National Joint-Powers Agency (NJPA), a cooperative purchasing program to assist local government in reducing costs through a nationwide government-to-government procurement service; and

WHEREAS, staff has verified that the proposed agreement with Rosenbauer has properly utilized the Sourcewell bidding process which conforms to California law and City purchasing policies.

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

1. Provide direction to purchase the Rosenbauer Battery/Electric Fire Engine or request the refund of the \$200,000 deposit and apply that amount to the purchase of the Rosenbauer Avenger Fire engine, and;
2. Authorize the 100% Pre-Pay option if directed to purchase the Avenger Engine, and;
3. Authorizing the City Manager to issue a purchase order for a Rosenbauer Battery/Electric Engine or request a refund and apply that amount to the purchase of a Rosenbauer Avenger Engine on behalf of the City subject to final review and approval by the city attorney, and;
4. Consider authorizing the Finance Director to make necessary accounting and budgetary entries.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on September 1, 2020 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

RESOLUTION NO. 2020-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA AUTHORIZING THE PURCHASE OF A FIRE ENGINE BUDGETED FOR IN THE 2020/21 VEHICLE REPLACEMENT FUND AND AUTHORIZING THE ALLOCATION OF \$200,000 FROM UNASSIGNED REVENUES TO PLACE A REFUNDABLE DEPOSIT WITH ROSENBAUER TO SECURE A PRODUCTION SLOT TO PURCHASE AN ELECTRIC TYPE ONE FIRE ENGINE FROM ROSENBAUER AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES AND RETURN TO THE APRIL 21, 2020 COUNCIL MEETING FOR FINAL DIRECTION FROM COUNCIL APPROVING THE PURCHASE OF EITHER A ROSENBAUER ELECTRIC ENGINE OR A ROSENBAUER AVENGER ENGINE.

WHEREAS, a “type one” fire engine is designed and typically used by municipal fire departments for fighting structural fires; and

WHEREAS, Marina Fire Department has budgeted for a new Fire Engine in the Vehicle Replacement fund; and

WHEREAS, funding is provided for in the Vehicle Replacement Fund; and,

WHEREAS, after evaluating all available data, the Apparatus Specification Committee recommends the purchase of a type one fire engine manufactured by the Rosenbauer America (“Rosenbauer”) firm as the Rosenbauer engine meets or exceeds all the specification requirements of the Marina Fire Department; and

WHEREAS, the City of Marina is a member of Sourcewell, formerly the National Joint-Powers Agency (NJPA), a cooperative purchasing program to assist local government in reducing costs through a nationwide government-to-government procurement service; and

WHEREAS, staff has verified that the proposed agreement with Rosenbauer has properly utilized the Sourcewell bidding process which conforms to California law and City purchasing policies.

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

1. Consider authorizing the purchase of a Fire Engine budgeted for in the 2020/21 Vehicle replacement fund; and
2. Consider authorizing the City Manager to execute a Letter of intent to purchase one (1) M91x eFire vehicle; and
3. Consider authorizing the allocation of \$200,000 from Unassigned Revenues to place a Refundable Deposit to secure a production slot with Rosenbauer to purchase a M92x e Fire Vehicle Type One Fire Engine; and,
4. Consider authorizing the Finance Director to make necessary accounting and budgetary entries; and,
5. Consider authorizing the City Manager to execute placement of a refundable deposit with Rosenbauer to secure the production slot on behalf of the City subject to final review and approval by the city attorney; and,
6. Return to the City Council Meeting within 90 days for final direction from Council to approve the purchase of either a Rosenbauer Electric Engine or a Rosenbauer Avenger Engine.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on March 3, 2020 by the following vote:

AYES: COUNCIL MEMBERS: Berkley, O'Connell, Morton, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Urrutia

ABSTAIN: COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

EXHIBIT A

Status of General Fund Available Revenues, Fiscal Year 2019/20

General Fund Excess of Revenues Over/(Under) Expenditures (1,532,720)
(Page 8, General Fund, Column 9)

