



A G E N D A
CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
VIRTUAL ONLY
Thursday, August 20, 2020
7:00 PM

This meeting is compliant with Governor Newsom's Executive Order N-29-20 which allows local legislative bodies to hold public meetings electronically only, without a physical location for public participation, accessible only telephonically or otherwise electronically (video conferencing) to all members of the public seeking to observe and address the local legislative body, in order to avoid public gatherings, and until further notice.

REMOTE PUBLIC COMMENTS To make a public comment, the following options are available:

- Before the Meeting via Email: Written comments can be emailed to CityClerk@ci.seaside.ca.us Include the following subject line: "Public Comment Item # (insert the agenda item number relevant to your comment). Written comments must be received by 5:00 p.m. on the day of the meeting. All submitted comments will be provided to the City Council or the Board for consideration, compiled as part of the record, and may be read into the record.
- During the Meeting via Oral Comments: When the Chair calls for public comment, attendees can queue to speak with the "Raise Hand" feature. On the Zoom application, click the "Raise Hand" button. On the phone, press *9. The Secretary to the Board will call speaker names and unmute speaker microphones. You will have up to 2 minutes to provide your comments, with time set by the discretion of the Mayor. Please note, if you chose to make comments orally, your written comments will not be read but will be included in the final record.

In an effort to ensure the virtual process closely follows our normal process, public comment will be accepted in writing during the meeting, but may not be read into the record during the meeting, but will be included as part of the final administrative record. Please do not plan to use the chat or Q&A features to put a comment on record. These resources are for tech support only

1. CALL TO ORDER & VIRTUAL MEETING INFORMATION

This meeting can be watched via the City of Seaside You Tube channel https://www.youtube.com/channel/UC1Cu7854Ohtjpr_XV1tDvRg

Or by joining the Zoom webinar link
<https://us02web.zoom.us/j/81936832059>

Call in phone number: 669-900-9128
Zoom Meeting Id 819 3683 2059

2. ROLL CALL – ESTABLISHMENT OF QUORUM

Ian N. Oglesby	Mayor
David R. Pacheco	Mayor Pro Tem
Jason Campbell	Council Member
Jon Wizard	Council Member
Alissa Kispersky	Council Member

3. INVOCATION/MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

4. REVIEW OF AGENDA

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

5. PUBLIC COMMENT

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

6. PUBLIC AGENCY COMMUNICATIONS

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

7. PRESENTATIONS

8. CONSENT AGENDA

A. APPROVE MINUTES FROM AUGUST 6, 2020

RECOMMENDATION: Approve minutes as presented.

B. APPROVE AND FILE CITY CHECKS

RECOMMENDATION: Approve and file the accounts payable and wired payments made during the period of July 19, 2020 through August 7, 2020 including the payroll and benefits checks, direct deposits and wired payments related to the pay period ending July 30, 2020. Total Accounts Payable and Payroll for the above referenced period is \$2,706,797.99.

C. APPROVE APPOINTMENTS TO COMMISSIONS

RECOMMENDATION: Approve appointment Commissions as recommended by the Council Subcommittee.

D. AUTHORIZE VOTING DELEGATES FOR THE CALIFORNIA LEAGUE OF CITIES ANNUAL CONFERENCE OCTOBER 7-9, 2020

RECOMMENDATION: Approve the appointment of Council Member Wizard as the voting delegate representing the City of Seaside at the League of California Cities Annual Conference.

E. APPROVE A RESOLUTION AUTHORIZING THE DISPOSAL OF SURPLUS FIRE DEPARTMENT EQUIPMENT THAT HAS REACHED END OF LIFE.

RECOMMENDATION: Approve a resolution authorizing the disposal of surplus fire department equipment that has reached end of life.

F. APPROVE A RESOLUTION TO PURCHASE ONLINE POLICE REPORTING SOFTWARE THROUGH LEXISNEXIS COPLOGIC SOLUTIONS INC. AND UPDATE LICENSING THROUGH OUR CURRENT RECORDS MANAGEMENT SYSTEM (TRACNET)

RECOMMENDATION: Approve a resolution to purchase online Police reporting software through LexisNexis Coplogic Solutions inc. and update licensing through our current records management system (Tracnet).

G. APPROVE RESOLUTION CONSENTING TO THE TERMINATION OF THE MONTEREY PENINSULA REGIONAL WATER AUTHORITY JOINT POWERS AUTHORITY

RECOMMENDATION: Approve resolution consenting to the termination of the Monterey Peninsula Regional Water Authority by August 31, 2020 or as soon thereafter as is administratively possible.

H. APPROVE A RESOLUTION TO ACCEPT THE 2020-2021 CALIFORNIA VIOLENCE INTERVENTION AND PREVENTION GRANT CONTRACT EXTENSION DUE TO COVID-19

RECOMMENDATION: Adopt a resolution authorizing staff to accept the contract extending the 2020-2020 California Violence Intervention and Prevention grant and incorporate into the annual budget.

I. RESOLUTION OF THE CITY OF SEASIDE CITY COUNCIL AUTHORIZING FINANCE DIRECTOR VICTOR DAMIANI TO ESTABLISH, MAINTAIN AND CONTROL THE CITY'S BANK ACCOUNTS.

RECOMMENDATION: This resolution is required by the City's current Bank, Mechanics Bank, in order to add the City's new Finance Director to the accounts. City Staff recommends providing authorization for Finance Director, Victor Damiani, to establish, maintain, and control all of the City's Mechanics Bank accounts and/or accounts with any other financial institution or bank necessary to conduct the City's business.

9. PUBLIC HEARING

A. CONSIDER AND APPROVE A RESOLUTION THAT AUTHORIZES EXECUTION OF AN AMENDMENT TO SECOND AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT WITH CYPRESS SEASIDE LLC TO EXTEND AND AMEND THE SCHEDULE OF PERFORMANCE FOR THE HOTEL DEVELOPMENT AND TIMESHARE PORTION OF "THE SEASIDE RESORT PROJECT" LOCATED GENERALLY AT THE NORTHWEST CORNER OF GENERAL JIM MOORE BLVD. AND COE AVENUE

RECOMMENDATION: The purpose of this item is to receive a presentation about a proposed hotel development and to consider amending the performance schedule of the Second Amended and Restated Disposition and Development Agreement to allow for extra time to meet the performance standards. This action is intended to further implement the hotel and timeshare component of the Seaside Resort Project.

B. APPROVE SECOND READING OF AN ORDINANCE AMENDING SEASIDE MUNICIPAL CODE SECTION 8.32 FIREWORKS PROHIBITING THE POSSESSION, USE, AND SALE OF ALL FIREWORKS IN THE CITY OF SEASIDE (SECOND READING - ROLL CALL VOTE)

RECOMMENDATION: Adopt the ordinance as presented.

10. BUSINESS ITEMS

A. CONSIDER REQUEST FOR A DONATION TO BETHEL MISSIONARY BAPTIST CHURCH OF \$11,789 TO PURCHASE INFRASTRUCTURE TO PROVIDE LAUNDRY SERVICES FOR PERSONS EXPERIENCING HOMELESSNESS PAID WITH COVID-19 RELIEF FUNDS

RECOMMENDATION: Staff recommends approval of the request.

B. ADU PROTOTYPE UPDATE AND DISCUSSION OF THE POTENTIAL CREATION OF ADU DESIGN STANDARDS

RECOMMENDATION: Discuss whether the City should initiate a public process to develop ADU design standards allowed by CA Code 65852.2(B).

C. REVIEW THE STATUS OF CITY, STATE AND FEDERAL EVICTION MORATORIUM ACTIONS AND PROVIDE DIRECTION AS NEEDED

RECOMMENDATION: Review the status of City, State and Federal eviction moratorium actions.

D. ADOPT RESOLUTION RATIFYING SIXTH SUPPLEMENT TO PROCLAMATION OF LOCAL EMERGENCY MANDATING MASKS

RECOMMENDATION: Adopt the draft resolution ratifying the sixth supplement to the proclamation of local emergency.

11. COUNCIL MEMBER REQUESTS

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

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

13. ADJOURNMENT

Next Regularly Scheduled Meeting:
September 3, 2020
7:00 PM

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. Agendas are posted at:

<http://www.ci.seaside.ca.us/129/City-Council-Committee-Agendas>

Agenda-related writings or documents provided during public meetings are available for public inspection during the meeting or from the office of the City Clerk. This agenda is posted in compliance with California Governor Newsom's Executive Orders N-29-20 and N-33-20.



DRAFT MINUTES
CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
Council Chamber
Thursday, August 6, 2020
7:00 PM

1. CALL TO ORDER

Mayor Oglesby called the meeting to order at 7:00 PM

2. ROLL CALL – ESTABLISHMENT OF QUORUM

PRESENT: Campbell, Kispersky, Oglesby, Pacheco, Wizard
ABSENT: None

3. INVOCATION & PLEDGE OF ALLEGIANCE

The Council observed a moment of silence for the passing of former Mayor Ralph S. Rub

4. REVIEW OF AGENDA

No changes.

5. PUBLIC COMMENT

Public Comment: Regina Mason, Miriam Smith, Gabriella Chavez, Olive Gibbons, Gertrude Smith, Mel Mason, Kate Spencer, resident Grace, Ronald Britt, Marilyn Cruickshank

6. PUBLIC AGENCY COMMUNICATIONS

Assistant City Manager Milton reported on Mayor Ralph Rubio's Memoriam virtual meeting.

7. PRESENTATIONS

8. CONSENT AGENDA

On motion by Council Member Jason Campbell and seconded by Mayor Pro Tem Dave Pacheco and passed by the following vote the City Council approved the Consent Agenda with the exception of Item D.

RESULT: ***Approved***

AYES: *Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispersky*

NOES: *None*

A. APPROVE MINUTES FROM JULY 16, 2020 REGULAR MEETING AND JULY 13, 2020 SPECIAL MEETING

Action: Approved

B. APPROVE AND FILE CITY CHECKS

Action: Approved and F

C. ACCEPT AND FILE THE CASH AND INVESTMENT REPORT FOR THE CITY OF SEASIDE AND THE SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY OF THE CITY OF SEASIDE FOR THE QUARTER ENDING JUNE 30, 2020.

Action: Accepted

D. APPROVE A RESOLUTION MODIFYING THE POSITION ALLOCATION LIST TO ADD THE FULL-TIME POSITION OF FAMILY AND COMMUNITY SUPPORT PRACTITIONER AND CREATING THE PART-TIME CLASSIFICATION OF FAMILY AND COMMUNITY SUPPORT TECHNICIAN

Action: Approved Resolution 20-64

The Council discussed the different requirements of this program, including language, education, experience requirements.

Public Comments: Rosalyn Green, Eloise Shim, Olive Gibbons, Gertrude Smith, Audra Walton, Mel Mason, Ronald Britt, Gabriela Chavez, Anton Hunter, Kate Spencer, Marilynn Cruikshank, Regina Mason, Miriam Smith, Nathaniel Sawyer, LisAnne Sawhney

On motion by Mayor Pro Tem Dave Pacheco and seconded by Council Member Jason Campbell and passed by the following vote the City Council approved the recommendation of staff with the attachment modified to add the skill as a bilingual English/Spanish speaker a preferred requirement.

RESULT: Passed

AYES: Ian Oglesby, Dave Pacheco, Jason Campbell, Alissa Kispersky

NOES: Jon Wizard

E. ADOPT A RESOLUTION UPDATING THE 2020-2021 FEE SCHEDULE

Action: Approved and Adopted Resolution 20-65

F. APPROVE A RESOLUTION ENDORSING U.S. BICYCLE ROUTE 95 THROUGH THE CITY OF SEASIDE

Action: Approved and Adopted Resolution 20-65

9. PUBLIC HEARING

A. INTRODUCTION OF AN ORDINANCE AMENDING SEASIDE MUNICIPAL CODE SECTION 8.32 FIREWORKS PROHIBITING THE POSSESSION, USE, AND SALE OF ALL FIREWORKS IN THE CITY OF SEASIDE (FIRST READING - ROLL CALL VOTE)

City Manager Malin introduced the item noting the robust conversation that had taken place at

the previous meeting. The Council discussed the draft ordinance as presented and Council Member Campbell expressed concern regarding the public comments that were received, that may have been trying to influence the decision making process in a less than legitimate way. City Attorney Damon answered questions about the proposed draft ordinance.

Public Comments: Miriam Smith, Jen Gunter, Isai Ogarrio, Jimmy Cook, Olive Gibbons, LisaAnne Sawhney, Mel Mason, Miriam Smith?, Diana - American Legion, Harold Lusk, Gabriela Chavez, Tommy Barker, Rosalyn Green, Regina Mason, Kirsten Wisner, Kirsten and Judd,

On question , Chief Pridgen responded in his experience and professional opinion stating banning the sale of safe and sane does not stop illegal fireworks.

The Council Members expressed their concerns regarding illegal fireworks and the impact of the community, but also expressed concern regarding the benefit that is provided by the community based organizations that benefit from the sale of Safe and Sane fireworks. Mayor Pro Tem Pacheco requested we charge for parking at the 4th of July event, and allow community groups to use Oldemeyer Center for fundraising to replace the lost revenue.

On motion by Council Member Jason Campbell and seconded by Mayor Pro Tem Dave Pacheco and passed by the following vote the City Council passed to print the draft ordinance, with the exception of public events, and with the removal of provisions that criminalize violators.

RESULT: **Approved**
AYES: Ian Oglesby, Dave Pacheco, Jason Campbell
NOES: Jon Wizard, Alissa Kispersky

**B. INTRODUCTION OF AN ORDINANCE AMENDING SEASIDE MUNICIPAL CODE
CHAPTER 2.14 BOARDS AND COMMISSIONS ESTABLISHING A COMMUNITY
POLICING ADVISORY COMMITTEE (FIRST READING - ROLL CALL VOTE)**

City Manager Malin introduced the item and outlined the draft ordinance as directed by the Council at the previous meeting, and noted the purview of the committee and that if approved, the membership would be 11 members, appointed by various Council Members. The Council discussed what constituted a quorum, the development of the work plan, and purview of the committee and powers of the committee.

Public Comments: Alex Miller

Council Members Campbell and Kispersky indicated that the existing City commissions need more focus, and until there is more definition of staff capacity, they don't support adding a new commission.

On motion by Mayor Ian Oglesby and seconded by Mayor Pro Tem Dave Pacheco and rejected by the following vote the City Council rejected the draft ordinance with the amendment to allow consistency of the Council Members to make appointments and that the Committee appoint their own chair and vice chair.

RESULT: **Rejected**
AYES: Ian Oglesby, Dave Pacheco
NOES: Jason Campbell, Jon Wizard, Alissa Kispersky

On motion by Mayor Pro Tem Dave Pacheco and seconded by Council Member Jason Campbell and passed by the following vote the City Council agreed to continue the meeting past 10:30 pm.

RESULT: ***Passed***
AYES: *Dave Pacheco, Jason Campbell, Jon Wizard*
NOES: *Ian Oglesby, Alissa Kispersky*

10. BUSINESS ITEMS

A. CONSIDER A BUSINESS LOAN PROGRAM TO ASSIST SEASIDE BUSINESSES IN RECOVERING FROM THE COVID-19 EMERGENCY

City Manager Malin spoke to the proposed business loan program to help business get access to emergency COVID-19 relief funds as part of the Council's direction for economic recovery. He spoke to the program requirements, eligibility, funds available, purpose of the loan and how to apply for additional funding. Other considerations he acknowledged is limited staff resources and the possibility of default. The Council discussed the elements of the loans, the return on investment, the City financial status, the true benefit for businesses, the City and the Community.

Public Comments: Mitt Sawhney

On motion by Council Member Jason Campbell and seconded by Mayor Pro Tem Dave Pacheco and passed by the following vote the City Council authorized the creation of a micro loan program as presented.

RESULT: ***Approved***
AYES: *Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispersky*
NOES: *None*

B. CONSIDER APPROVAL OF APPLICATION FOR PROJECT HOME KEY

City manager Malin outlined the purpose of the item to authorize the application for the grant Project Home Key, which requests applications for funds to purchase hotels and turn them into single room occupancy homes for homeless individuals. The application had a priority application date of August 13th. Mr. Malin spoke to his proposed idea and requested approval of the application.

Public Comments: Anton Hunter, Regina Mason, Ronald Britt, Eloise Shim, LisAnne Sawhney

On motion by Council Member Jon Wizard and seconded by Mayor Pro Tem Dave Pacheco and passed by the following vote the City Council authorized the submission of an application for Project Home Key as discussed.

Approved

AYES:

*Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard,
Alissa Kispersky*

NOES:

None

11. COUNCIL MEMBER REQUESTS

Council Member Pacheco requested to agendize adopting a community mask requirement. Council Member Campbell requested to receive a report or have a discussion about where we are with the RV relocation and understanding about what direction the Council wants to go, the support that is being given, and where it is lacking.

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

None.

13. ADJOURNMENT

The meeting was closed in honor of former Mayor Ralph Rubio at 12:05 am.

Respectfully submitted,

Lesley Milton, City Clerk

Ian N. Oglesby, Mayor



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.B.