Add Back One-time Capital Transfers

Capital Transfers
(1) 3,935,300
Less: Recurring Roads
(2) (1,600,000)

Vehicle Transfer
(3) 812,000
Less: recurring
amounts (4) (507,000)

Less One-time Transfers
net 2,640,300

Unassigned Budgeted Revenues
19/20 1,107,580

Subsequent uses of General Fund Revenues since 7/1/2019

<u>Resolution #</u>	<u>Item</u>	
2019-39	Initial Purchase of Self Contained Breathing Appt.	(39,000)
2019-88	Formation Environmental - GSA	(274,780)
2019-90	IT Server Room	(14,025)
2019-97	Voting Rights - NDC Districting Consulting Grant supported	(34,500)
2019-103	SCBA	(190,233)
2020-Proposed	Fire Engine Deposit - Electric or Gas	(200,000)

Remaining Unassigned Revenues as of 1/31/2020 355,042

(1) Page 10, Summary of Transfers 3rd
grouping

(2) Page 122 #2 Annual Street Resurfacing, less \$120,000 for Flower Circle

(3) Page 10, Summary of Transfer, 4th
grouping

(4) Page 156, Vehicle replacement memo 19/20 purchases

Other Budget Resolutions since 7/1/19

<u>Resolution #</u>	<u>Item</u>	<u>Fund</u>	
2019-83	New Image Landscape	Landscape Districts	960
2019-87	Annual Street Project (5)	462	192,256
2019-89	Airport Runway Addition	555	46,130

(5) The bid over the engineer's estimate fell within budget, but was more than expected

New Grant Awards

2019-	Safer Grant - Annualized Grant Amount - First Year	381,468
2019 -	Safer Grant - SCBA purchase	159,368

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of March 3, 2020

**RECOMMENDATION TO CONSIDER ADOPTING RESOLUTION NO. 2020-,
AUTHORIZING THE PURCHASE OF A FIRE ENGINE BUDGETED FOR IN
THE 2020/21 VEHICLE REPLACEMENT FUND AND AUTHORIZING THE
ALLOCATION OF \$200,000 FROM UNASSIGNED REVENUES TO PLACE A
REFUNDABLE DEPOSIT WITH ROSENBAUER TO SECURE A PRODUCTION
SLOT TO PURCHASE AN ELECTRIC TYPE ONE FIRE ENGINE FROM
ROSENBAUER AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE
NECESSARY ACCOUNTING AND BUDGETARY ENTRIES AND RETURN TO
THE APRIL 21, 2020 COUNCIL MEETING FOR FINAL DIRECTION FROM
COUNCIL APPROVING THE PURCHASE OF EITHER A ROSENBAUER
ELECTRIC ENGINE OR A ROSENBAUER AVENGER ENGINE.**

REQUEST:

It is requested that the City Council:

1. Consider authorizing the purchase of a Fire Engine budgeted for in the 2020/21 Vehicle replacement fund; and
 - a. Consider authorizing the City Manager to execute a Letter of Intent to purchase one (1) M91x eFire vehicle; and
 - b. Consider authorizing the allocation of \$200,000 from Unassigned Revenues to place a refundable deposit to secure a production slot for the purchase anM91x eFire vehicle Type One Fire Engine from Rosenbauer; and
2. Consider authorizing the Finance Director to make necessary accounting and budgetary entries; and
3. Return within 90 days to the City Council for final direction from Council to approve the purchase of either a Rosenbauer Electric Engine or a Rosenbauer Avenger Engine.

BACKGROUND:

One of the key public safety issues addressed by the City Council in the adoption of the budget for Fiscal Years 2019/20 and 2020/21 was the purchase of two new fire engines to replace old fire engines that needed to be put in either reserve status or retired. These engines are old and are operating past the normal expected service life.

The expected service life of a fire engine is twenty years, with ten years as a first out and ten years as a reserve. The City's current type 1 fire engines are:

- 2007 Ferrara Type 1 Engine (13 years old)
- 1998 Spartan/Ferrara Type 1 Engine (22 years old)
- 1994 Pierce Save Type 1 Engine (26 years old)

In January 2020 the City took delivery of a new Rosenbauer Avenger Type 1 Engine. This Engine is operating out of Station 1, the main fire station downtown.

The 2007 Ferrara Type 1 Engine was moved to provide for a second engine company now operating out of Station 2 at the airport fire station. The 1998 Spartan/Ferrara Type 1 and the 1994 Pierce Saver Type 1 have been moved into reserve status.

The Budget for Fiscal Year 2020/2021 allocated \$300,000 to begin the purchase and construction of a new Type 1 Engine to replace the 2007 Ferrara Type 1 Engine and the remaining funds for the engine would be budgeted in the Fiscal Year 2021/2022 budget.

ANALYSIS:

The acquisition of a fire engine is a major undertaking and the Engine Specification committee has done an outstanding job in the design of our newly delivered Rosenbauer Avenger Fire Engine.

For the next engine, the City of Marina has the opportunity to place an order for either an identical engine to Rosenbauer Avenger engine that we just took delivery of or place an order for a Battery/Electric Engine.

In a Technology Partnership with Volvo Penta and BMW, Rosenbauer has developed a Battery/Electric powered Fire Engine. If the Council approves the \$200,000 refundable deposit to secure a production slot for a Battery/Electric Engine, the Engine would be built during the second production run of the Battery/Electric Engines and we would expect delivery in the second quarter of 2022. Rosenbauer is the largest maker of fire engines in the world.

To see the Battery/Electric Engine, we traveled to the 2020 Fire House World conference where we able to spend time with the designers of the Concept Battery/Electric Fire Engine and was also able to take a ride in the Engine to observe and feel how the Engine performed.

During the development and design of the Concept engine, the designers started with a clean sheet of paper. The design and development took several years as the designers worked to seek answers to the essential questions of the future of Firefighting using Firefighting Megatrends and then design a Fire Engine using that information as a guide.

While it is not possible to predict what will happen the following day, studies and research can forecast how the world could change in the future and how living conditions could be designed. Rosenbauer's in-house think tank uses scientific principles and expert knowledge as well as the instruments of modern trend analysis and future studies. This addresses the question of which changes, trends, and megatrends shape the present and what conclusions can be drawn from them for the future. These megatrends were used as the basis and were compiled in the third version of their Firefighting Trend map by applying technological research, trend screenings, expert forums as well as study data.

The Firefighting Trend map allows thoughts on future events as well as technical and social changes that will impact fire departments and their organizations along with future technology, to be represented. The following topics are dealt with in the Firefighting Trend map:

Mobility, Individualization, Silver Society, Gender Shift, Connectivity, Health, Security, Neo Ecology, Knowledge Culture, Globalization, Urbanization, New Work and Migration.

With a clean sheet of paper and using the Firefighting Trend map for guidance, the Battery/Electric Concept Fire engine was designed. The Engine is designed to have a minimal

carbon footprint and is built with 98% recyclable materials and design factors to protect the health and safety of our firefighters. A partial listing of these design features are:

Optimized Ergonomics, Low removal heights, Low entry heights, Headroom, Lowerable chassis Ladder and roof box lowering device, Permanent All-Wheel Drive, Dynamic acceleration, Low center of gravity, Optimal weight distribution (50/50), High curve velocity, ESP with all-wheel drive, Hight adjustable chassis, Commander & Driver Cockpits, Large central screen, Simple Operation (ONE Button Operation), Remote control of vehicle functions, Integrated EMEREC application, Compact Dimensions, 93 in. width, Steered Rear Axle, Small turning circle (<40 ft) Electronic rear view mirror with increased field of vision, Driving assistance systems, Force Feedback System in the driver's seat, Rear cameras, Object recognition, Communication Team Cockpit – enhances optimal (non-verbal) communication, Good noise insulation in the cabin, Networked vehicle (WLAN Access Point), Integrated scene lighting (no shadows), High light intensity, Cornering light, Operational Suitability, High payload, More compartment space Integrated lifting platform, Flexible Manipulations System, Range Extender for unlimited operation using a Low emission BMW diesel engine, Remote diagnostics.