TO: City Council

FROM: Craig Malin, City Manager

BY: Jessica Riley, Accounting Assistant
Kimberly Drabner, Finance Director

DATE: August 20, 2020

SUBJECT: APPROVE AND FILE CITY CHECKS

PURPOSE & RECOMMENDATION

Approve and file the accounts payable and wired payments made during the period of July 19, 2020 through August 7, 2020 including the payroll and benefits checks, direct deposits and wired payments related to the pay period ending July 30, 2020. Total Accounts Payable and Payroll for the above referenced period is \$2,706,797.99.

BACKGROUND

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

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

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

- \$651,347.98 for Payroll and benefits

- \$25,240.66 to Pape' Group, Inc. for Repair work to John Deere Backhoe, including reseal valve & loader control valve, replace hose from accumulator pump to control valve, replace hose from backhoe valve to loader valve, replace various cylinders, replace hydraulic hose at control valve, and replace loose wobble stick joint.
- \$15,762.39 to Monterey Bay Air Resources District for the per capita assessment and fees for FY 20/21; effective rate 0.47, quantity 33,537.
- \$24,257.67 to Monterey County Sheriff - Coroner for Criminal Justice Information System for quarter ending 6/30/2020.
- \$16,412.00 to Wallace Group for SCSD profesional services; \$15,973.25 for Fremont, Broadway, & Ortiz sewer upgrade for June 2020; \$438.75 for Storm drain grate modification for June 2020.
- \$13,368.55 to PG&E for contract work at Del Monte & Highway 218 CDR (\$1,186.59); \$12,181.96 for contract work at Rosita Rd & Angeles Way.
- \$37,990.04 to Tracnet for Annual maintenance MSP for the Seaside Police department from the period 7/1/2020 to 6/30/2021.
- \$62,813.79 to the Sohagi Law Group for Prof. Legal services from 12/2/2019 to 12/31/2019 for Campus Town Center. Total hours 185.60.
- \$39,510.00 to Phoenix Iron Works for For fabrication of bike safe storm grates for the City of Seaside. Batch #5.
- \$10,128.00 to Angelina's Bakery Deli & Café for Preparing and delivering meals, 3x/day, 4x/week for the Great Plates Initiative from 6/23/2020-6/27/2020 & 6/16/2020-6/20/2020.
- \$810,526.94 to K.J. Woods Construction Inc. for Draw request for SCSD professional svcs. for the Del Monte Sewer Main Upgrade. Work through 6/1/2020.
- \$13,144.00 to Googie Grill for Preparing and delivering meals, 3x/day, 4x/week for the Great Plates Initiative from 7/6/2020-7/12/2020, 7/13/2020-7/19/2020, & 7/20/2020-7/26/2020.

The remaining checks, totaling \$986,295.97 include payments to vendors for operating expenditures.

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

<https://www.ci.seaside.ca.us/354/Check-Draft-Register>

FISCAL IMPACT

There are no additional fiscal impacts.

ATTACHMENTS

None



CITY OF SEASIDE STAFF REPORT

Item No.: 8.C.

TO: City Council

FROM: Craig Malin, City Manager

BY: Lesley Milton, Assistant City Manager

DATE: August 20, 2020

SUBJECT: APPROVE APPOINTMENTS TO COMMISSIONS

PURPOSE & RECOMMENDATION

Approve appointment Commissions as recommended by the Council Subcommittee.

BACKGROUND

The Commissions, Committees and Boards are City Council appointed advisory bodies that serve as an important link between the City Council and Community by providing direct involvement in policy-making and communication of vital information.

The Mayor, with the advice and consent of the City Council, makes appointments to Commissions, Committees and Boards, while the City Manager designates Department Heads or other staff members to regularly attend meetings of advisory bodies to provide technical support.

No appointments have been made since January 2020 due to the COVID-19 pandemic and the reduction of frequency of meetings. City staff has submitted the appropriate advertisements inviting applications for open positions on City of Seaside Boards and Commissions and has listed the Board and Commission vacancies on the City website. Applicants that had expressed interest and had not been appointed from the last 12 months were contacted to see if they were still interested.

The Mayor and Mayor Pro Tem recommendations for appointment include the following:

Applicant	Commission	
Ben Strickland	Neighborhood Improvement	August 2024
Joy Anderson	CJOBS	August 2022
Don Jordan	CJOBS	August 2022
Gayle Tier	CJOBS	August 2022
Shyam Kamath	CJOBS	August 2022
Ray Riordan	TBD	

FISCAL IMPACT

None.

ATTACHMENTS

None

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.D.

TO: City Council

FROM: Craig Malin, City Manager

BY: Lesley Milton, Assistant City Manager

DATE: August 20, 2020

**SUBJECT: AUTHORIZE VOTING DELEGATES FOR THE CALIFORNIA
LEAGUE OF CITIES ANNUAL CONFERENCE OCTOBER 7-9, 2020**

PURPOSE & RECOMMENDATION

Approve the appointment of Council Member Wizard as the voting delegate and Mayor Oglesby as the alternate delegate representing the City of Seaside at the League of California Cities Annual Conference.

BACKGROUND

The League of California Cities, of which the City of Seaside is a member, is hosting their annual Conference virtually October 7-9, 2020. At the annual business meeting, the League adopts policy resolutions on issues of statewide importance that have direct bearing on municipal affairs and that are of broad municipal interest.

In order to vote on the League of California Cities' Annual Policy Resolutions, the City Council must designate one (1) voting delegate and up to two (2) alternates to vote at the Annual League of California Cities' business and the General Resolutions Committee. Voting delegates must be registered for the conference.

It is recommended that the City Council Approve the appointment of Council Member Wizard as the voting delegate and Mayor Oglesby as the alternate voting delegate representing the City of Seaside at the League of California Cities Annual Conference.

FISCAL IMPACT

None.

ATTACHMENTS

None

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.E.

TO: City Council

FROM: Craig Malin, City Manager

BY: Brian Dempsey, Fire Chief

DATE: August 20, 2020

**SUBJECT: APPROVE A RESOLUTION AUTHORIZING THE DISPOSAL OF
SURPLUS FIRE DEPARTMENT EQUIPMENT THAT HAS REACHED
END OF LIFE.**

PURPOSE & RECOMMENDATION

Approve a resolution authorizing the disposal of surplus fire department equipment that has reached end of life.

BACKGROUND

Annually, each City department is tasked with verification of the fixed asset inventory held by the City. When equipment reaches end of life the current process is to request approval from City Council for donation or disposal. The fire department requests to dispose of the following obsolete equipment.

2 Trelchem VPS Chemical Suits
2 Trelchem HPS Chemical Suits
1 Porta Count Fit Testing Machine
4 Heartstream AED defibrillators

All equipment has been replaced and obsolete equipment will be disposed of properly.

FISCAL IMPACT

None, as the equipment has no value.

ATTACHMENTS

1. Resolution

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO. 20-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

**APPROVE A RESOLUTION AUTHORIZING THE DISPOSAL OF SURPLUS
FIRE DEPARTMENT EQUIPMENT THAT HAS REACHED END OF LIFE.**

WHEREAS, annually, each City department is tasked with verification of the fixed asset inventory held by the City; and,

WHEREAS, When equipment reaches end of life the current process is to request approval from City Council for donation or disposal; and,

WHEREAS, the fire department requests to dispose of the following obsolete equipment:

- 2 Trelchem VPS Chemical Suits
- 2 Trelchem HPS Chemical Suits
- 1 Porta Count Fit Testing Machine
- 4 Heartstream AED defibrillators

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Seaside hereby approves a resolution authorizing the disposal of surplus fire department equipment that has reached end of life.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 20th day of August 2020, by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton, City Clerk



CITY OF SEASIDE STAFF REPORT

Item No.: 8.F.

TO: City Council

FROM: Craig Malin, City Manager

BY: Nick Borges, Deputy Police Chief

DATE: August 20, 2020

SUBJECT: APPROVE A RESOLUTION TO PURCHASE ONLINE POLICE REPORTING SOFTWARE THROUGH LEXISNEXIS COPLOGIC SOLUTIONS INC. AND UPDATE LICENSING THROUGH OUR CURRENT RECORDS MANAGEMENT SYSTEM (TRACNET)

PURPOSE & RECOMMENDATION

Approve a resolution to purchase online Police reporting software through LexisNexis Coplogic Solutions inc. and update licensing through our current records management system (Tracnet).

BACKGROUND

The Seaside Police Department continues to seek resources to better serve our community. Online reporting has become a modern tool that allows members of the public to file certain police reports from the comfort of their home using a computer, laptop or smart device. The type of reports that will be accessible through the online reporting system would be calls often referred to as "non-emergency." Some examples of non-emergency calls include; past tense thefts, lost property, civil matters, traffic complaints, minor vehicle accidents, vandalism, etc.

Currently, officers of the Seaside Police Department are called to the police station or location of the reporting party to gather and document these types of reports. There are temporary changes due to the COVID-19 situation that allow officers to address these types of calls by phone. This process still takes a significant amount of time away from the police while they could be focusing on other priority safety concerns out in the

community.

LexisNexis Coplogic Solutions Inc. is a service provided through LexisNexis Risk Solutions that syncs our Records Management System (RMS) with their online reporting system. This would allow our community members to go the Seaside Police Department website, click the online reporting tab and fill in the fields and create brief narrative. The online reports will be submitted to the Records Division for review and processing. Once the report is approved, the citizen will get a confirmation email with a reference number. The online reporting software has an alert system that flags individuals that frequently file reports to insure we do not receive duplicate or false reports. The result of having this online reporting tool allows for our community members to file reports in a simple, private and rapid manner. Not only does this tool provide additional availability for our officers to focus on other matters, it limits unnecessary contact with the public through the social distancing recommendation from local, state and federal entities.

The turnaround time to have a fully operational online reporting system typically takes between 3-5 months. Coplogic understands the pressing need for social distancing through online reporting and they are currently offering the Seaside Police Department a fast track implementation at no additional cost. The fast track takes about 3 weeks to be launched. Through the fast track services, we would have a temporary stand-alone web-based application for taking minor crime reports and this will be independent of any external automated system, such as RMS. Our Records Division would be required to manually upload reports into our RMS system in the interim. This is only an abbreviated and free version to quickly provide us with the needed service. Coplogic also has the ability to provide services in both English and Spanish to better serve our community. The second phase will be in process and take the additional months before Coplogic and our RMS system are fully integrated and operational.

Sole Source Procurement is a legal and accepted procurement practice for the City of Seaside when certain conditions are met, especially for procuring highly sophisticated technology. Coplogic meets the City of Seaside conditions as a sole source provider as Coplogic is the sole developer and is able to interface with our current RMS system. Coplogic online reporting services is based on a two-year term at \$960 per month beginning once the system is operational. Our RMS provider, TracNet, is able to integrate Coplogic through a system upgrade and licensing fee of \$7,500 and an annual interface maintenance cost of \$750. The total upfront cost would be \$9,210.00.

This type of technology enhances our services, adheres to social distancing best practices, and allows our public safety officials to direct their resources to other priorities within the community.

FISCAL IMPACT

The purchase of Coplogic Solutions Inc. Online Reporting is a two year contract with a monthly fee of \$960.00. In addition, our current Records Management System (RMS) will need to be installed to coincide with Coplogic at a cost of \$7,500 for the interface licensing and an annual fee of \$750.00. The cost will be spread out over FY 20/21 and FY 20/22.

FY 20/21: \$14,400 (Coplogic monthly payments from August through July of 2021)

FY 20/21: \$7,500 (TracNet RMS Interface License/Installation)

FY 20/21: \$750 annual cost to cover interface (RMS fee)

Total Cost FY 20/21: \$22,650

FY 21/22: \$11,520 (Coplogic monthly payments from July 2021 through July of 2022)

FY 21/22: \$750 annual cost to cover interface (RMS fee)

Total Cost FY 21/22: \$12,270

Total cost for 2 year contract: \$34,920

To be charged to account# 221-6120-8184 (SLESF)

ATTACHMENTS

1. Draft Resolution
 2. Coplogic quote
 3. Coplogic sole source
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO. 20-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

TO APPROVE AND ACCEPT A QUOTE NOT TO EXCEED \$22,650, THROUGH FY 20/21, TO ENCUMBER A PURCHASE OF ONLINE REPORTING SOFTWARE SERVICES AND RECORDS MANAGEMENT LICENSING AND ENTER A TWO YEAR AGREEMENT NOT TO EXCEED \$12,270 IN FY 21/22 (TOTAL \$34,920.00).

WHEREAS, the City of Seaside approves the purchase of LexisNexis Coplogic Solutions Inc. online reporting software not to exceed \$34,920.00 for a two year term;

WHEREAS, the City Council provided conceptual approval and funding for the encumbered purchase with the approval of the 2020/2021 Fiscal Year Budget;

WHEREAS, the online reporting software will be used to provide better services for community members to file police reports and allow police officers to exercise safer social distancing standards through the COVID-19 pandemic. Online reporting will adhere to departmental policy and comply with the Commission of Accreditation for Law Enforcement (CALEA) standards;

WHEREAS, online reporting will only be a tool to receive low priority/non-emergency reports;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve the purchase of LexisNexis Coplogic Solutions Inc. not to exceed \$34,920 for a two year term;

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

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

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton, City Clerk

March 25, 2020

Quote

LexisNexis® Coplogic Solutions Inc

1000 Alderman Drive
Alpharetta, GA 30005



Quote: 356596.1.Seaside CA Pd - HQ

Quote: 356596.1.Seaside CA Pd - HQ

Term	Description	Price	Amount
Monthly (2 Years)	LexisNexis® Desk Officer Reporting System • Dedicated project manager and implementation assistance • Operational/Procedural Directive templates • A web-based training session with a live trainer • Unlimited users, incident types, and report intake • Unlimited customer support (phone and e-mail) • Unlimited maintenance including every update and upgrade released • Hosting in the LexisNexis® Secure Hosting Environment	\$960.00	\$23,040.00
Quote Subtotal			\$23,040.00
Sales Tax			As Applicable

Contact your account manager if you have questions about this quote and to learn how LexisNexis® can help off-set the cost of the LexisNexis® Desk Officer Reporting System:

Matthew Underwood
matthew.underwood@lexisnexisrisk.com

Signature to Acknowledge Receipt of Quote: _____ Date: _____
Printed Name of Recipient _____

SOLE SOURCE LETTER FOR THE LEXISNEXIS® DESK OFFICER REPORTING SYSTEM

Seaside Police Department
440 Harcourt Avenue
Seaside, California 93955
May 28, 2019

RE: Sole Source Letter for Seaside Police Department

Dear Sergeant Salzillo,

The LexisNexis® Desk Officer Reporting System ("DORS") is the wholly owned, intellectual property of LexisNexis Coplogic™ Solutions Inc. ("LexisNexis"). LexisNexis is the sole source for DORS licenses, ongoing support and maintenance services. DORS is able to interface with the Records Management Systems (RMS) vendors of most law enforcement agencies, including TracNet RMS.

Designed for law enforcement, DORS automates the reporting process for incidents occurring within a law enforcement agency's jurisdiction. DORS collects and gathers information from a wide variety of report types – such as minor vehicle accidents and other incident reports – from members of the general public ("Users"). All reports filed using DORS can be automatically imported into most records management systems, with accurate and appropriate UCR and NIBRS compliant coding. DORS also has the ability to provide a separate secure filing area and login to allow agency-designated personnel such as loss prevention officers, to file dynamically created agency report types (e.g., shoplifting report).

DORS was created with security in mind. All information submitted by Users is collected and transferred via a 128 bit encrypted SSL connection and uses the J2EE standard. An email is generated to the Users once the report has been submitted. The system does not rely on cookies or User permissions. DORS issues a temporary report number to the Users and places the temporary report into an administrative holding area for review and modification by the appropriate administrator within your department. The administrator logs into the system via a 128 bit encrypted SSL connection to approve, reject, edit or print reports as appropriate. Rejecting a report deletes it from the system and sends an appropriate email to the User. Approving the report issues an official case number that is pulled from an upper-block of reserved case numbers, places it in a queue to be exported to your designated records management systems, and sends an appropriate email to the user. DORS also allows agency administrators to download and print approved reports.

To the best of our knowledge, DORS is the only online reporting solution with the *Report Merge* functionality – a process that actively monitors inbound reports for possible duplicates or supplements, and enables the agency reviewer to either merge the report as a supplement, mark as a duplicate or continue as an original.

DORS is configurable and gives the agency the ability to allow citizens to choose from several languages including English, Spanish, and Simplified Chinese. DORS also has the ability to include additional languages at the agency's discretion.

There is currently no other off the shelf solution on the market that provides the exact same features, configurability, capabilities, and security framework as DORS. DORS and related services are not available from any other vendor.

If you have any questions or require additional information, please do not hesitate to contact **Matthew Underwood** or me directly. Matthew Underwood can be reached by phone at 678-807-0444 or via email at matthew.underwood@lexisnexisrisk.com.

Respectfully,



Roy Marler

VP and General Manager, LexisNexis Coplogic Solutions
678.694.3872 (direct)
roy.marler@lexisnexisrisk.com



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.G.

TO: City Council

FROM: Craig Malin, City Manager

BY: Lesley Milton, Assistant City Manager

DATE: August 20, 2020

**SUBJECT: APPROVE RESOLUTION CONSENTING TO THE TERMINATION
OF THE MONTEREY PENINSULA REGIONAL WATER
AUTHORITY JOINT POWERS AUTHORITY**

PURPOSE & RECOMMENDATION

Approve resolution consenting to the termination of the Monterey Peninsula Regional Water Authority by August 31, 2020 or as soon thereafter as is administratively possible.

BACKGROUND

The Monterey Peninsula Regional Water Authority ("MPRWA") was formed in 2012 and is a joint power authority pursuant to the Joint Exercise of Powers Act, set forth in the Government Code, Title 1, Division 7, Chapter 5, Section 6500 et seq. (the "Act"). MPRWA consists of the Cities of Monterey, Carmel-by-the-Sea, Del Rey Oaks, Pacific Grove, Sand City, and Seaside ("Members"), each of the former by executing a Joint Exercise of Powers Agreement ("Agreement").

The Agreement provides that it may be rescinded and the MPRWA terminated by unanimous written consent of all Members, except during the outstanding term of any Authority indebtedness. It is anticipated that there will be no known outstanding Authority indebtedness by August 31, 2020, however the proposed Resolution provides for consent at such time as all Authority indebtedness has been resolved.

The proposed Resolution also provides that the Mayor and/or the City Manager will

execute an agreement rescinding the Agreement and terminating MPRWA on the unanimous consent of the Members, and to take any other necessary steps to effectuate its termination.

FISCAL IMPACT

Membership due savings.

ATTACHMENTS

1. Draft Resolution
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO. 20-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

CONSENTING TO THE TERMINATION OF THE MONTEREY PENINSULA REGIONAL WATER AUTHORITY JOINT POWERS AUTHORITY

WHEREAS, the Monterey Peninsula Regional Water Authority ("MPRWA") is a joint power authority pursuant to the Joint Exercise of Powers Act, set forth in the Government Code, Title 1, Division 7, Chapter 5, Section 6500 et seq. (the "Act"); and

WHEREAS, MPRWA consists of the Cities of Monterey, Carmel-by-the-Sea, Del Rey Oaks, Pacific Grove, Sand City, and Seaside ("Members"), which formed the MPRWA in 2012 by executing a Joint Exercise of Powers Agreement ("Agreement"); and

WHEREAS, the Agreement provides that it may be rescinded and the MPRWA terminated by unanimous written consent of all Members, except during the outstanding term of any Authority indebtedness; and

WHEREAS, there will be no known outstanding term of Authority indebtedness by August 31, 2020; and

WHEREAS, the City of Seaside determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 ("CEQA Guidelines"), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Seaside as follows;

- 1) The City of Seaside consents to the termination of the MPRWA pursuant to paragraph 15.2 of the Agreement by August 31, 2020 or as soon thereafter as is administratively possible;
- 2) The Mayor and/or the City Manager is authorized to execute an agreement rescinding the Agreement and terminating MPRWA on the unanimous consent of the Members, and to take any other necessary steps to effectuate its termination.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 20th day of August, 2020 by the following vote:

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

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton, City Clerk

APPROVED AS TO FORM:

CITY ATTORNEY



CITY OF SEASIDE STAFF REPORT

Item No.: 8.H.

TO: City Council

FROM: Craig Malin, City Manager

BY: Ashley Collick, Recreation Supervisor
Dan Meewis, Recreation Director

DATE: August 20, 2020

**SUBJECT: APPROVE A RESOLUTION TO ACCEPT THE 2020-2021
CALIFORNIA VIOLENCE INTERVENTION AND PREVENTION
GRANT CONTRACT EXTENSION DUE TO COVID-19**

PURPOSE & RECOMMENDATION

Adopt a resolution authorizing staff to accept the contract extending the 2020-2020 California Violence Intervention and Prevention grant and incorporate into the annual budget.

BACKGROUND

The California Violence Intervention and Prevention (CalVIP) program, through a competitive grant process, provides funds for cities that propose to use a local collaborative effort to reduce violence through the use of evidence-based prevention, intervention, and/or suppression activities.

On December 14, 2017 The Board of State and Community Corrections (BSCC) released a Request for Proposals (RFP) for the California Violence Intervention and Prevention Grant. The grant period was May 1, 2018 – April 30, 2020. City Manager approved staff to apply for the grant. The City of Seaside was not recommended for funding.

On July 9, 2018 the City of Seaside was notified that the state had appropriated an additional \$9 million for the CalVIP Grant and the BSCC awarded funding to 19

additional cities including the City of Seaside. Funding will begin on September 1, 2018 and end on August 31st, 2020 and the initial budget proposal was modified and submitted to BSCC on July 31, 2018.

The CalVIP grant is a two-year cycle. \$250,000.00 will be allocated annually with 50% of the funds mandated specifically for Community Based Organizations (CBO). Funding for the CalVIP Program requires a dollar-for-dollar (100 percent) match (cash or in-kind) of the funds awarded to the recipient. Seaside's CalVIP Advisory and Coordinating Council is responsible for the selection of funding through a competitive RFP process.

Since funding cannot replace or supplant funds that have been appropriated it was necessary to re-convene the Coordinating and Advisory Council on July 23, 2018 for review and recommendations of the funding proposal.

The following adjustments were made based on the revised funding amounts and recommendations by the Coordinating and Advisory Council:

Two part-time Resource Center Activity Coordinators for Spanish interpreting, client intakes and a Youth Employment Program.

Provide funding for selected CBO's including Ladies First, Partner for Peace, Community Human Services, Village Project and Community Partnership for Youth.

The Seaside Cal VIP grant application was coordinated with the Seaside Blue Ribbon Task Force for the Prevention of Youth Violence, Seaside Finance Department, Seaside's Cal VIP Advisory and Coordinating Council Seaside and other stakeholders.

Due to the Covid -19 Pandemic and social distancing protocols instituted by state and local government, the City of Seaside and several of our Cal VIP partners were unable to fully expend the grant funds by the original deadline of August 31st, 2020.

The Board of State and Community Corrections (BSCC) offered an extension to those Cities adversely affected by COVID 19 and Seaside requested to extend the grant to give our Cal VIP programs an opportunity to revamp to meet the needs of the community and fully expend the original funding.

The Cal VIP Contract extension ends on December 31, 2020.

FISCAL IMPACT

Spending for this program will not exceed the original grant award of \$500,000. The

City of Seaside will account for this grant in a Special Revenue fund. All revenues and expenditures will be accounted for in this fund. The grant is funded on a reimbursement basis. The City will bill the State quarterly for costs incurred.

ATTACHMENTS

1. Draft Resolution

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

ACCEPTING THE CONTRACT EXTENSION AMENDMENT FOR THE 2020 CALIFORNIA VIOLENCE INTERVENTION AND PREVENTION GRANT TOTALING \$500,000.00

WHEREAS, the City of Seaside was awarded a 2018-2020 California Violence Intervention and Prevention program (CalVIP) grant totaling \$500,000.00 and;

WHEREAS, due to the COVID- 19 Pandemic and social distancing mandates from the state and local governments, expending the allocated CalVIP grant funds has been difficult as community based organizations and the City of Seaside have had to revamp their programs to meet the needs of the community;

WHEREAS, the City of Seaside was awarded a 2020-2021 California Violence Intervention and Prevention program (CalVIP) grant extension to spend remaining funds;

WHEREAS, the CalVIP grant extension is a one-year cycle, with any remaining allocated funds to be fully expended;

WHEREAS, the remaining CalVIP grant funds, will be used to implement a violence reduction, intervention and prevention project, and;

WHEREAS, the CalVIP match requirement is in-kind contributions, with minimal impact to the General Fund, and;

WHEREAS, the City of Seaside is committed to reducing youth and gang violence, and;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside do hereby direct the City of Seaside City Manager to accept and execute on behalf of the City Council, the 2020-2021 CalVIP grant program award and direct the Finance Department to incorporate the grant into the City of Seaside budget.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 6th day of August 2020 by the following vote:

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

Ian N. Oglesby, Mayor

ATTEST: _____
Lesley Milton, City Clerk



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.I.

TO: City Council

FROM: Craig Malin, City Manager

BY: Victor Damiani, Finance Director

DATE: August 20, 2020

**SUBJECT: RESOLUTION OF THE CITY OF SEASIDE CITY COUNCIL
AUTHORIZING FINANCE DIRECTOR VICTOR DAMIANI TO
ESTABLISH, MAINTAIN AND CONTROL THE CITY'S BANK
ACCOUNTS.**

PURPOSE & RECOMMENDATION

This resolution is required by the City's current Bank, Mechanics Bank, in order to add the City's new Finance Director to the accounts. City Staff recommends providing authorization for Finance Director, Victor Damiani, to establish, maintain, and control all of the City's Mechanics Bank accounts and/or accounts with any other financial institution or bank necessary to conduct the City's business.

BACKGROUND

Mechanic's bank has not required City Council authorization in the past. The bank has new procedural requirements however do to a merger with Rabobank in 2019.

FISCAL IMPACT

n/a

ATTACHMENTS

1. Draft Resolution

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO. 20-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

**AUTHORIZING FINANCE DIRECTOR VICTOR DAMIANI TO ESTABLISH,
MAINTAIN AND CONTROL THE CITY'S BANK ACCOUNTS**

WHEREAS, On July 27, 2020, the City of Seaside hired Victor Damiani as the City's Finance Director; and

WHEREAS, The City of Seaside currently maintains bank accounts with Mechanics Bank; and

WHEREAS, Mechanics Bank requires documentation showing the Finance Director is authorized to establish, maintain, and control all of the City's Mechanics Bank accounts; and

WHEREAS, From time to time accounts with other financial institutions or banks may be necessary to conduct the City's business;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Seaside does hereby authorize Finance Director Victor Damiani to establish, maintain and control the City's bank accounts

PASSED AND ADOPTED at a Regular meeting of the City Council of the City of Seaside duly held on the 20th day of August, 2020, by the following vote:

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

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton, City Clerk



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 9.A.

TO: City Council

FROM: Craig Malin, City Manager

BY: Sheri Damon, City Attorney

DATE: August 20, 2020

SUBJECT: CONSIDER AND APPROVE A RESOLUTION THAT AUTHORIZES EXECUTION OF AN AMENDMENT TO SECOND AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT WITH CYPRESS SEASIDE LLC TO EXTEND AND AMEND THE SCHEDULE OF PERFORMANCE FOR THE HOTEL DEVELOPMENT AND TIMESHARE PORTION OF "THE SEASIDE RESORT PROJECT" LOCATED GENERALLY AT THE NORTHWEST CORNER OF GENERAL JIM MOORE BLVD. AND COE AVENUE

PURPOSE & RECOMMENDATION

The purpose of this item is to receive a presentation about a proposed hotel development and to consider amending the performance schedule of the Second Amended and Restated Disposition and Development Agreement to allow for extra time to meet the performance standards. This action is intended to further implement the hotel and timeshare component of the Seaside Resort Project.

BACKGROUND

On or about June 11, 2019, the City Council approved the Second Amended and Restated Disposition and Development Agreement with Cypress Seaside LLC for the Seaside Resort Project. The Project is comprised of a single family residential component, a hotel and a timeshare component. The property was sold to the Developer last year in September 2019.

A potential hotel developer has been working with Cypress Seaside and its related

successor entities to acquire and design the hotel and timeshare site. That entity is Westroc Hospitality and Steve Lyons. Steve Lyons has been involved in multiple hospitality-related ventures in Monterey County. A packet describing Westroc's information and background is attached to this Staff report. Unfortunately in March 2020, the COVID-19 unexpectedly caused a major impact in the hospitality (hotel) market. In particular, investors are difficult to secure given the uncertainties created by the pandemic. Accordingly, the City received a written request for an extension of time primarily to allow the proposed developer, Scott Lyons of Westroc Hospitality to pursue investors for the construction phase of the hotel and timeshare development. In exchange for the extension, the City will receive \$29,166.67 for each month of extension up to three years (36 months) to offset the delay in receiving transient occupancy tax and to reduce any other costs borne by the City for lack of development, including reducing or eliminating related legal/litigation costs. The extension will also extend the time period in which the City might exercise its right to buy-back the hotel property and pursue other developers for the property.

FISCAL IMPACT

Approval of the Agreement will provide \$29,166.67 monthly to the City for such time as the schedule is extended up to a maximum of 36 months.

ATTACHMENTS

1. Draft Resolution- Extension of Performance Schedule
2. Exh A-Am to Second Am Rest DDA Developer signatures
3. Exhibit to Agreement- Seaside Resort Letter 5.27.20_1
4. Westroc Hospitality Background Information

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO. 20-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

AUTHORIZING THE CITY TO ENTER INTO AN AMENDMENT TO THE SECOND AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT WHICH EXTENDS THE PERFORMANCE SCHEDULE FOR THE HOTEL AND TIMESHARE COMPONENTS FOR THE SEASIDE RESORT PROJECT LOCATED GENERALLY OFF OF GENERAL JIM MOORE BOULEVARD AND ADJACENT TO THE BLACK HORSE AND BAYONET GOLF COURSE.

RECITALS:

A. In 1996, the City of Seaside ("City") purchased the approximately 400-acre Black Horse and Bayonet Golf Courses ("Golf Courses") from the US Army with City funds. On January 15, 1997, the City and BSL Golf of California, Inc. ("BSL") entered into a 75-year ground lease ("Original Lease") for the operation and maintenance of the Golf Courses.

B. Over the course of years from 2005 through 2019, the City Council and the Redevelopment Agency pursued multiple actions to advance the development of the Seaside Resort Project. On June 11, 2019, the City Council acting on its own behalf and in its role as Successor to the Redevelopment Agency, approved the Second Amended and Restated Disposition and Development Agreement, conveyed the property to the City and then the City sold the property to the developer Cypress Seaside Resort. The proceeds from that sale were distributed in accordance with the provisions of a Master Taxing Agreement which resulted in the majority of the revenues being transferred to the Monterey County Office of Education. In accordance with Redevelopment Law, Seaside retained approximately 20% of the net sales price. That sale transaction was completed on or about September 30, 2020.

C. On or about March 19, 2020, the State of California and the County of Monterey issued shelter-in-place orders which substantially affected the occupancy rate for hotels in California.

D. On or about May 27, 2020, the City received a written request from the Seaside Hotel Investors requesting an extension of the timelines related to the development objectives for the hotel and timeshare development and in particular and primarily needed additional time to raise the capital to implement the construction plans for the hotel and timeshare component.

E. The City has negotiated an amendment to the Performance Schedule to the Second Amended and Restated Disposition and Development Agreement in the form attached hereto as Exhibit A. The payment stream will be retroactive to August 1, 2020. Generally, the amendment extends the performance schedule and in particular

the date of July 31, 2020 for Item 4 for up to three years and provides for a payment of \$29,166.66 monthly payable for 36 months or until the performance objective is met.

F. The City has received information that its transient occupancy tax averaged over the last year is down by 73%, the most of which occurred in the last quarter from March through June 30, 2020.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEASIDE HEREBY FINDS, DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1. The above recitals are true and correct and are a substantive part of this Resolution.

Section 2. The City Council certified a Final Environmental Impact Report for the Project on July 7, 2005, and thereafter, on August 17, 2005, adopted Addendum No. 1, on February 5, 2014, adopted Addendum No. 2, on December 10, 2014, adopted Addendum No. 3, and on December 7, 2017, adopted Addendum No. 4. The City Council hereby finds that the extension for the closing of the sale of the hotel/resort land, timeshare land and residential land, as set forth in the Second Amended DDA are within the scope of the Final Environmental Impact Report and Addendum Nos. 1 through 4, and no further review under the California Environmental Quality Act is required in connection with the extension of the performance schedule to the Second Amended DDA.

Section 3. The Mayor, (or, in the Mayor's absence, the Mayor Pro Tem) is hereby authorized and directed to execute and deliver, for and in the name of the City, the amendment to the Performance Schedule to the Second Amended DDA in substantially such form as attached Exhibit A, with changes therein as the Mayor (or the Mayor Pro Tem, as the case may be) may approve in consultation with the City's attorney (such approval to be conclusively evidenced by the execution and delivery thereof).

Section 4. The officers and staff of the City are hereby authorized and directed, jointly and severally, to execute such instruments and do any and all things which they may deem necessary or advisable to effectuate this Resolution and any such actions previously taken by such officers and staff are hereby ratified and confirmed.

Section 5. This Resolution shall take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED by the City Council at a meeting held on the 20th day of August, 2020.

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton, City Clerk

APPROVED AS TO FORM:

Sheri L. Damon, City Attorney

**EXHIBIT A
(AMENDMENT TO PERFORMANCE SCHEDULE TO THE SECOND AMENDED AND
RESTATED
DISPOSITION AND DEVELOPMENT AGREEMENT)**

**AMENDMENT TO SECOND AMENDED AND RESTATED
DISPOSITION AND DEVELOPMENT AGREEMENT**

THIS AMENDMENT TO SECOND AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT (“Amendment”) is dated as of _____, 2020, by and among CITY OF SEASIDE, a California municipal corporation (“City”), and CYPRESS SEASIDE, LLC, an Arizona limited liability company (“Cypress Seaside”), SEASIDE HOTEL INVESTORS, LLC, an Arizona limited liability company (“Seaside Hotel Investors”), SRD H, LLC, an Arizona limited liability company (“SRDH”), SRD R, LLC, an Arizona limited liability company (“SRDR”), SRD 33, LLC, an Arizona limited liability company (“SRD33”), and SEASIDE RESORT ESTATES I, LLC, an Arizona limited liability company (“SREI”). (Seaside Hotel Investors, SRDH, SRDR, SRD33 and SREI, which are affiliates of Cypress Seaside, are sometimes referred to in this Amendment as the “Seaside Entities”).