The Battery/Electric Engine has two batteries with a charge capacity of 100 kilowatt hours. This enables fully electric operation for roughly two hours which would cover 90% of our calls. Because NFPA requires the engine to be self-sufficient for at least 8 continuous hours, the engine comes with a range extender that gives the Engine virtually unlimited range. Rosenbauer has had an Electric engine in the States and in Canada for months and has not had to plug the engine in yet. Between regenerative braking and the generator, range has not been an issue. The Electric Fire Engine is an innovative tool that will help reduce noise and harmful diesel emissions while provide a flexible tool for firefighting and rescue operations from a technologically advanced platform.

The firefighting capabilities are comparable on both the Battery/Electric and the Avenger.

	Battery/Electric Engine	Avenger Engine
Power:	Electric	Diesel
Length:	28 Feet (Overall)	29.5 Feet (Overall)
Width:	92.5 Inches	120 Inches
Drive:	All Wheel	Rear Wheel
Steering:	All Wheel Steer	Front Wheel Steer
Superstructure:	Aluminum	Aluminum
Fire Pump:	1500 GPM	1500 GPM
Water Tank:	500 Gallons	500 Gallons
Hose:	700' 5" Hose	700' 5" Hose
	700' 2 ½" Hose	700' 2 ½" Hose
	600' 1 ¾" Hose	600' 1 ¾" Hose
	200' 1" Hose	200' 1" Hose
Lights:	Integrated Shadowless LED Lights	Side Mounted LED

Note: Both Engines has the capability to carry the same complement of Hose and Equipment.

Another feature of the Battery/Electric engine is the EMEREC application and the drone that is mounted on the Engine. The EMEREC application provides for Firefighter safety and accountability which allows the Incident Commander to track the firefighters on the fire ground along with providing pre fire plans and other critical information to be readily accessible to the

Incident Commander. The Drone will have the ability to be launched from the Engine and fly to the coordinates and provide real time video to responding units.

If the Council directs staff to proceed with the order of the Avenger, we have been offered financial incentives if we allow them to show the Avenger for up to 180 days. These financial incentives exceed \$23,459 for equipment that we would otherwise have to purchase. The completion date will be 360 days from time of order and delivery 90 days after that. We could expect delivery of the Avenger at the end of 2021.

The Battery/Electric Engine looks like our new Avenger and would be one of the first Battery/Electric Engines in California. The Los Angeles Fire Department will receive the first Battery/Electric Engine in Northern California. The acquisition of the Electric Engine could set an example for others in the region and state and affirm our commitment for climate protection and sustainability.

Staff will bring this item back to the City Council within 90 days for discussion and further direction on which of the two options to pursue.

Option 1. Confirm with Rosenbauer that we will purchase the Battery/Electric Engine for approximately \$1.4 million dollars, and they will keep our deposit which will be applied to the purchase price for delivery in 2nd Quarter of 2022. This engine will be built in Austria. If council does not approve the purchase of the Electric/Battery Engine, the \$200,000 deposit will be returned.

Option 2. Purchase the Rosenbauer Avenger for \$699,322.00. If council approves this option, we are requesting \$82,322 from unallocated funds due to the increase of Tariffs and raw material cost. To place this order, we would issue a Purchase order and would make the first of two payments after the Chassis is delivered, approximately 6 to 8 months from now. This engine is a twin engine to the one that we just took delivery of and will be built in Wisconsin.

The City of Marina is a member of Sourcewell, member number 27263. Sourcewell is a national municipal cooperative purchasing agency. The Rosenbauer fire engine has been competitively bid through Sourcewell which ensures that the City is receiving competitive pricing in accordance with the requirements of California law and City policies.