RECITALS

A. The City and Cypress Seaside are parties to a Second Amended and Restated Disposition and Development Agreement dated as of June 12, 2019 (the “DDA”). Terms described in the DDA shall have the same meaning when used in this Amendment unless otherwise specifically defined in this Amendment.

B. On October 1, 2019, pursuant to the DDA, the Seaside Entities purchased the property from the City. In particular, the City conveyed the Hotel Phase Land to Seaside Hotel Investors.

C. On May 27, 2020, the Seaside Hotel Investors sent a written request for extension due the Covid-19 pandemic and making representations that they were poised to comply with the hotel management agreement and schematic design drawings. The letter represented that they have made a deal with Westroc Hospitality, which spent a year creating hotel plans. The letter represented that Westroc’s capital partners pulled out when the corona virus pandemic hit. Further, the principal of Westroc Hospitality, Scott B. Lyon submitted a letter indicating his commitment to a hotel and that he was on target to meeting the Hotel Management Agreement with Benchmark Hotels and Preferred resorts but that he needed additional time to raise the capital necessary to implement the construction plan. A copy of that letter is attached.

D. On May 28, 2020, Cypress Seaside, the Seaside Entities and Scott Lyon representing Westroc Hospitality delivered a presentation to the City which included three-dimensional representations of schematic designs of a proposed hotel (the “Proposed Hotel”).

E. The City, Cypress Seaside and the Seaside Entities desire to amend the DDA as provided in this Amendment.

NOW THEREFORE, the City, Cypress Seaside and the Seaside Entities agree as follows:

1. The Proposed Hotel, as represented in the May 28, 2020 presentation, satisfies Item #5 on the Schedule of Performance (Attachment NO. 3) of the DDA. Any substantive deviation, in the sole judgement of the City, from the Proposed Hotel

as represented in the May 28, 2020 presentation, shall require City approval. In the case of the City withholding approval of any substantive deviation(s) from the Proposed Hotel, the parties agree Item #5 on the Schedule of Performance (Attachment NO. 3) of the DDA is not satisfied and the deadline in Item #5 shall again apply.

2. The recitals are incorporated into this agreement and are the fundamental basis upon which the City enters this agreement.

3. Modification of Schedule of Performance; Extension Payments.

a. The deadlines in the Schedule of Performance (DDA Attachment No. 3) for items 4 through 10 (with item 5 set forth in case of any substantive deviation(s) to the Proposed Hotel not approved by the City as provided in paragraph 1 above) are amended to provide as follows:

4.	Execution of Hotel Management Agreement with a management company listed on Attachment No. 4 and consistent with this Restated DDA and delivery of copy to City (fees and other proprietary provisions may be redacted)	July 31, 2023*
5.	Schematic Design Drawings for the Hotel, containing the elements described below, delivered to the City	October 31, 2023
6.	Delivery of final plans and specifications for the Hotel that are reasonably acceptable to City	June 11, 2024*
7.	Closing of Hotel construction loan in amount sufficient to pay all costs not paid with committed equity funds, and consistent with the Budget (City not being obligated to subordinate its right of reversion unless it provides for City's repurchase price of \$800,000 to be paid to lender in exchange for reconveyance of lender's deed of trust and other documents/interests)	July 12, 2024*
8.	Developer obtains all permits required for Hotel development/construction (and pays all fees)	September 10, 2024*
9.	Material commencement of Hotel improvements	September 11, 2024*
10.	Completion of Hotel	July 12, 2026*
11.	Issuance of grading or building permits and commencement of construction of the permitted improvement on a Residential Parcel. [PC 9(b)]	December 31, 2028 (not extended by this Amendment)

12.	Issuance of grading or building permits and commencement of construction of the permitted improvement on a Timeshare Parcel. [PC 9(b)]	December 31, 2028 (not extended by this Amendment)
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b. On or before the first day of each month beginning August 1, 2020, and continuing until the first to occur of (i) the thirty-sixth such month or (ii) satisfaction of item 9 in the Schedule of Performance, Seaside Hotel Investors will pay the City \$29,166.67 per month.

c. If Seaside Hotel Investors does not (i) timely deliver any of the payments described in Section 1(b) of this Amendment, and fail to cure the deficiency within 10 days following notice from the City, or (ii) meet the Hotel deadlines as extended by in Section 3(a) of this Amendment, then the City shall be entitled to exercise its repurchase option described in Section 6.1.2 of the DDA.

2. Ratification. Except as specifically modified in this Amendment, all applicable terms of the DDA remain unmodified and in full force and effect.

3. Execution in Counterparts. This Amendment may be executed in counterparts, each of which, and all of which together, shall constitute one and the same Agreement.

[Signatures begin on the next page.]

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment as of the day and year first written above.

CITY OF SEASIDE

By: _____
Print Name: _____
Title: _____

ATTEST:

Lesley Milton, City Clerk

APPROVED AS TO FORM:

[Signatures continue on the next page.]

CYPRESS SEASIDE, LLC,
an Arizona limited liability company

By: Southwest Holdings Ltd., an Arizona
corporation, its member

By: 
David Goldstein, Vice President

By: Cornerstone Capital Management Ltd.,
an Arizona corporation, its member

By: _____
Donald Pitt, President

Seaside Hotel Investors, LLC, an Arizona limited
liability company

By: Seaside Resort Development, L.L.C.,
an Arizona limited liability company,
its sole member

By: Southwest Holdings Ltd., an Arizona
corporation, its member

By: 
David Goldstein, Vice President

By: Cornerstone Capital Management Ltd.,
an Arizona corporation, its member

By: _____
Donald Pitt, President

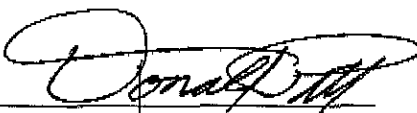
[Signatures continue on the next page.]

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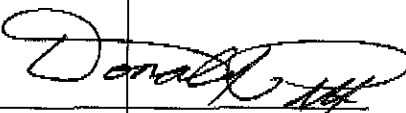
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By: Cornerstone Capital Management Ltd.,
an Arizona corporation, its member

By:  _____
Donald Pitt, President

[Signatures continue on the next page.]

SRD R, LLC, SRD H, LLC, and SRD 33, LLC, Arizona
limited liability companies

By: Seaside Resort Development, L.L.C.,
an Arizona limited liability company,
sole member

By: Southwest Holdings Ltd., an Arizona
corporation, its member

By: 
David Goldstein, Vice President

By: Cornerstone Capital Management Ltd.,
an Arizona corporation, its member

By: _____
Donald Pitt, President

SEASIDE RESORT ESTATES I, LLC, an Arizona
limited liability company, by Seaside Lot Development
Associates, Inc., an Arizona corporation, its sole
member

By _____
Donald Pitt, President

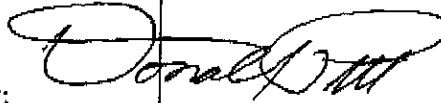
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limited liability companies

By: Seaside Resort Development, L.L.C.,
an Arizona limited liability company,
sole member

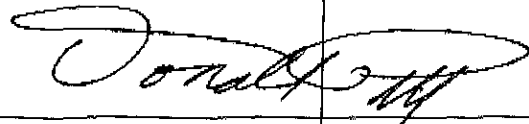
By: Southwest Holdings Ltd., an Arizona
corporation, its member

By: _____
David Goldstein, Vice President

By: Cornerstone Capital Management Ltd.,
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By: 
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Donald Pitt, President

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Associates, Inc., an Arizona corporation, its sole
member

By:  _____
Donald Pitt, President

Cypress Seaside, LLC
310 South Williams Blvd., Suite 180
Tucson, AZ 85711

Sent via email

May 27, 2020

Ian Oglesby
Mayor
City of Seaside
440 Harcourt Ave
Seaside, CA 93955

Craig Malin
City Manager
City of Seaside
440 Harcourt Ave
Seaside, CA 93955

Re: Seaside Resort DDA

Dear Mayor and Craig,

Cypress Seaside, LLC has complied with items 1 through 3 in the Schedule of Performance to the Seaside Resort DDA and is poised to timely comply with items 4 and 5 (hotel management agreement and schematic design drawings). We were also on target to timely comply with items 6 through 10 until the Coronavirus pandemic hit.

The pandemic has caused us to request a modification to the dates for items 6 through 10. Item 7 is construction financing, which has evaporated. Item 6 is the hotel construction drawings, which for a project as large and complex as the Seaside Resort require more than a year and several million dollars to complete and, as such, are dependent on securing construction financing. Item 8 is the date for securing City permits, which is dependent on the hotel construction drawings. Item 9 is the start date of construction, and item 10 is the completion of construction.

Four times we have been on the verge of starting construction of the Seaside Resort when disaster struck and has brought us to where we are today. Before the recession of 2008-2009, we made a deal with Fairmont Hotels to manage the resort and we spent \$4 million to complete construction plans. Then the great recession hit. Coming out of the recession, we made a deal with Athens, which was backed by the Kuwaiti Investment Office. Oil was above \$100 per barrel. Oil crashed to the mid-\$30 per barrel, and the KIO pulled out. We then worked with Tieback for over a year, and commencement was close when the managing partner, 60 years old, had a stroke and died. And, most recently, we made a deal with Westroc Hospitality, which spent a year creating hotel plans and working with its capital partners, which pulled out when the Coronavirus pandemic hit.

The result of these disasters is the Seaside Resort has taken longer than anyone wants. The delay has hurt the City and us. The City's expected TOT revenue has been delayed. We have continued to fund the project with millions of dollars per year, and we know we will never retrieve anywhere close to the total amount of money we have invested, but we are committed to seeing the project through.

Despite the disasters, the City and we have been good partners and found ways to adjust each time in ways that are mutually beneficial and keep the prospect of the Seaside Resort alive. For example, we paid many millions of dollars to facilitate the removal of the prior owners of the golf course leasehold when they obstructed the City's desire to create developable parcels of land for the advent of the DDA. This resulted in the City having us as a cooperative party, which enabled the creation of developable parcels of land for the DDA, and we received the golf course leasehold. We also paid off the City's \$2.5 million loan from Rabobank when the City did not have funds to do so, and the City provided us with land purchase credits.

When the Coronavirus pandemic hit, we asked Scott Lyon of Westroc Hospitality whether he was still committed to the Seaside Resort. He wrote us a letter (attached) saying he is committed to continuing if we can be realistic on timing. The hotel industry is devastated, and the resort industry even more so. Scott had us join him in a presentation from CBRE Global Hotels. They project that development financing for new resorts will not be available for 3 years, and possibly more. This is consistent with what we have gleaned from all of the industry experts we have heard from. Hence, our request is for a three-year extension to the dates in the DDA for items 6 through 10.

This request does not mean we will sit on our hands. We will continue to pursue the financing rigorously. It is in our interest, as well as the City's, for us to bring the resort to fruition as soon as possible. We hope we won't need a three-year extension, but we also must deal with reality as it faces us today.

As we pursue the financing, we will provide you with quarterly written progress reports, and we will meet with you personally as you request. Further, to show our ongoing commitment to the Seaside Resort, we will build the entry to the Resort off of General Jim Moore Blvd. We will begin the plans immediately and start construction as soon as those plans are approved.

We are doing all that we can to bring the Seaside Resort to fruition.

Thank you for your consideration.

Cypress Seaside, LLC

A handwritten signature in cursive script, appearing to read "Don Pitt", written over a horizontal line.

Don Pitt



15035 North 73rd Street
Suite D
Scottsdale, AZ 85260
P: 480.367.6200

May 6, 2020

David, Donald, and David

I have reflected on our recent conversation where you asked whether I remain committed to constructing the Seaside Resort and where I am in the process and what I believe needs to be done. It's a rare opportunity to develop on a site with ocean views and the critical coupling of the hotel and golf course under a single ownership and management, so my answer is yes, but with a qualification. Notwithstanding the progress my team and I had accomplished before the pandemic, you, the City and I must confront the impact of the pandemic and what must be done by each of us.

Until the pandemic, I was ahead of the schedule you had required of me (and the City had required of you). After almost nine months of work with my architectural firm, Allen & Philp, we completed the Schematic Design Drawings, seven months ahead of the due date. We are also on target to meet the Hotel Management Agreement date through Westroc's relationship with Benchmark Hotels and Preferred Resorts.

However, by mid-March the pandemic had quickly devastated the hospitality industry, resulting in our capital sources evaporating. Gencom withdrew from our project, concluding that the capital markets are "frozen." Woodbine, my partner in Mountain Shadows and the owner of more than 40 hotels, withdrew, too, saying they are in "crisis mode" because their properties have seen "massive cancellations across the board."

Already, over half the full-service hotels in California and Arizona have shut down, and not all are expected to reopen. Industry experts and trade associations are saying there will be countless hotels that will be sold or recapitalized because the owners don't have the cash to endure the pandemic. Those same experts are saying it will take a few years to get through this "bottom fishing" period, followed by traditional purchases of existing resorts (more specifically value add opportunities) before any capital will be looking into new development, especially

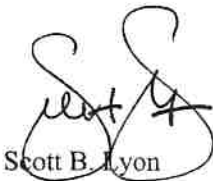
of resorts (funding of limited service hotels will be available before funding for resorts will be).

Needless to say, the performance timeframes you required of me (and the City required of you as outlined in the DDA) will need to be aligned with this new reality. I am willing to continue spending my money and time to bring the Seaside Resort to reality, but given the uncertainty of the capital markets in the resort industry, the outside dates for financing, construction documents and construction commencement should be eliminated, but at the very least need to be extended three years. I cannot control the economy and markets. I'm willing to continue spending the money necessary to put the hotel in position to break ground as soon as those markets allow, but I can't spend that much money with the risk that I'm ready, the markets aren't, and a due date arises. That is gambling, not business.

Given the progress of my architectural plans, costing and underwriting (which was approved by Gencom), I am a year ahead what anyone else can deliver, I'm enthusiastic about the plans we've created and what I can deliver, and I know I can deliver. I just can't guarantee the timing of it.

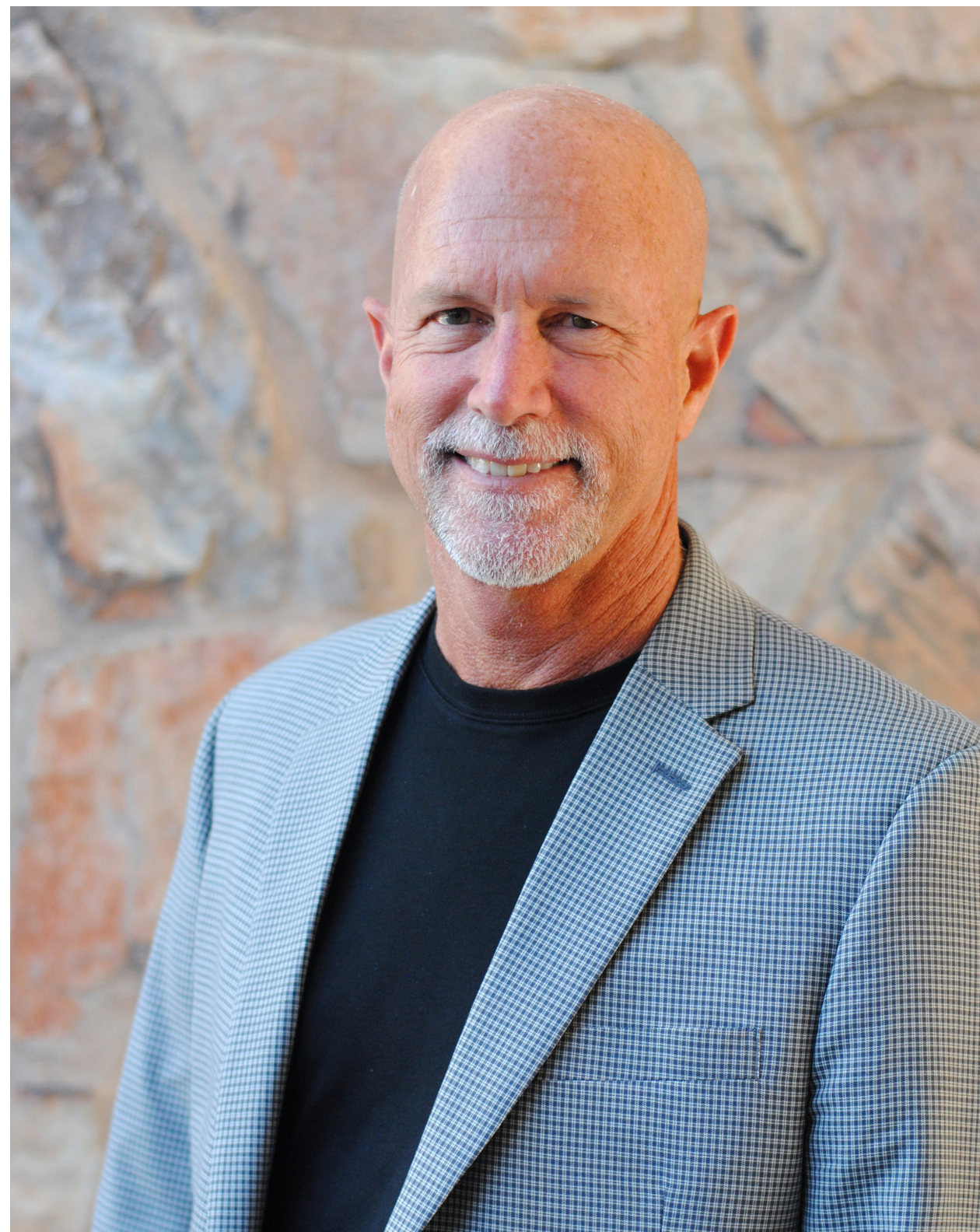
I am available to review with you or the City what is realistic.