FISCAL IMPACT:

If the City Council approves the placing of a \$200,000 refundable deposit to secure a production slot for the Battery/Electric Engine, the funds will need to be moved from Unassigned Revenues to the Vehicle Replacement fund. There are sufficient funds for this action, please see **EXHIBIT A**. To cover the additional cost of the Engine, staff has been in contact with local, regional and state agencies who are promoting that all agencies start migrating towards more environmentally friendly means of operation. This action will give us 90 days to bring back funding options to cover the additional cost of the engine. If after the 90 days the Council decides to not go with the Battery/Electric engine, our deposit will be refunded.

If the Council approves the purchase of the Avenger Engine a price increase driven by increased Tariffs and raw material cost, we will be requesting an additional \$82,322 from Unassigned funds for a total of \$699,322 for the new engine. Staff has reviewed bids from two neighboring departments who are also buying Type 1 Engines. One of the bids was \$706,110 for a Type 1 Pierce and the other was for a Type 1 Hi-Tech at \$702,991. When the chassis is complete, an initial payment of \$278,000 will be due and the balance due upon delivery of the engine.

The City Council still has unbudgeted revenues available in the current budget to cover this additional budget appropriation as shown on **EXHIBIT A**, Status of General Fund Available Revenues. The display shows that there is still over \$500,000 available General Fund revenues in this year's budget.

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

Respectfully submitted,

Doug McCoun
Fire Chief
City of Marina

REVIEWED/CONCUR:

Layne Long
City Manager
City of Marina

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of September 1, 2020

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2020-,
REVISING THE LOAN PROGRAM FOR RESIDENTS AND BUSINESSES
OF THE CITY IN RESPONSE TO THE COVID-19 PANDEMIC BY 1)
CONTINUING THE CITY OF MARINA COVID-19 BUSINESS AND
RESIDENTIAL LOAN PROGRAM UNTIL THE REMAINING FUNDING IS
EXHAUSTED OR DECEMBER 31, 2020, WHICHEVER COMES FIRST; 2)
REVISING THE BUSINESS LOAN CRITERIA FOR THOSE NOT
MEETING THE INCOME LIMITATION AND WERE CLOSED IN THE
MARCH TO MAY TIMEFRAME BE OFFERED LOANS UP TO \$5,000; AND,
CONTINUE FUNDING THE OUTREACH WORKER UNTIL DECEMBER
31, 2020, AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE
NECESSARY ACCOUNTING AND BUDGETARY ENTRIES**

REQUEST:

- 1) That the Council continue the City of Marina COVID-19 Business and Residential Loan program until the remaining funding for the loan programs is exhausted or Dec. 31, 2020.
- 2) That businesses that fail to meet the income requirement and were closed sometime during the March to May timeframe be offered loans up to \$5,000 on the same terms.
- 3) Continue funding the outreach worker until Dec. 31, 2020 up to 20 hours a week at a cost up to \$5,500.

Discussion

Current Loan Status. Last April, the City Council authorized an emergency loan program for residents and businesses that was scheduled to end May 31, 2020, initially funding the program at \$100,000 for each program.

At the conclusion of the first round, the loan status is shown in Table I, Loan Status as of May 31, 2020.

Table I
Loan Status as of May 31, 2020

City of Marina								
Loan Status Report								
				Review Status				
	Program		Potential			Loans	Approval	Loan
Loan Type	authorization	Received	Funding	Approved	Declined	awaiting	Rate	Amount
			Request			review		Funded
Residential	100,000	5	10,000	4	1	0	80%	6,500
Business	100,000	14	140,000	7	5	2	50%	62,300
Total	200,000	19	150,000	11	6	2		68,800

The Council determined it was appropriate to extend the program and made the following changes to the loan program:

- 1) Extended the program to August 31, 2020;
- 2) Relaxed the underwriting criteria for business loans; and,
- 3) Reallocated the funding as follows:
 - a. \$52,000 for residential loans
 - b. \$150,000 for commercial loans

As of the writing of this report, the loan programs activity is as follows as shown in Table II, Loan Status as of August 21, 2020.