Please let me hear from you soon.



Scott B. Lyon

Chief Executive Officer



Hospitality Experience (development and management)

Carefree Resorts

The Boulders
The Peaks at Telluride
Carmel Valley Ranch

Westroc Hospitality

Sanctuary
Hotel Valley Ho
Mountain Shadows

Residence

Splits time equally between Quail Meadows (Carmel Valley) and Arizona

Seaside Resort

Completed Schematic Design Drawings for the resort hotel
(260 hotel rooms plus 40 condo hotel rooms)
and the new golf course building components

Westroc Hospitality | **Scott Lyon, CEO**

Seaside Resort
at Monterey Bay

Carefree Resorts | Portfolio



The Boulders Resort and Spa
Scottsdale , Arizona



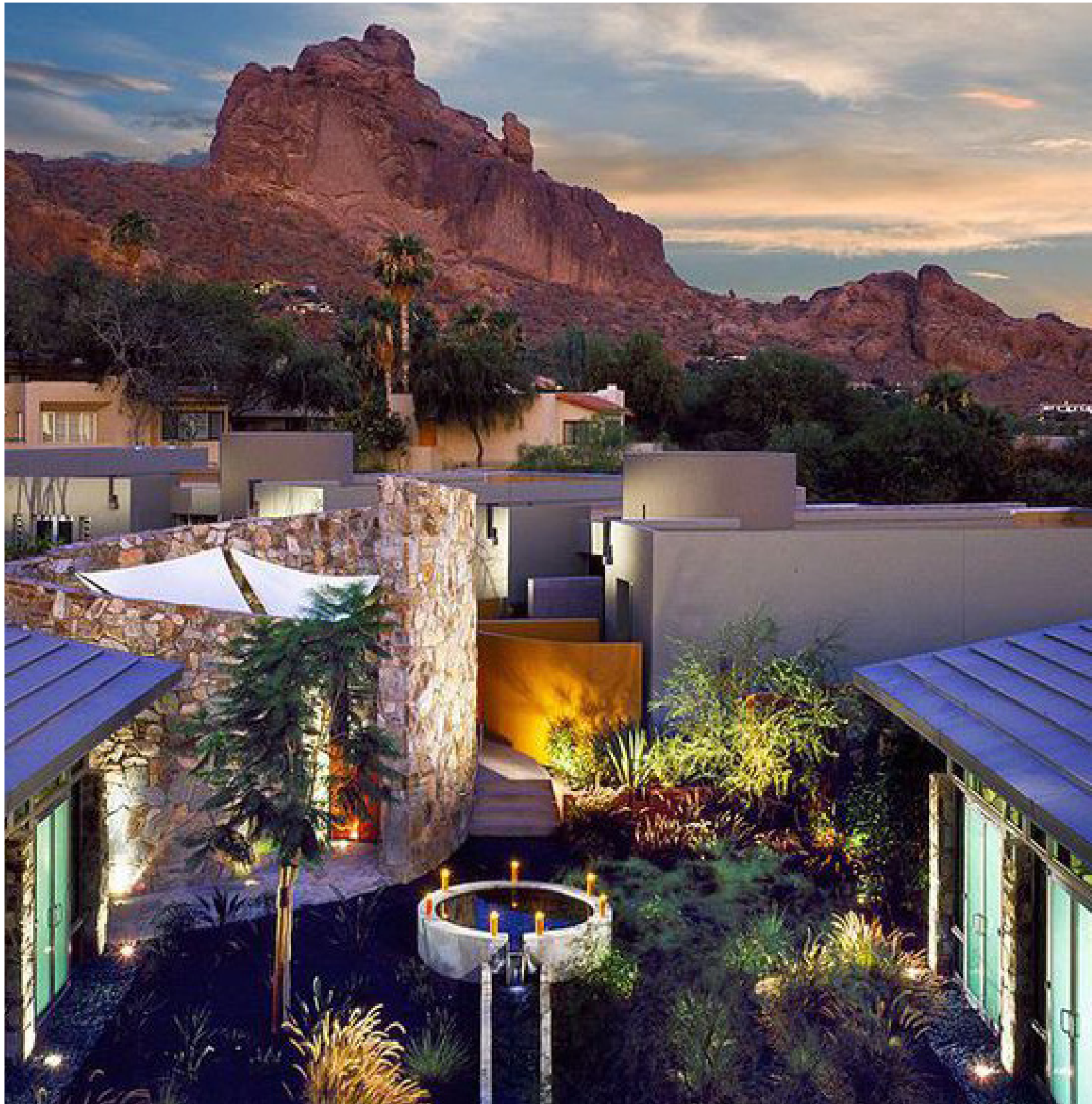
The Peaks Resort
Telluride , Colorado



Carmel Valley Ranch
Carmel , California

Carefree Resorts Portfolio Seaside Resort
at Monterey Bay

Westroc Hospitality | Portfolio



The Sanctuary Resort and Spa
Paradise Valley , Arizona



Hotel Valley Ho
Scottsdale, Arizona



Mountain Shadows
Paradise Valley, Arizona



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 9.B.

TO: City Council

FROM: Craig Malin, City Manager

BY:

DATE: August 20, 2020

**SUBJECT: APPROVE SECOND READING OF AN ORDINANCE AMENDING
SEASIDE MUNICIPAL CODE SECTION 8.32 FIREWORKS
PROHIBITING THE POSSESSION, USE, AND SALE OF ALL
FIREWORKS IN THE CITY OF SEASIDE (SECOND READING -
ROLL CALL VOTE)**

PURPOSE & RECOMMENDATION

Adopt the ordinance as presented.

BACKGROUND

The City of Seaside has regulated fireworks since 1970. In 2014, Chapter 8.32 of the Seaside Municipal Code was amended to prohibit fireworks, but provided some narrow exceptions to allow the sale, use and possession of safe and sane fireworks during the period June 28 through noon on July 5. In the intervening years, there have been multiple complaints of noise and abuses related to the use of fireworks and on July 19, 2020, the City Council voted to amend the Seaside Municipal Code to exclude all private sale, use, or possession of all fireworks, including safe and sane, within the City at any time. The only exception is the existing Section 8.32.040 Public Displays and special events which require a permit to be issued and provides that the general public must be admitted. The proposed ordinance eliminates all other exceptions and subjects violators to a potential misdemeanor or a fine not to exceed \$1000.

The City Council met and discussed the draft ordinance and revisions were requested to to remove the penalty of "misdemeanor" and other language criminalizing the

possession of fireworks. The draft ordinance was passed to print at the August 6, 2020 meeting.

FISCAL IMPACT

The City established a surcharge percentage to be charged on the sale of safe and sane fireworks, to help offset the clean up. To date, City services has exceeded the total dollars collected from the surcharge, therefore there will be no significant negative impact to the General Fund with this action.

ATTACHMENTS

1. Draft Ordinance with August 6 Revisions
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE

AMENDING SEASIDE MUNICIPAL CODE CHAPTER 2.14 BOARDS AND COMMISSIONS ESTABLISHING A COMMUNITY POLICING ADVISORY COMMITTEE

THE CITY COUNCIL OF THE CITY OF SEASIDE DOES ORDAIN AS FOLLOWS:

SECTION 1. GENERAL PURPOSE AND FINDINGS.

The purpose of this Ordinance is to consider text amendments to the Seaside Municipal Code chapter 8.32 regarding fireworks for the following reasons:

Whereas, the City of Seaside has regulated fireworks since 1970.

Whereas, in 2014, Chapter 8.32 of the Seaside Municipal Code was amended to prohibit fireworks, but provided some narrow exceptions to allow the sale, use and possession of safe and sane fireworks during the period June 28 through noon on July 5.

Whereas, in the intervening years, there have been multiple complaints of noise and abuses related to the use of fireworks

Whereas, inspite of enforcement and deterrent efforts, the use of illegal firewoks and the complaints of nioise and abuses has not improved

Whereas, July 19, 2020, the City Council voted to amend the Seaside Municipal Code to exclude all private sale, use, or possession of all fireworks, including safe and sane, within the City at any time.

Whereas, the Council desired to have only one exception, Section 8.32.040 Public Displays and special events which require a permit to be issued and provides that the general public must be admitted to allow for a City sponsored fireworks display.

SECTION 2. ENVIRONMENTAL COMPLIANCE

The proposed changes to the Ordinance will not result in direct or indirect changes to the environment and do not meet the definition of project under CEQA. (14 CCR

15378(b)) Additionally, any cross-connection activities are categorically exempt from CEQA. (14 CCR 15301(b))

SECTION 3. PROPOSED TEXT AMENDMENTS

This ordinance repeals and restates the following amendments into the Seaside Municipal Code:

Chapter 8.32

FIREWORKS

Sections:

- 8.32.010 Purpose.
- 8.32.020 Definitions.
- 8.32.030 General prohibition against possession, use, or sale of fireworks.
- 8.32.040 Exception – Public displays and special events – Agricultural and wildlife fireworks – Model rockets.
- ~~8.32.050 Exception – Safe and sane fireworks.~~
- ~~8.32.060 Permit to sell safe and sane fireworks – Application – Qualified applicants.~~
- ~~8.32.070 Limitation on permits to sell safe and sane fireworks – Selection of eligible nonprofit organizations.~~
- ~~8.32.080 Operator safety seminar.~~
- ~~8.32.090 Operation of fireworks stand.~~
- ~~8.32.100 Fireworks stands.~~
- ~~8.32.110 General requirements for permittees.~~
- 8.32.120 Revocation of permit.
- 8.32.130 Seizure of fireworks.
- 8.32.140 Police and fire department illegal fireworks operation plan and after action report.
- ~~8.32.150 Fireworks surcharge.~~
- ~~8.32.160 Wholesale storage of safe and sane fireworks.~~
- ~~8.32.170 Fireworks wholesaler public education plan.~~
- 8.32.180 Manufacture of fireworks prohibited.
- 8.32.190 Administrative fines and penalties.
- 8.32.200 Concurrent authority.
- 8.32.210 Fees deemed debt to the city.

* Prior legislation: Ords. 368, 369, 589, 760 and 884, and prior code §§ 8-100 – 8-109.

8.32.010 Purpose.

The purpose of this chapter is to regulate the possession, use, storage, sale and display or fireworks within the city of Seaside. (Ord. 1014 § 2, 2014)

8.32.020 Definitions.

When used in this chapter, the following words shall have the meanings ascribed to them in this section:

“Affiliated organizations,” for purposes of this chapter, shall be presumed to be the following:

1. Organizations incorporated under the same charter or organization and their auxiliaries if the auxiliary is incorporated under the same charter;
2. Organizations sharing the same officers and/or place of meetings and/or national parent organization;
3. Subdivisions and/or fractional divisions however named or delineated of organizations.

“Citation” means an administrative citation issued pursuant to this section to remedy a violation.

“Citee” means any person served with an administrative citation charging him or her as a responsible person for violation.

“City” means the city of Seaside.

“Code” means the city of Seaside Municipal Code.

“Code enforcement officer” or “CEO” means any employee or agent of the city of Seaside designated by the city council to enforce any provision of this code.

“Dangerous fireworks” means fireworks as listed and defined in California Health and Safety Code Sections 12505 and 12561 and the relevant sections of Title 19 of the California Code of Regulations, as the same may be amended from time to time.

“Eligible nonprofit organization” means a duly organized nonprofit, tax exempt charitable, religious, civic, patriotic, or community service association, organization, or corporation (collectively “the organization”) which has met all the following criteria continuously for a minimum period of one year immediately preceding the filing of an application for a permit to display for sale or to sell safe and sane fireworks.

1. The organization must be a duly organized nonprofit entity which has tax exempt status from the Internal Revenue Service or the Franchise Tax Board, or which is an organization affiliated with and operating solely in support of an elementary school, junior high school, high school, university or community college that is located

within the city of Seaside and that serves, in whole or in part, residents of the city of Seaside.

2. The organization must have its principal place of business and principal meeting place within the city of Seaside and must hold its regularly scheduled meetings within the city of Seaside.

3. The organization must be one which provides direct and regular community services and benefits to the residents of the city of Seaside.

4. The organization must not have had a permit to sell revoked within twenty-four months prior to the organization's submittal of an application for a permit to sell.

"Exempt fireworks" means any special item containing pyrotechnic compositions which the state Fire Marshal, with the advice of the state fire advisory board, has investigated and determined to be limited to industrial, commercial, and agricultural use, or religious ceremonies when authorized by a permit granted by the authority having jurisdiction.

"Fireworks" means any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical, or thermal effects which are useful as pyrotechnic devices or for entertainment. These items include, but are not limited to, devices designated by the manufacturer as fireworks, torpedoes, skyrockets, roman candles, rockets, Daygo bombs, sparklers, party poppers, paper caps, chasers, fountains, smoke sparks, aerial bombs, and fireworks kits. These terms include both "dangerous fireworks" and "safe and sane fireworks."

"Fireworks sales permit" or "permit" means a permit issued pursuant to this chapter authorizing the display for sale and the sale of state-approved fireworks.

"Fireworks stand" means any building, counter, or other structure of a temporary nature used in the sale, the offering for sale, or display for sale of "safe and sane fireworks."

"Fireworks wholesaler" and "fireworks distributor" means a person, other than an importer, exporter, or manufacturer selling only to wholesalers, who sells fireworks to a retailer or any other person for resale. It also includes any person who sells dangerous fireworks to public display permittees.

"Hearing officer" means the person appointed by the city manager to serve as the hearing officer for administrative hearings hereunder.

"Issuance" or "issued" means:

1. The preparation and service of an administrative fine citation to a citee in the same manner as a summons in a civil action in accordance with Article III (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedures; or

2. Mailing of administrative fine citation to the citee by certified mail with return receipt, to the address shown on the official records of the county assessor; or

3. By personally serving the responsible party by personal delivery of the administrative fine citation or by substituted service. Substituted service may be accomplished as follows:

a. By leaving a copy at the recipient's dwelling or usual place of abode, in the presence of a competent member of the household, and thereafter mailing by first class mail, postage prepaid, a copy to the recipient at the address where the copy was left; or

b. In the event the responsible party cannot be served by first class mail, postage prepaid, or cannot be personally served and has a property manager or rental agency overseeing the premises, substituted service may be made upon the property manager or rental agency or may be effected by posting the property with the administrative fine citation and mailing a copy by first class mail, postage prepaid, to the responsible party in violation at the address of the property where the violation exists.

"Permittee" means an eligible nonprofit organization to which a permit has been issued pursuant to this chapter.

"Person" means any person, partnership, organization, firm, corporation, association or any combination thereof, or any city, county, city and county, and state, and shall include any of their employees and authorized representatives.

"Principal place of business" and "principal meeting place" includes, but is not limited to, a permanent structure, playing field, geographic area, or service population which resides in or is located within the city of Seaside.

"Public display of fireworks" means an entertainment feature where the public is admitted or permitted to view the display or discharge of fireworks, including but not limited to those defined in this chapter.

"Responsible person" means a person who causes a violation of this chapter to occur or allows a violation to exist or continue, by his or her action or failure to act, or whose agent, employee or independent contractor causes a violation to occur, or allows a violation to exist or continue. There is a rebuttable presumption that the record owner of a residential parcel, as shown on the county's latest equalized property taxes assessment rolls, and a lessee of a residential parcel has a notice of any violation existing on said property. For purposes of this chapter, there may be more than one responsible person for a violation. Any person, irrespective of age, found in violation of any provision of this chapter may be issued a citation in accordance with the provisions of this chapter. Every parent, guardian or other person, having the legal care, custody or control of any person under the age of eighteen years, who knows or responsibly should know that a minor is in violation of this chapter, may be issued a citation in

accordance with the provisions of this chapter, in addition to any citation that may be issued to the offending minor.

“Violation” or “violates” means any violation of any provision of this chapter. (Ord. 1014 § 2, 2014)

8.32.030 General prohibition against possession, use, or sale of fireworks.

Except as otherwise provided in this chapter, no person shall possess, sell, use, display, explode, or discharge any fireworks within the city of Seaside. (Ord. 1014 § 2, 2014)

8.32.040 Exception – Public displays and special events – Agricultural and wildlife fireworks – Model rockets.

A. The display of fireworks shall be permitted as a part of an entertainment feature for which is either City sponsored or co-sponsored event or for which a special event permit has been issued pursuant to SMC 17.52.040(E)(2) and to which the general public ~~or a private group~~ is admitted ~~or invited to attend and is admitted or permitted to enter~~.

B. It shall be unlawful for any person to possess, sell, furnish, or give away, or offer or expose for sale, or fire, discharge, or explode, any agricultural and wildlife fireworks within the city of Seaside without first obtaining a permit to do so from the fire chief. The permit shall not be transferable and shall particularly describe the place where agricultural and wildlife fireworks are to be stored, sold, or discharged. Such permit shall be for such length of time as the fire chief shall determine, but in any event, not to exceed twelve months.

C. The sale, purchase, storage, firing or discharge of model rockets may be allowed by written permit from the fire chief or his/her designee which shall include, but not be limited to, the conditions contained in Title 19 of the California State Administrative Code and any other conditions the fire chief may deem reasonably necessary for the safety and welfare of the public and the community. (Ord. 1014 § 2, 2014)

~~**8.32.050 Exception – Safe and sane fireworks.**~~

~~The sale, display for sale, and use of safe and sane fireworks shall be permitted only during that period beginning at twelve noon on June 28th and ending at ten p.m. July 5th of that same year. It shall be unlawful for any person to sell safe and sane fireworks within the city of Seaside without having first applied for and received a permit from the city as required under this chapter. (Ord. 1014 § 2, 2014)~~

~~**8.32.060 Permit to sell safe and sane fireworks – Application – Qualified applicants.**~~

~~A. All eligible nonprofit organizations interested in displaying for sale and in selling safe and sane fireworks must meet all requirements of this chapter and must submit an application to the city in a manner determined by the city manager or his/her designee. All applications for permits to display for sale and to sell safe and sane fireworks shall be in writing and shall be submitted to the city's fire chief or his/her designee on forms~~

~~supplied by the city. Any eligible nonprofit organization which demonstrates compliance with all applicable requirements and conditions of this chapter shall be deemed a qualified applicant.~~

~~B. An interested eligible nonprofit organization may submit to the city an application for a permit to sell beginning March 1st of each year, or the first business day thereafter, and ending the last business day in April of that same year.~~

~~C. No organization shall submit more than one application. Submittal of more than one application by any organization or an affiliated organization thereof shall be grounds for denial of all applications. The city manager shall have final authority to determine the affiliation of organizations.~~

~~D. Any attempt to transfer an application shall void any and all applications filed by or on behalf of both the transferor and the transferee.~~

~~E. Each application shall be accompanied by a nonrefundable application fee at an amount established by resolution of the city council. The application fee shall be in addition to any fee or tax imposed by any other chapter of the Seaside Municipal Code. (Ord. 1014 § 2, 2014)~~

~~8.32.070 Limitation on permits to sell safe and sane fireworks—Selection of eligible nonprofit organizations.~~

~~A. Each calendar year, the city shall issue, at the sole discretion of the city council, up to a maximum number of permits not to exceed thirteen. One permit shall be issued to each eligible nonprofit organization selected pursuant to this section.~~

~~B. Of the maximum number of stands/permits allowable in any given year, there shall be two classes of stands/permits: grandfathered and lottery.~~

~~1. Grandfathered stands/permits are provided in recognition of the fact that some local service organizations have relied upon safe and sane fireworks sales as a primary source of income for many years.~~

~~2. Lottery stands/permits are provided in recognition of the fact that there are other local service organizations that could benefit from the sale of safe and sane fireworks, but are not as dependent upon this source of income.~~

~~Grandfathered permits may be established by city council resolution. Grandfathered organizations must reapply each year for a permit to sell safe and sane fireworks to retain their grandfathered status. Failure by a grandfathered organization to file complete permit application packets with the city by the required deadlines shall result in loss of their grandfathered status. Failure to abide by city policies and/or fireworks sales requirements, or by any other valid order or requirement issued by the fire department, may result in the disqualification for grandfathered status and will be grounds for the organization that previously held grandfathered status subject to the loss of such status.~~

~~The number of lottery stands/permits consists of the difference between the maximum number of stands/permits allowed under this ordinance and the number of valid grandfathered stand/permits issued in that year. The number of lottery stand/permits may increase if one or more grandfathered stand/permits are not applied for in accordance with the city requirements. Lottery stand/permits shall be granted by lottery drawing held by the city clerk no later than May 15th of each year. Organizations selected by a lottery shall be notified by the city clerk following the results of the drawing. Notice of lottery drawing date and location shall be provided by the city clerk by notice posted on the city's website or placed in a daily newspaper having widespread circulation of the city of Seaside and by mail to those nonprofit organizations who have applied for a lottery stand/permit that year. Lottery stand/permits do not become grandfathered stand/permits that year. Lottery stand/permits do not become grandfathered stand/permits the following year. A holder of a lottery stand/permit in a particular year is not guaranteed the lottery stand/permit the following year.~~

~~C. Two or more eligible nonprofit organizations from the same priority category may jointly submit an application to the city pursuant to SMC 8.32.060 and may jointly receive a permit to sell fireworks pursuant to this chapter.~~

~~D. The city's fire marshal or his/her designee shall issue permits to those eligible nonprofit organizations that have submitted a conforming and timely application. Selection shall be made at random from among all those eligible nonprofit organizations which have submitted conforming and timely applications. The fire chief or his/her designee shall notify selected organizations in writing no later than May 15th of each year.~~

~~E. Permits issued pursuant to this section are valid only during the calendar year issued.~~

~~F. Permits are not transferable to any other person or organization.~~

~~G. Prior to the issuance of a permit pursuant to this chapter, and in addition to those other requirements set forth in this chapter or on the permit application; in order for a permit to be issued, a qualified nonprofit organization shall demonstrate compliance with all of the following:~~

- ~~1. On a form provided by the city, set forth the proposed location of the fireworks stand; the name, address and telephone number of one or more responsible adults who will be in charge of and responsible for the fireworks stand during the period fireworks are sold, displayed or stored at such location; and written permission from the owner of record and/or lessor and/or management company of the property upon which said fireworks stand is proposed to be located;~~
- ~~2. A copy of the requisite retail sales permit issued by the office of the California State Fire Marshal;~~
- ~~3. Evidence of a temporary sales tax permit from the California State Board of Equalization;~~

~~4. Payment of the permit/license fee at the amount established by resolution of the city council;~~

~~5. Throughout the term of a permit issued pursuant to this chapter, each permittee shall pay for and maintain in full force and effect policies of insurance in a form and amount and with coverage types required by the city. The policies of insurance shall name the city, its officers, officials, agents, and employees as additional insureds. (Ord. 1014 § 2, 2014)~~

~~8.32.080 Operator safety seminar.~~

~~Each year, one or more representatives from each organization that is issued a permit to display for sale or to sell safe and sane fireworks shall attend a stand operator safety seminar conducted by the city of Seaside fire department and each of the fireworks wholesalers operating in Seaside that year. The failure of an organization to have a representative of the organization attend the seminar shall result in the revocation of the permit and the disallowance to display for sale or to sell safe and sane fireworks. (Ord. 1014 § 2, 2014)~~

~~8.32.090 Operation of fireworks stand.~~

~~A. No person shall sell any fireworks to any person under the age of eighteen years.~~

~~B. The sale of safe and sane fireworks pursuant to a permit issued under this chapter shall begin no earlier than twelve noon on June 28th and shall not continue after ten p.m. on July 5th of the same year. The sale of safe and sane fireworks shall be permitted only from nine a.m. to ten p.m. daily, except June 28th when the hours shall be from twelve noon to ten p.m.~~

~~C. No person other than the permittee organization or corporation shall operate the stand for which the permit is issued or share or otherwise participate in the profits of the operation of such stand.~~

~~D. No person other than the individuals who are members or volunteers of the permittee organization or the spouses, significant others, parents or adult children of such members shall sell or otherwise participate in the sale or display of safe and sane fireworks at such fireworks stand.~~

~~E. No person under the age of eighteen shall sell or participate in the sale of safe and sane fireworks or be in the fireworks stand and there shall be at least one supervisor, twenty-one years of age or older on duty at all times.~~

~~F. No person shall be paid any consideration by the permittee organization or any wholesale distributor of safe and sane fireworks for selling or otherwise participating in the sale of fireworks at such stand; provided, however, that compensation may be paid for security personnel during non-sale hours and to the party authorizing location of the stand on its property. The fire marshal or fire chief may revoke the fireworks storage permit of any wholesale distributor violating the terms of this section. (Ord. 1014 § 2, 2014)~~

~~8.32.100 Fireworks stands.~~

~~All retail sales of safe and sane fireworks shall be permitted only from within a fireworks stand. The sale from any other building, structure or location is prohibited. Fireworks stands shall be subject to the following provisions:~~

~~A. No fireworks stand shall be located within thirty feet of any adjacent building or within one hundred feet of any gasoline pump or distribution point.~~

~~B. Fireworks stands may be located on paved or unpaved surfaces, subject to the approval of the Seaside fire department and the community planning and development department.~~

~~C. Fireworks stands need not comply with the provisions of the building code of the city; provided, however, that all stands shall be erected under the supervision of the city's inspectors, who shall require that stands be constructed in a manner which will reasonably insure the safety of attendants and patrons; and provided further, that any electrical installations shall comply with all applicable codes. The permittee shall be responsible for the full costs associated with any inspections conducted by the city's inspectors and the permittee shall fully reimburse the city for all of its costs incurred in association with such inspections. The permittee shall make payment in full to the city within ten days of receipt of the invoice. Nonpayment shall prohibit the permittee from obtaining permits for subsequent years until the invoice is paid in full.~~

~~D. A twenty-five-foot area surrounding the fireworks stand must be cleared of dried vegetation and must be maintained.~~

~~E. No fireworks stand shall be located closer than ten feet from any public roadway unless the rear of the fireworks stand is positioned against a curb that faces the primary use on that parcel and the fireworks stand is positioned to allow for the safe use of the parking lot and to allow for the free flow of vehicular and pedestrian traffic throughout the parcel. Fireworks stands may only be placed on a commercial, mixed use, or industrial zoned parcel and in a location which otherwise meets the approval of the Seaside fire department and community planning and development department.~~

~~F. If a fireworks stand is going to use electric lights the wiring must be properly installed and will be subject to inspection by the city of Seaside fire department and/or building department. Open splices are prohibited and all wiring must be protected from physical damage and weather. Exposed light bulbs shall be protected with covers, cages or screens. Nothing in this chapter shall preclude or prohibit the use of battery-operated lights in and around a fireworks stand.~~

~~G. No fireworks stand shall have a floor area in excess of seven hundred fifty square feet.~~

~~H. Each fireworks stand shall have at least two exits. Each stand in excess of forty feet in length shall have at least three exits spaced approximately equidistant apart; provided, however, that in no case shall the distance between exits exceed twenty-four~~

~~feet apart. Exit doors shall not be less than twenty-four inches wide and six feet in height and shall swing in the direction of exit travel.~~

~~I. Each fireworks stand shall be provided with at least one approved pressurized “water-type” (minimum rating 2A) fire extinguisher with an up-to-date inspection tag that shows the fire extinguisher has been serviced within the past year.~~

~~J. All fireworks stands shall be disassembled and removed no later than July 8th at five p.m.~~

~~K. All fireworks stands are subject to daily inspection by the fire chief or his/her designee and the permittee shall be responsible for the costs incurred by the city in such inspections at the rates and amounts established by resolution of the city council. Other than the initial inspections, the permittee shall not be responsible for the cost of additional inspections unless probable cause existed necessitating the inspection(s) in the first place. The city will invoice the permittee for the full costs of inspection incurred by the city during the term the fireworks stand is in operation. The permittee shall make payment in full to the city within ten days of receipt of the invoice. Nonpayment shall prohibit the permittee from obtaining permits for subsequent years until the invoice is paid in full. (Ord. 1014 § 2, 2014)~~

~~8.32.110 General requirements for permittees.~~

~~A. Fireworks stands shall not be located closer than six hundred feet apart, unless separated by a street, roadway or building.~~

~~B. All weeds and combustible material shall be cleared from the location of the fireworks stand to a distance of at least twenty-five feet surrounding the fireworks stand.~~

~~C. All trash and debris resulting from the operation of the fireworks stand must be removed on a daily basis.~~

~~D. “NO SMOKING” signs shall be prominently displayed on all sides of the fireworks stand, in both English and Spanish. Each sign shall have the words “NO SMOKING” in red letters not less than two inches in height with a minimum one-half inch stroke.~~

~~E. No fuel-powered generator or similar equipment shall be allowed within fifty feet of a fireworks stand.~~

~~F. When the stand is not being used for sale and/or display of fireworks, a reinforced, heavy metal, fully enclosed container, similar to a SAWDOC, walk-in type drop box or its equivalent, as approved by the fire chief or his/her designee, may be used to store fireworks.~~

~~G. Each fireworks stand must post its city of Seaside permit, its temporary sales tax permit, and its state fire marshal retail sales permit and proof of their required insurance in a prominent place inside the fireworks stand.~~

~~H. All unsold stock of fireworks held by the permittee after ten p.m. on July 5th shall be immediately stored in the container referenced in subsection F of this section and picked up by the fireworks wholesaler within seventy-two hours thereafter. (Ord. 1014 § 2, 2014)~~

8.32.120 Revocation of permit.

A. The city fire chief or his/her designee or the city fire marshal or his/her designee may revoke, immediately and without notice or hearing, the permit of any permittee who violates any provision of this chapter. In the event of any such revocation the permittee must immediately cease operations and shall no longer display for sale or sell any fireworks. Any permittee whose permit has been revoked shall be prohibited from applying for or from receiving a permit under this chapter for a period of two years from the date of revocation.

B. Any revocation made pursuant to this section may be appealed by the permittee to the city manager on the next business day following such revocation. The city's fire chief and/or fire marshal or his/her designee shall provide the city manager with written notice of the revocation, including the name of the permittee and a brief statement on the grounds for revocation. The city manager shall consider the appeal at his/her earliest convenience and may, in his/her sole discretion, meet with the permittee to review the revocation and may, in his/her discretion, support or overturn the revocation. The city manager's decision shall be final and dispositive of the matter. In the event the city manager overturns the revocation the permittee may immediately resume operations pursuant to the originally issued permit and shall remain eligible for participation in the next year's application selection process. (Ord. 1014 § 2, 2014)

8.32.130 Seizure of fireworks.

The fire chief or the fire marshal may seize, take, remove, or cause to be removed, at the expense of the permittee or owner thereof, all stocks of fireworks displayed or available for sale, stored, or held in violation of this chapter. (Ord. 1014 § 2, 2014)

8.32.140 Police and fire department illegal fireworks operation plan and after action report.

A. On or before the first regular city council meeting in May of every year, both the city's police and fire departments must present to the city council an operation plan for the thirty-day period surrounding the 4th of July (June 17th through July 16th) for that year. Said operation plan should include, but not be limited to, the following information:

1. Identification of areas within the city where illegal fireworks were a problem in the previous year;
2. A general explanation of the supplemental fire and law enforcement personnel deployed within the city;

3. A report on the additional apparatus and personnel who'll be on duty for the period of June 17th through July 16th of that year;
 4. Recommendations on and discussion of what, if any, dedicated illegal fireworks enforcement patrols there should be for that year and all other relevant information and statistics deemed necessary by the city council;
 5. A detailed discussion of the costs that will be incurred by the city that year to be delivered in the operation plan; what, if any, of these costs will be covered by existing fees levied on the permittees, and unexpended surcharge revenue from prior years;
 6. A proposed recommendation for a surcharge resolution establishing the surcharge amount to be levied that year on each retail sale of safe and sane fireworks in an amount not to exceed seven percent.
- B. On or about September 1st of that same year, both police and fire departments must report back to the city council with an after action report. That report should include, but is not limited to:
1. An evaluation of the effectiveness of that department's operation plan for that year including a listing of any significant fireworks-related incidents, both "dangerous fireworks" and "safe and sane fireworks";
 2. Relevant incident statistics for the period of June 17th through July 16th, and identification of fireworks related incidents;
 3. A report on how many calls there were regarding suspected "dangerous fireworks," how many of those calls either of the departments responded to, how many of those calls resulted in seizures and/or administrative fine citations. (Ord. 1014 § 2, 2014)

~~8.32.150 Fireworks surcharge.~~

~~A. All nonprofit retail booth locations shall assess a surcharge, on all retail sales of safe and sane fireworks that occur in the city. The assessment shall be paid by the permittee upon presentment of an invoice by the city. The surcharge will be assessed to the public for each retail sale and is up and above the retail price of the fireworks and will not be deducted from the permittee's net profit.~~

~~B. The assessment is intended to raise sufficient funds for the city to help pay for the cost of enforcement; inspection of stands; public education and awareness campaigns; enforcing the provisions of this chapter, including extra personnel time, and cleanup of the fireworks trash and debris left behind each year. "Extra personnel time" shall be defined as employee or contracted employee time that the city would not otherwise incur but for the sale and use of safe and sane fireworks. By the first regular city council meeting in May of each year, the city manager must submit to the city council for its approval, a proposed budget for police, fire, administrative services and public~~