Table II
Loan Status as of August 21, 2020

City of Marina									
Loan Status Report									
21-Aug-20			Review Status					Repayment Status	
Loan Type	Applications Received	Potential Funding Request	Approved	Approval Rate	Loan Amount Funded	Authorized Funding	Remaining Funding	Loans Repaid	Amount
Residential	14	28,000	10	71%	15,640	52,000	36,360	1	700
Business	15	150,000	10	67%	90,300	150,000	59,700	0	-
Total	29	178,000	20		105,940	202,000	96,060	1	700

Note: One business loan eventually approved as a resident loan

Loan Program Outreach. To promote the business loan program, the Council asked staff to create an outreach program. The City conducted a request for proposals to identify who might be able to assist the City in making an outreach to local businesses. Monica Kim was hired from that process to be the City's outreach worker. During the first couple of months, Monica identified local businesses here in Marina under \$1 million in gross receipts but above \$50,000. All 400+ of those businesses received notice of the program by:

- 1) An email blast through the business license program
- 2) A phone call contact from Monica
- 3) A letter to businesses which did not respond
- 4) An in-person but socially distant visit

Because of this work, Monica can report the following in Table III, Affirmatively Contacted Marina Businesses:

Table III
Affirmatively Contacted Marina Businesses

Business which have used Monica's help	79
Businesses not desiring any assistance	43
No-responsive businesses	181
Business Closed	<u>1</u>
Total affirmative contacts	304

One of the charges for Monica was to help all these business be aware of the Small Business Loan Administration's Payroll Protection Program (PPP) and the Economic Injury Disaster Loans (EIDL) because participation in these programs could at least offer a \$10,000 as a grant, if not more.

Because of Monica's efforts, the following applications were processed:

PPP	25
ELDI	35
Cal Coastal (ELDI)	<u>18</u>
Total	78

One of the happy discovers was that in the process, additional programs were discovered that business were eligible for other government benefits beyond these programs and the City's outreach worker was able to help individuals access various other sources, namely:

- **Eligibility for unemployment.** In process of helping Marina businesses, it was discovered that Federal law had made it possible for business owners to claim unemployment. Through Monica's assistance, business owners were able to claim over 170 weeks of enhanced unemployment benefits.
- **Disaster Relief Application for Immigrants.** This California program is available to non-citizens which provides grants equivalent to the Federal stimulus grants, funding three applications for \$1,200 each.
- **Disaster Relief Emergency Cash Assistance.** Three smaller Monterey County cash grants were given to business owners, totaling \$750.
- **FEMA Grants.** One business gained a \$1,000 grant from FEMA.
- **Non-IRS Filers Stimulus Application.** For those that are not required to file a tax return, the IRS has a program for these individuals to file forms to claim the \$1,200 stimulus grant payments. Two individuals qualified for this benefit.

The business owners for these loans have been hair stylists, Uber drivers, nail stylists, local supply storeowner, boutique store owner, food/product sales, apparel sales.

Observations. The City's outreach worker at first spent a great deal of time contacting the various businesses and educating them on the City's loan program. Because the City's loans require the applicant to apply for Small Business Loans also, the City's outreach worker learned about those programs and others. In time, more of her time has been spent accessing the other funds rather than the City's loans because the City's money is a loan and the other funds are out right grants. The City has spent about \$8,000 on outreach work so far. Given the low cost of this effort, staff would recommend funding this effort until Dec. 31,2020 at 20 hours a week at a cost of \$11,000.

Residential loans have been turned down mainly because the loan could not be supported by expenses incurred by the applicant for costs imposed by the pandemic. Rather, loans were being requested to reimburse other people or to finance a move. These requirements tend to limit the loan and provide funds for specific expenses.

Business loans have been turned down mainly because the business owner's income in the prior fiscal year exceed the income limit. Many businesses did not ask for loans because of the income limit. Council may want to consider offering \$5,000 loans to businesses that do not meet the income limit and were closed during the March to May time period if the Council wishes to make the loans more available.

Summary.

From the original \$200,000 the Council dedicated to the business and residential COVID-19 support loans, \$96,060 remains. Twenty loans have been made and one loan has been repaid.