~~works departments. The exact amount of the assessment shall be determined each year by no later than the second regular city council meeting in May of that year and notice sent to each of the permittees. In no event shall the assessment be more than seven percent of the gross sales of the fireworks sold in the city that year. The fireworks wholesaler with whom each permittee has contracted shall be responsible for collecting the estimated assessment from their nonprofit organizations, advising the city of the amount of each estimated assessment collected, and holding the funds in trust pending notification by the city of the exact amount owed. After the city determines each permittee's share of the total annual sales volume, each permittee shall be billed for its share of the total assessment. A duplicate copy of each permittee's invoice will be sent to its fireworks wholesaler. Payment of the assessment by each permittee shall be due to the city thirty days after the issuance of the invoice. The expenses submitted are subject to review, audit and dispute by any permittee who has to pay the assessment that year. Any dispute of the assessment must be filed within fifteen days of its receipt or any right to contest it will be deemed waived. The city council is the final arbiter of any disputed assessment. Any excess (i.e., difference between amount of surcharge collected by each group and the amount of their individual assessment) shall remain the property of that permittee.~~

~~C. Failure by any permittee to pay the amount assessed to it by the city shall be cause to bar the permittee from selling safe and sane fireworks in the future, until the assessment is paid in full. Furthermore, if the assessment is not paid by the due date, it shall be subject to a ten percent penalty for each month or portion of a month that it is late. (Ord. 1014 § 2, 2014)~~

~~8.32.160 Wholesale storage of safe and sane fireworks.~~

~~A. Wholesale storage of California State Fire Marshal listed safe and sane fireworks may be allowed under the provisions of this section and chapter. All wholesale storage facilities or buildings shall conform to the applicable building and fire codes of the city of Seaside.~~

~~B. An annual storage permit shall be required from the Seaside fire department for the wholesale storage of fireworks. The annual storage permit shall be annually renewable, subject to inspection clearance by the Seaside fire department. The fee for such permit shall be established by resolution of the city council.~~

~~C. All wholesale storage facilities or buildings are subject to daily inspection by the Seaside fire department. The city will invoice the wholesale storage permittee for the full costs of inspection incurred by the city during the term the location is in use. The permittee shall make payment in full to the city within ten days of receipt of the invoice. Nonpayment shall prohibit the permittee from obtaining permits for subsequent years until the invoice is paid in full. (Ord. 1014 § 2, 2014)~~

~~8.32.170 Fireworks wholesaler public education plan.~~

~~Each fireworks distributor and fireworks wholesaler which is supplying one or more of the permittees under this chapter shall annually submit a public education plan to the~~

~~city of Seaside by no later than five p.m. on June 1st. Each public education plan shall outline the public safety and education efforts that the fireworks distributor or fireworks wholesaler has or intends to initiate, support, and/or deliver within the city of Seaside prior to and during the dates during which fireworks may be sold, displayed for sale, and used within the city of Seaside. At a minimum each public education plan shall consist of the distribution with each sale of safe and sane fireworks of two fireworks educational brochures prepared by the state fire marshal's office, and not less than one thousand dollars worth of public service announcements broadcast on local television, and bearing the fireworks wholesaler's name, on the safe and responsible use of safe and sane fireworks. Each public education plan should at least include samples of all the materials and the extent of distribution of all of the safety and education materials identified in that fireworks distributor or fireworks wholesaler's public education plan. (Ord. 1014 § 2, 2014)~~

8.32.180 Manufacture of fireworks prohibited.

No person, firm, or corporation shall manufacture fireworks of any type within the city of Seaside. (Ord. 1014 § 2, 2014)

8.32.190 Administrative fines and penalties.

~~A. Any violation of this chapter shall be a misdemeanor.~~

B. Any person or entity who possesses, uses, stores, sells, and/or displays safe and sane fireworks on or at dates, times, and/or locations other than those permitted under this chapter are subject to an administrative fine, together with all costs of enforcement, of an amount not to exceed ~~not less than~~ one thousand dollars for each such offense. Administrative fines shall be subject to the procedures established in Chapter 2.56 SMC.

C. The remedies set forth in this chapter are in addition to all other legal and equitable remedies, administrative, criminal or civil, that may be pursued by the city to address violations of this chapter ~~including, as an alternative to the issuance of an administrative fine pursuant to this section, and in his or her sole discretion, the city attorney may criminally prosecute a violation of this chapter.~~

D. The imposition of administrative fines under this section related to the use, possession, sale, or display for sale of dangerous fireworks shall be limited to persons who possess, sell, use, and/or display, or the seizure of, less than twenty-five pounds of dangerous fireworks measured by gross weight. Any person or entity who possesses, uses, stores, sells, and/or displays less than twenty-five pounds of dangerous fireworks are subject to an administrative fine, together with all costs of enforcement, of not less than one thousand dollars for each such offense.

E. Administrative fines collected pursuant to this section and related to dangerous fireworks shall not be subject to the restrictions of California Health and Safety Code Sections 12500 through 12759; however, the city shall provide cost reimbursement to the state fire marshal pursuant to regulations adopted by the state fire marshal

addressing the state fire marshal's cost for the transportation and disposal of dangerous fireworks seized by the city, which costs will be part of any administrative fine imposed. Unless and until said regulations have been adopted, the city shall hold in trust two hundred fifty dollars, or twenty-five percent of administrative fines collected, to cover the cost reimbursement to the state fire marshal for the cost of transportation and disposal of the dangerous fireworks.

F. Because of the serious threat of fire or injury posed by the use of "dangerous fireworks" that can result from persistent or repeated failures to comply with the provisions of this code and the effect of such conditions or activities on the safety and the use and enjoyment of surrounding properties and to the public health, safety and welfare, this chapter imposes strict civil liability upon the owners of residential real property for all violations of this code existing on their residential real property. Each contiguous use, display and/or possession shall constitute a separate violation and shall be subject to a separate administrative fine. (Ord. 1014 § 2, 2014)

8.32.200 Concurrent authority.

This chapter is not the exclusive regulation of fireworks within the city. It shall supplement and be in addition to other state, local, or federal laws, regulations, or ordinances and any other legal entity or agency having jurisdiction. (Ord. 1014 § 2, 2014)

8.32.210 Fees deemed debt to the city.

The amount of any fine, fee, cost or charge imposed by this chapter shall be deemed a debt to the city that is recoverable in any court of competent jurisdiction. (Ord. 1014 § 2, 2014)

SECTION 4. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after its final passage and adoption at a duly noticed public hearing for the second reading of the proposed text amendments.

INTRODUCED AND PASSED TO PRINT at a regular meeting of the City Council of the City of Seaside, State of California, on the 6th day of August , 2020.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside, State of California, on the day of , 2020, by the following vote:

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

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton, City Clerk



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 10.A.

TO: City Council

FROM: Craig Malin, City Manager

BY: Lesley Milton, Assistant City Manager

DATE: August 20, 2020

**SUBJECT: CONSIDER REQUEST FOR A DONATION TO BETHEL
MISSIONARY BAPTIST CHURCH OF \$11,789 TO PURCHASE
INFRASTRUCTURE TO PROVIDE LAUNDRY SERVICES FOR
PERSONS EXPERIENCING HOMELESSNESS PAID WITH COVID-
19 RELIEF FUNDS**

PURPOSE & RECOMMENDATION

Staff recommends approval of the request.

BACKGROUND

On July 31, 2020 Pastor Harold Lusk Jr. from Bethel Missionary Baptist Church requested the City to consider allocating funding to purchase infrastructure for a "wash house" operation to expand the safe parking and community feeding operation. Currently the church offers hot meals and free food distributions three times a week, and is the City's only permitted Safe Parking Program. The infrastructure would allow those experiencing homelessness the ability to wash their clothing in a safe, free location and expand the feeding operation with the purchase of a freezer.

FISCAL IMPACT

The proposal included the following items, and does not include shipping/tax costs:

Freezer (24.8 cu. Ft. chest)	\$2,599.29
Washer (1.6 cu. Ft)	\$1,585.96
Dryer (3.5 cu. Ft)	\$1,585.96
Installation of Washer & Dryer (parts & labor)	\$1,500.00
Annual cost of Larger Recycle Bin (monthly cost = \$115.00)	\$1,380.00
Annual cost of Larger Dumpster (monthly cost = \$219.82)	\$2,637.84
Hand washing station	Unknown
Shelving Itdx 5-tier Plastic Ventilated shelving	<u>\$500.00</u>
Total Amount Requested:	\$11,789.05

Staff recommends approval of the the request for a total cost not to exceed \$14,000, reimbursable upon receipt of proof of payment.

ATTACHMENTS

None

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager



CITY OF SEASIDE STAFF REPORT

Item No.: 10.B.

TO: City Council

FROM: Craig Malin, City Manager

BY: Craig Malin, City Manager

DATE: August 20, 2020

**SUBJECT: ADU PROTOTYPE UPDATE AND DISCUSSION OF THE
POTENTIAL CREATION OF ADU DESIGN STANDARDS**

PURPOSE & RECOMMENDATION

Discuss whether the City should initiate a public process to develop ADU design standards allowed by CA Code 65852.2(B).

BACKGROUND

Working with Workbench, City staff is in process of completing a prototype Accessory Dwelling Unit (ADU) that Seaside residents could use on their property, without needing to hire their own architect. An in-progress draft of the prototype design will be reviewed with the City Council at the August 20 Council Meeting.

Staff is also in process of drafting a Guidebook to help residents plan for and construct an ADU (attached). As the Draft Guidebook and Prototype near completion, staff seeks direction from the City Council on whether to be more prescriptive about ADU design than following the basic bulk and size parameters of State law and City code. There are two general schools of thought on ADU design requirements; to be "hands-off" on what property owners place behind their principal structures or to seek some level of "compatibility" with the principal structure and surrounding properties. Even in circumstances where cities create more definitive standards, the City must review and approve applications at the staff level.

State Code 65852.2(B) allows the following, in terms of local standards:

(i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

Staff seeks direction on whether to initiate a public process to develop design standards permitted by State code. Doing so would take 45 – 90 days and require final review by the City Council.

FISCAL IMPACT

So long as the standards are developed by City staff, no unbudgeted fiscal impact.

ATTACHMENTS

1. Draft Accessory Dwelling Unit Guide
-



GUIDEBOOK: ACCESSORY DWELLING UNITS

AUGUST 2020



Photo of an ADU built by Habitat for Humanity Monterey Bay in 2014

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OVERVIEW

The City of Seaside is ready to work with you, a homeowner who might want to add an assessor dwelling unit (“ADU”) to your property. The term ADU encompasses many types of secondary dwellings that may be labeled as garage apartments, casitas, caregiver unit, granny flats, in-law suites, garage apartments, and backyard cottages or homes. Whatever the label, an ADU is a small dwelling unit that may be established in addition to single-family or multifamily dwellings in all residential zones. An ADU may be detached, attached to the primary dwelling or other accessory structure, or located within a main dwelling and may involve new construction or conversion of an existing structure.

ADUs have become an opportunity for Seaside homeowners who can imagine many ways to use an ADU. An ADU might provide housing for an elderly relative, caregiver, or grown child living at home, extra income or even for the homeowner’s own downsized retirement home. California law has evolved over the last ten years to now encourage homeowners like you to build ADUs, which can help address California’s housing shortage.¹

¹ The California Legislature declares in California Government Code § 65852.150 that “[a]ccessory dwelling units are a valuable form of housing in California.”

The City of Seaside is committed to making it easier to add an ADU to your single-family home. Even so, the planning and building process can be complicated. This guide is designed to help homeowners evaluate the possibility of building an ADU on their property. It provides preliminary answers to key questions and shows the steps involved and what the design and construction of an ADU will entail.

This ADU guide is designed to help you in gathering basic information that you will need to provide to the City, your designer, your lender, and your contractor. Architects, builders, and planners remain essential resources for you in building an ADU. While not replacing these professionals and their services, this Guide does provide helpful advice, websites, phone numbers and office locations where specific questions on ADUs can be answered. The City of Seaside's Building Department will stay updated on the latest State regulations and the most relevant ADU information to serve you as you design and build your ADU!

Because each ADU project is unique, this Guide and the City's Building Department will be unable to answer certain questions such as how much will it cost and how long will it take to build your ADU. This guide also does not substitute for a required review and approval by the City's Building Department.

ADU HISTORY AND BACKGROUND INFORMATION

The City of Seaside, like other communities in California, has much of its housing located in single-family-zoned neighborhoods with houses built from the 1940s to the 1980s. During that period, zoning regulations focused on building two and three-bedroom homes and maintaining the suburban look of large front yards with attached or detached garages. Most residential zoning during that time discouraged ADUs.

Times have changed! Household sizes have dropped significantly while housing costs have skyrocketed. Larger lots and sprawling developments of the past have resulted in increased commute times and auto-dependency. More recent planning concepts suggest that building residential units closer to each other in more compact neighborhoods benefits a community by preserving open space and farmland while increasing efficiency and decreasing commutes to workplaces, schools, and elsewhere.

The introduction of ADUs into existing single-family neighborhoods can help stabilize existing homeowners' finances, increase the diversity of housing options, serve smaller households, help seniors age in place, and address a portion of the current housing-shortage crisis. ADUs also help keep extended households together while maintaining a

homeowner's privacy and independence. It's no wonder that the City of Seaside and the State of California are now looking to ADUs as part of the housing-crisis solution.

To encourage the building of ADUs, the City of Seaside kept things as simple as possible by adopting the most current State ADU regulations as of January 1, 2020 rather than designing local regulations different from those of the State. This limits confusion on whether to follow state or local regulations and allows future State regulation changes to automatically apply to Seaside. Additionally, all the State's ADU support staff resources and informational materials apply directly to almost any ADU being built in Seaside.

FREQUENTLY ASKED QUESTIONS ABOUT ACCESSORY DWELLING UNITS

As of January 1, 2020, California law requires all cities and counties to comply with certain statewide ADU regulations. The City of Seaside follows these state regulations directly and does not have its own separate ADU laws. The information outlined in this guidebook provides a summary of the regulations in an easy-to-understand FAQ format.

ADU FAQ: THE BASICS – WHAT, WHERE, HOW MANY, PARKING AND MORE

1. What is an Accessory Dwelling Unit or “ADU”?

An ADU is a habitable space that can be attached or detached from the primary living unit (typically a single-family residence) that provides the community with an affordable rental unit and the owner with potential rental income. There are characteristics, size limitations, and regulations associated with each type of ADU outlined below:

- A. Detached ADU: new construction that is detached from the primary living unit. This unit can be attached to a garage or other accessory building and can be one or two stories in height. The maximum square footage is up to 850 square feet for a studio or one-bedroom unit and up to 1,200 sq. ft. for a multi-bedroom unit.
- B. Attached ADU: a residential addition to the existing primary unit that provides an independent living unit (entrance, bathroom, kitchen, living area). The maximum square footage is limited to 50% of the primary unit or up to 850 square feet.
- C. Conversion ADU: an existing attached or detached structure such as a garage or workshop that is remodeled/converted to a separate living unit. If the conversion takes place within the walls of the main house the newly created unit can be an ADU or a JADU depending upon its size.
- D. Junior ADU (JADU): An efficiency unit to be constructed completely within the walls of a proposed or existing single-family residence. A JADU is limited to 500 square feet and must include an entrance separate from the entrance to the main residence, an efficiency kitchen (that includes a cooking facility with appliances, a food preparation counter and storage cabinets that are of reasonable size) , and either an independent bathroom or one that is shared with the primary dwelling unit.

2. Where are ADUs allowed?

ADUs are allowed on parcels in all residential zoning districts and General Plan designated areas that allow single-family or multi-family residential development or mixed-use residential development, regardless of the size of the parcel.

3. Can HOAs prohibit ADUs or JADUs?

Neither HOAs (Home Owner Associations) nor property CC&Rs (Covenants, Conditions and Restrictions) can unreasonably prohibit development of an ADU or JADU.

4. Can one property have two ADUs?

Under current state law, you are allowed to build a maximum of two ADUs on a single-family zoned property: one full attached or detached Accessory Dwelling Unit (ADU) and one Junior ADU (JADU).

5. Are ADUs allowed in multi-family zones developed with multi-family structure(s)?

There are two potential ways to add ADUs to existing multifamily dwellings:

- A. You can convert portions of an existing multi-family structure that are not used as livable space, such as: storage rooms, garages, carports, mechanical rooms, attics or basements to ADUs. At least one ADU, and up to 25% of the existing unit count, can be created through this method on a multi-family property. For example, if you have an eight-unit apartment building you may be able to add up to two new ADUs by converting non-livable space.
- B. If you don't have existing space to convert, but have land available, you can build up to two detached ADUs (using the 25% of the existing unit count rule) on a property with existing multi-family units.
- C. Junior Accessory Dwelling Units (JADUs) are not allowed in multi-family zones.

6. Do I need to notify my neighbors about my plans for building an ADU? Does the ADU need to be reviewed and approved at a public hearing?

Neighbor notification and/or a public hearing are not required. ADUs are legally allowed "by right" in all residential-zoned properties. This means you only need a building permit and the associated inspections as the ADU is constructed.