The City has also benefitted local businesses and some residents through the work of their outreach worker, assisting individuals with obtaining grant monies, reducing the need for the City's loans.

The main reason that residential loans have been turned down or limited is that residents did not have unpaid, delinquent bills to support any or larger loans.

The main reason that business loans have not been funded is that the business owner's household income exceed the income requirements for the loans. It is apparent, however, that this year's income will be very different than last year. As a result, the Council may wish to offer to business owners who had to close at least for a period of time during the March to May timeframe a loan up to \$5,000, regardless of income.

FISCAL IMPACT: The proposal does not increase the budget for this program but maintains the program allocation. The proposed cost increase is for community outreach, up to \$5,500 for funding the part-time outreach worker until Dec. 31, 2020. The money is eligible for reimbursement from CARES Act Funds.

This could be considered a violation of resolution 2012-46, the balanced budget resolution, except it is a one-time allocation and this is during an emergency.

CONCLUSION:

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

Respectfully submitted,

Eric Frost
Finance Director
City of Marina

REVIEWED/CONCUR:

Layne Long
City Manager
City of Marina

RESOLUTION NO. 2020-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA REVISING THE LOAN PROGRAM FOR RESIDENTS AND BUSINESSES OF THE CITY IN RESPONSE TO THE COVID-19 PANDEMIC BY 1) CONTINUING THE CITY OF MARINA COVID-19 BUSINESS AND RESIDENTIAL LOAN PROGRAM UNTIL THE REMAINING FUNDING IS EXHAUSTED OR DECEMBER 31, 2020, WHICHEVER COMES FIRST; 2) REVISING THE BUSINESS LOAN CRITERIA FOR THOSE NOT MEETING THE INCOME LIMITATION AND WERE CLOSED IN THE MARCH TO MAY TIMEFRAME BE OFFRED LOANS UP TO \$5,000; AND, CONTINUE FUNDING THE OUTREACH WORKER UNTIL DECEMBER 31, 2020, AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES

WHEREAS, on March 13, 2020, the City Manager in his role as the Director of Emergency Services, issued a “Proclamation of a Local Emergency Related to COVID-19 (Coronavirus) pandemic; and

WHEREAS, the impacts from the COVID-19 virus; the associated measures to protect public health; and local, regional, and national orders for residents to shelter in their places of residence has had a dramatic negative effect on many resident’s financial resources; and

WHEREAS, many residents face destabilized housing situations due to the impacts of the COVID-19 pandemic which has created undue hardship for residents due to a lack of alternative housing; and

WHEREAS, individuals most impacted may need a very rapid response from local agencies, lenders, and support providers to survive these impacts; and

WHEREAS, it is in the community interest to support residents of the City of Marina by ensuring adequate access to capital while other sources of state and federal funding are pending; and

WHEREAS, the City has One Hundred Thousand dollars available in its Emergency Fund which could be budgeted to fund the Stabilizing Loan Program for Residents; and

WHEREAS, the Stabilizing Loan Program for Residents and Businesses is necessary to protect the health, safety, and welfare of the citizens of Marina; and

WHEREAS, the Stabilizing Loan Program for Residents and Businesses was effective as of April 21, 2020; and

WHEREAS, the Stabilizing Loan Program for Residents and Business was extended on June 2, 2020 to August 31, 2020;

WHEREAS, COVID-19 therefore has and will continue to cause conditions of peril to the health, safety, and welfare of City of Marina residents.

WHEREAS, the City Council has reviewed the results of the City’s COVID-19 loan program and determine it needs to change certain provisions of the program to better serve the businesses and residents of Marina;

NOW, THEREFORE, be it resolved by the City Council of the City of Marina that:

- A. The City Council hereby finds that the above-described conditions and as described in the Proclamation of Local Emergency related to the COVID-19 outbreak warrant and necessitate the creation of the Stabilizing Loan Program for Residents and Businesses and the establishment of this Program is in the best interest of the public.
- B. Direct that the underwriting requirements of these loan programs be revised as follows:
 1. The loan program will continue until December 31, 2020 or until the funds are exhausted.
 2. The income requirements for the business loans will be modified as follows:
 - For closed businesses for March and April 2020 and not meeting the income requirement for 2019 be eligible for the business loans up to \$5,000 under the terms of the loan.
 3. Authorize the continuation of the employment of the outreach worker until Dec. 31, 2020 at up to 20 hours per week.
- C. The Finance Director is authorized to make necessary accounting and budgetary entries.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Marina, duly held on the 1st day of September 2020, 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

Exhibit A – Business Loan Summary

City of Marina Business Loan Program Summary, Round #2



Program

Total Funding: \$150,000
Source: General Fund
Decision Authority: City Determination is final. Additional applications based upon on changed circumstances are allowed.

Loan Terms

Maximum Loan: \$10,000 per business.

Limitation: May not receive residential loan also.

Basis of Loan Amount: Documented delinquent bills for rent, employee wages and health benefits, utilities, or mortgage on business located in Marina if not closed during COVID event. If closed, any unpaid business expense during the COVID event.

Interest Rate: 0% in repaid by August 31, 2021; or,
3% from loan's funding date to be repaid by August 31, 2022.

Qualifications

1. Must have a business license of the City Marina as of January 1, 2019
2. Business must have had 10 or fewer employees before March 1, 2020. The requirement for restaurants is 20 or fewer employees.
 - Income Requirement:
 - For businesses open during March and April 2020, household income must be less than 112.5% of Monterey County Median to be eligible for the business loans.
 - For closed businesses for March and April 2020, household income must be less than 135% of Monterey County Median to be eligible for the business loans.

adjusted for household size as evidenced from Federal Tax returns from 2018 or 2019 or sufficient alternate data.

Median Income for Monterey County	As of 4/16/2020 (90% of HCD Published AMI)	Calculation	Example
Household Size	Income	2019 or 2018 Federal Business Tax Income from tax forms	20,000
1	\$46,665	Business Depreciation	10,000
2	\$53,370	Household income including any business salary taken as a business expense	30,000
3	\$60,030	Adjusted business income	\$ 60,000
4	\$66,690	Note: If the household size is three people, the business qualifies for business loan.	
5	\$72,045		

3. Must have had applied for SBA Economic Injury Disaster Loan (EIDL) or Payroll Protection Program Loan (PPP) due to the COVID 19 event or explain why unable to apply.
4. Applications to be submitted to the City with supporting documentation on or before August 31, 2020, or award of loans totaling \$150,000.00, whichever occurs first. *The second round of funding will consider all applications received by July 6, 2020.* Thereafter, completed applications will be processed on a first come, first served basis.
- 5.

Applications are available at the City's website: CityofMarina.org under "Help for Businesses" button. For More Information, call Eric Frost, Finance Director, 831-884-1221



City of Marina Residential Loan Program Summary, Round #2

Program

Total Funding: \$52,000
Source: General Fund
Decision Authority: City Determination is final. Additional applications based upon changed circumstances are allowed.

Loan Terms

Maximum Loan: \$2,000 per household
Basis of Loan Amount: Documented delinquent bills for rent, utilities, or mortgage on property located in Marina for a primary residence.
Interest Rate: 0% in repaid by August 31, 2021; or,
3% from loan's funding date to be repaid by August 31, 2022.

Qualifications

1. Must be a resident of the City Marina as of January 1, 2020
2. Must have a household income of less than 80% of the Monterey County Median, adjusted for household size; or, non-discretionary debt (mortgage, one car payment, etc.) more than 25% of monthly income.
3. Must have had economic damage due to the COVID 19 event due to unemployment or reduction of hours in excess of 50% of work income.

Due Dates

Applications to be submitted to the City with supporting documentation on or before August 31, 2020, or award of loans totaling \$52,000, whichever occurs first. The first round of funding will consider all applications received by July 6, 2020. Thereafter, completed applications will be processed on a first come, first served basis.

Applications are available at the City's website: CityofMarina.org under "Help for Residents" button

For More Information, call Eric Frost, Finance Director, 831-884-1221