7. What are the parking requirements for ADUs?

In the City of Seaside all residential lots are within half a mile of public-transit, so **no additional parking is required for ADUs**. Additionally, replacement parking is not required for the main residence when a garage or carport is demolished or converted to create an ADU. Of course, off-street parking remains a desirable amenity if space allows. *Note: In Seaside, adding a second curb-cut or driveway access to your property requires a separate Building Department review and may not be allowed.*

8. What are the setback requirements for ADUs?

Setbacks for new ADUs are: side and rear yards: 4 feet; front yard: as required by current zoning code *Note: Above and below ground easements (eg. power lines and sewer) can impact the required rear setback.*

9. Can I convert, or demolish and replace, an existing garage or carport to retain reduced setbacks?

If you have a garage or carport, that has reduced setbacks that you want to convert to an ADU, you can demolish and replace or convert the existing structure, after obtaining a permit, and retain the reduced setback.

10. Can I use a manufactured home as an ADU?

Yes, a manufactured home, as defined in Section 18007 of the Health and Safety Code, may be used as an ADU as long as the home can comply with state and local building code requirements, including local green building standards. *Note: The City of Seaside is in the process of building an ADU Demonstration Project that will include the development of both the City's site-built prototype ADU and a manufactured ADU. The completed units will be located side-by-side on two City-owned lots on Canyon del Rey Boulevard. Targeted for completion by early 2021, these ADU units will be open for tours with comparative information on their construction, construction timeline, total development costs and energy efficiency.*

11. Will applying for an ADU or JADU trigger a requirement to correct existing nonconforming zoning conditions on my property?

No, by State law, the approval of a permit application for the creation of an ADU or JADU may not require, as a condition, the correction of nonconforming zoning conditions.

12. Will the approval of a permit for an ADU or JADU trigger a requirement to install a sidewalk?

No, a permit just for an ADU or a JADU cannot trigger any other regulations such as a requirement to install or replace a sidewalk. However, if your ADU permit application includes any other entitlements, such as an approval for a new garage, this could trigger other regulations.

13. May I use my ADU or JADU as a Short-Term Rental?

The City of Seaside's Short-Term Rental Ordinance # 1053² prohibits ADUs and JADUs from being licensed as short-term rental units or being rented for periods of less than thirty (30) days. This restriction helps maintain ADUs and JADUs as an important part of the City's long-term housing stock for local-area residents.

14. Is owner-occupancy required?

A five-year moratorium exists until 2025 on an owner being required to occupy one of the residential units of a property having a full ADU (Detached, Attached, or Conversion ADU). Therefore, you may lease out both the main residential unit and a full ADU unit until 2025. Properties with JADUs, however, require owner-occupancy with the owner required to reside in either the remaining portion of the main house or the newly created JADU.

PLANS, FEES, CONSTRUCTION COSTS, AND TAXES

1. What impact fees will be charged?

Cities and Counties are no longer allowed to charge impact fees for ADUs under 750 square feet. Impact fees for ADUs larger than 750 square feet are charged based on the proportion of the ADU size in relation to the primary dwelling. Thus, no school impact fees and no city water allocation fees will be charged for ADUs under 750 square feet in size.

2. What plan check fees will be charged?

In Seaside plan check fees are charged for ADUs and JADUs. Plan check fees are calculated based on the square footage of your proposed ADU with current fees of approximately \$1,340 for a 450 square-foot ADU and approximately \$1,440 for a 600 square-foot ADU. *Note: Plan check fees have been eliminated for any ADU application that is using the City's pre-approved prototype architectural drawings (see Question No.4 below).*

3. What building permit fees will be charged?

The City of Seaside has removed all building permit fees for ADUs and JADUs.

4. Does the City of Seaside provide ADU plans?

² <https://www.ci.seaside.ca.us/DocumentCenter/View/6014/Ord-1053-Short-Term-Rental-Chapter-17>.

The City of Seaside is preparing a prototype design for a 500 square foot detached ADU. These plans will be available by late 2020 free of charge to anyone wanting to use the plans to build an ADU in Seaside. These plans will be complete and ready to use but will require the development of a site plan showing the specifics of your individual site, the proposed location of the ADU, and details for the utilities.

5. How long will plan check take?

The City of Seaside will provide plan-check approval (or denial) of an ADU or JADU within sixty (60) days of receiving a complete application for the addition of an ADU to an existing home. The plan check period may be longer if the application includes new construction or remodeling of the primary house or other buildings on the property. *Note: The sixty-day review period does not include any time needed by the applicant to make any required plan revisions.*

6. Will adding an ADU cause my property taxes to increase?

Likely, but within constitutional limits. Under California's current property tax law, an ADU, like any newly built structure on real property, will be appraised for the incremental increased value that the ADU adds to that property. The tax-base value of the underlying land and the improvements including existing building structures should be preserved and not reassessed. An appraiser in the Monterey County Assessor's Office will review the new ADU construction and determine what increased value the ADU has added to the property's value. The County will then add that increment to the current tax base from which the property tax is calculated. Additional information on property taxation on new construction is available from the Monterey County Assessor and Tax Collector.

LEGALIZING AN EXISTING ADU NOT REVIEWED OR APPROVED BY THE CITY

In the past, more restrictive ADU regulations discouraged some people from pulling permits at the time of construction or conversion. Pulling permits and bringing an existing non-conforming ADU into compliance is much easier than in the past, thanks to reduced permit fees and fewer restrictions on parking, setbacks, lot size, and owner-occupancy. Bringing an ADU into legal conformance benefits not only Seaside but also you the owner because it 1) improves the value of your property 2) helps ensure your property meets health and safety requirements, and 3) removes concerns about legality.

1. How does the City handle existing non-conforming ADUs?

Between January 1, 2020 and January 1, 2030, code enforcement for existing non-conforming ADUs and JADUs built before January 1, 2020 can be delayed for up to five years. Health and safety violations, however, may still be enforced. For this limited time, an owner of a non-conforming ADU or JADU has an opportunity to correct a violation without penalty assuming the violation is not a health and safety violation, as determined by the Seaside's Building Department.

2. How do I go about legalizing a non-conforming ADU?

Below are the primary steps involved in the legalization process.

Step 1: Building Department Document-Review Meeting. Contact the Building Department to schedule a meeting to review any documentation that you have on your property. This free consultation is confidential and will not trigger enforcement action. You may prepare for your meeting with the Building Department by obtaining records about your property from:

- A. **County of Monterey County Assessor's Office:** Residential Building records that describe the buildings on your property. You can request the Monterey County's information from the Monterey County Assessor's online webpage. Look for the "Property Characteristics Request" and other information at www.co.monterey.ca.us/government/departments-a-h/assessor/.
- B. **City of Seaside Planning & Community Development Office:** Permit history information. Submit your request for information online using our Public Information Request Form at <https://www.ci.seaside.ca.us/151/Public-Records-Requests>.

Step 2: Optional Site Visit. You may request that City Building Inspector and Planner meet with you and your design professional (as "Special Inspection") to examine your unpermitted dwelling unit. A fee (less than \$300) will need to be paid at the building counter prior to the inspection. Your design professional should be prepared to take notes and ask questions. This step will allow you to make an informed decision as to the feasibility of the project.

Step 3: Plan Submittal and Permit Fees. At this point in the process, plans and other required documents need to be submitted at the Building Department's building counter and plan-check fees paid.

Step 4: Inspections. Once your building permit has been issued an initial inspection with your design professional/licensed contractor and the City Building Inspector will

determine the inspection process. Some features of your unpermitted ADU may need to be exposed to verify that the installation and design meet minimum code standards

UTILITIES, WATER ALLOCATION, AND SPRINKLER REQUIREMENTS

1. How are utility connections handled for ADUs and JADUs?

Gas, electric and sewer utilities for ADUs and JADUs may connect to the utilities of the primary residence or, if you prefer, separate services can be added. Sub-meters may be installed but are not required. Water must be provided using the existing water meter of the primary residence. A sub-meter may be installed if desired.

2. Is water available for ADUs and JADUs in the City of Seaside?

Water is in short supply in Seaside and every drop counts. Although Seaside is under a state moratorium for issuing new water meters in the City of Seaside, state law allows ADUs and JADUs to access water using the water meter of the primary residence. A special water allocation in the City of Seaside has been set aside to help provide the additional water needed for ADUs. However, ADUs are limited to only one bathroom. See details on the water allocation process in the City's Water Allocation Narrative, which is separate from this Guide.

3. Are fire sprinklers required?

Fire sprinklers are only required if the ADU or JADU is located on a site with a primary residence that is required to have, a fire sprinkler.

REDUCING THE COST OF MY ADU BUILDING PROJECT

Many factors can influence the cost of building an ADU. Some will be unavoidable, like the cost of labor and materials. Other can be greatly influenced by careful consideration at the beginning of your planning process. Below are several factors for you to consider.

Conversion ADUs. Conversion ADUs are the least expensive option in terms of actual construction costs. Conversion of existing habitable space will be less expensive than the conversion of existing non-habitable space (such as a storage area or garage) or new construction.

House Additions versus Stand-Alone Structures. Building your ADU as an addition to your existing home may be more cost effective than building a new stand-alone

structure, but this will depend on the age and construction of your existing home. Building a new, free-standing ADU is the most expensive type of ADU but it may be the only or best option for your project depending on your site and your goals.

Offsite Manufacture or Pre-Fab Construction. Utilizing a manufactured home or prefab construction may be more cost effective, but make sure the product and its placement on your site can comply with local zoning and building codes. Be aware that site work, foundations, utility hook-ups, delivery and installation need to be included in your final cost estimates.

Some Waived Fees for Smaller ADUs. ADUs smaller than 750 square feet fall below the threshold for paying school fees and other impact fees.

Building on a Slope. Are you locating the ADU on a slope? The structure's foundation will need to be engineered more carefully and the project may trigger the requirement for a Slope Alteration Permit.

Additional Driveway Access or Parking. Do you plan to provide parking access for the occupant of the ADU (not required)? Adding additional paved area to your project (for a driveway or parking space) adds costs for materials and labor as well as drainage considerations.

Square Footage. Keep in mind that the cost of building your ADU is influenced by its size. Keeping your square footage modest will help keep down both the cost of construction and long-term maintenance.

Building Materials and Finishes. Your choice of building materials and finishes has a large impact on your final costs. Costs can vary greatly on the doors, windows, roofing, flooring, trim and fixtures that you specify. Work carefully with your design professional to select materials that are less expensive but still offer durability, energy efficiency and good looks.

OTHER ADU RELATED MATERIAL AVAILABLE FROM THE CITY OF SEASIDE:

Water for ADUs in Seaside

Becoming a good ADU Landlord

ADU related websites



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 10.C.

TO: City Council

FROM: Craig Malin, City Manager

BY: Craig Malin, City Manager

DATE: August 20, 2020

**SUBJECT: REVIEW THE STATUS OF CITY, STATE AND FEDERAL EVICTION
MORATORIUM ACTIONS AND PROVIDE DIRECTION AS
NEEDED**

PURPOSE & RECOMMENDATION

Review the status of City, State and Federal eviction moratorium actions.

BACKGROUND

Consistent with state authorization, the City Council has implemented an eviction moratorium which is in effect until September 30. At the August 20 Council Meeting, staff will update the Council on the status of State and/or Federal action that effect evictions and seek direction from the Council.

FISCAL IMPACT

No fiscal impact on the agenda item itself. Potentially significant fiscal impact should the City extend the eviction moratorium beyond state or federal authorization.

ATTACHMENTS

None



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 10.D.

TO: City Council

BY: Craig Malin, City Manager

DATE: August 20, 2020

**SUBJECT: ADOPT RESOLUTION RATIFYING SIXTH SUPPLEMENT TO
PROCLAMATION OF LOCAL EMERGENCY MANDATING MASKS**

PURPOSE & RECOMMENDATION

Adopt the draft resolution ratifying the sixth supplement to the proclamation of local emergency.

BACKGROUND

This is the sixth supplement to the emergency proclamation ratified on March 19, 2020 that is intended to alleviate challenges identified as a result of COVID-19 mandating a local face mask requirement.

It is recommended that the City Council adopt a resolution to ratify the sixth supplement as attached to this report.

ATTACHMENTS

1. Draft Resolution
 2. 6th Supplement To Emergency Proclamation
-

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

**RATIFYING THE SIXTH SUPPLEMENT TO PROCLAMATION OF LOCAL
EMERGENCY**

WHEREAS, Government Code §8630 and Seaside Municipal Code Chapter 2.40 authorize the City Manager, acting as the Director of Emergency Services, to proclaim a local emergency as defined by Government Code §8558, subdivision (c) when the City of Seaside City Council is not in session; and

WHEREAS, on March 19, 2020, the City of Seaside ratified the Director of Emergency Services Proclamation of Local Emergency by adopting Resolution 20-13; and

WHEREAS, on the City Council ratified the Director of Emergency Services First and Revised Second Supplement, Third Supplement, Fourth and (Revised) Fifth Supplement to the Proclamation of Local Emergency by adopting Resolutions 20-16, 20-21, 20-26, 20-63 respectively; and

WHEREAS, the City Council does hereby find that the circumstances of the pandemic spread of COVID-19 do constitute a risk of extreme peril and support and justify the additional regulations promulgated by the Sixth Supplement of the Proclamation of Local Emergency; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside hereby adopts the declarations to the Director's Sixth Supplement and ratifies the Director's Sixth Supplement to his Declaration of Local Emergency, which establishes requirements to wear masks within the City of Seaside and provides for fines if no masks are worn. The Sixth Supplement is attached hereto and incorporated herein as Exhibit A, effective immediately upon the adoption of this resolution.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 20th day of August, 2020 by the following vote:

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

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton, City Clerk

APPROVED AS TO FORM:

CITY ATTORNEY



SIXTH SUPPLEMENT TO THE PROCLAMATION OF LOCAL EMERGENCY THE CITY OF SEASIDE (GOV. CODE §8630)

WHEREAS, Government Code §8630 and Seaside Municipal Code Chapter 2.40 authorize the City Manager, acting as the Director of Emergency Services, to proclaim a local emergency as defined by Government Code §8558, subdivision (c) when the City of Seaside City Council is not in session; and

WHEREAS, the City Manager has issued prior Supplements to the Proclamation of Local Emergency; the factual recitals contained in the original Proclamation of Local Emergency and each subsequent to that proclamation are incorporated into this Supplement by reference; and

WHEREAS, on May 30, 2020, the State of California approved a Stage 2 variance application which outlined monitoring metrics the County of Monterey would follow in order to allow Monterey County to begin a staged re-opening process; and

WHEREAS, on June 11 and 12, 2020, the County of Monterey began the process of opening business sectors, which allowed restaurants, bars and breweries among other businesses to reopen pursuant to new reopening guidelines which provided for modified operations; and

WHEREAS, the State of California has established monitoring metrics for sustaining the re-opening process; and

WHEREAS, in the last week of June 2020, COVID 19 cases have surged in Monterey County and on July 2, 2020 Monterey County was placed upon the State of California "watch list" because it no longer met the metrics required to meet the Stage 2 variance process for re-opening; and

WHEREAS, on June 18, 2020, the California Department of Public Health released Guidance for the Use of Face Coverings which was updated on June 29, 2020. According to the CDPH Guidance 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, the CDC, CDPH and MCHD have stated that wearing a face covering, when combined with physical distancing of at least six (6) feet and frequent handwashing may reduce risk of transmitting corona virus when in public by reducing the spread of respiratory droplets; and

WHEREAS, on July 7, 2020, the County of Monterey was forced to prohibit indoor dining and operation at restaurants, bars and breweries and other businesses; and

WHEREAS, since July 7, 2020 the County and the State have issued orders relaxing restrictions and allowing restaurants, retail and other businesses to re-open with modifications and pursuant to COVID-19 Industry Guidance issued by the California Department of Public Health; and

WHEREAS, as of August 8, 2020 Monterey County Office of Emergency Services reported 5,212 confirmed cases of COVID-19, 325 hospitalizations, and 35 deaths and that number are doubling approximately every 30 days; and

WHEREAS, the Monterey County Department of Health reports that the Hispanic population is disproportionately affected by COVID-19; and

WHEREAS, in the 93955 zip code, the number of cases of COVID-19 has increased to 241 cases on August 8, 2020; and

WHEREAS, the 2019 census demographics in Seaside are between 43% and 49% Hispanic; and

WHEREAS, California law allows enforcement of state public health orders by cities and people who fail to comply may be charged with a misdemeanor, infraction or administrative citation; and

WHEREAS, the 93955 zip code has the highest infection rate on the Peninsula; and

WHEREAS, the City of Seaside has received numerous complaints from residents and visitors that some members of the public do not heed the face covering guidance, and the number of infected persons is rapidly growing; and

WHEREAS, the intent of this urgency ordinance is to provide a tool, in addition to education, to compel compliance with the Guidance for wearing face coverings by authorizing enforcement of the Guidance through the issuance of misdemeanor, infraction or administrative citations pursuant to the Seaside Municipal Code; and

WHEREAS, failure to adopt this order 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 CDPH Guidance is a narrowly tailored means of achieving that objective; and

WHEREAS, pursuant to SMC Section 2.40.060 A.6.a, the Director of Emergency Services is empowered to issue rules and regulations to be confirmed by the City Council at the earliest practicable time; and

WHEREAS, this urgency measure is exempt from the California Environmental Quality Act Guidelines (Article 18, Section 15269.c) because the City is adopting an urgency ordinance related to COVID-19; and

WHEREAS, in the interest of health and safety, as affected by the emergency

