AMENDED A G E N D A

CITY OF SEASIDE	REGULAR MEETING
CITY COUNCIL/SUCCESSOR	440 HARCOURT AVE (COUNCIL CHAMBER)
AGENCY TO THE	Thursday, November 16, 2023
REDEVELOPMENT AGENCY	5:00 PM

NOTICE: *The City Council will hold its public meetings in person, with a virtual options for viewing based on availability.*

1. To view this meeting: Please click on the following link to the City of Seaside YouTube Channel: https://www.youtube.com/c/CityofSeasideCalifornia

2. To view in this meeting: Using the Zoom application on your smart phone, laptop, tablet or desktop and click on this link: https://ci-seaside-ca-us.zoom.us/j/81936832059
WEBINAR ID: 819 3683 2059

3. To make 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 2:00 p.m. on the day of the meeting.

During the Meeting via Oral Comments: When the Chair calls for public comment, members of the public participating in person and wishing to address the City Council may approach the podium when the Chair calls for public comment.

1. CALL TO ORDER

2. ROLL CALL – ESTABLISHMENT OF QUORUM

Ian N. Oglesby	Mayor/Chair
David R. Pacheco	Mayor Pro Tem/Vice Chair
Alexis Garcia-Arrazola	Council/Agency Member
Rita Burks	Council/Agency Member
Alex Miller	Council/Agency Member

3. INVOCATION 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 three (3) minutes. Public Comments for "Presentations" on this agenda are also taken at this time; 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

A. UPCOMING CITYWIDE EVENTS & COMMUNITY ANNOUNCEMENTS (RECREATION DIRECTOR DAN MEEWIS)

B. FIRST QUARTER FINANCIAL RESULTS (FINANCE DIRECTOR, VICTOR DAMIANI)

C. VACCINE UPDATE (FIRE CHIEF, MARY GUTIERREZ)

8. CONSENT AGENDA

A. APPROVE AND FILE CITY CHECKS

RECOMMENDATION: Approve and file the accounts payable and wired payments made during the period of August 26, 2023 through September 29, 2023, including the payroll and benefits checks, direct deposits, and wired payments related to the pay period ending September 1, 2023 and September 15, 2023. Total Accounts Payable and Payroll for the above referenced period is $5,136,241.95.

B. APPROVE AND FILE SUCCESSOR AGENCY CHECKS

RECOMMENDATION: Approve and file the accounts payable and wired payments made during the period of August 26, 2023 through September 29, 2023, including the payroll and benefits checks, direct deposits and wired payments related to the pay period ending September 1, 2023 and September 15, 2023. Total Accounts Payable and Payroll for the above referenced period is $2,353.91.

C. ACCEPT AND FILE DEVELOPMENT IMPACT FEES REPORTS FOR THE FISCAL YEAR ENDING JUNE 30, 2023.

RECOMMENDATION: Accept and file development impact fees reports for the fiscal year ending June 30, 2023.

D. ACCEPT AND FILE THE CASH AND INVESTMENTS REPORT FOR THE CITY

OF SEASIDE AND THE SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY OF THE CITY OF SEASIDE FOR THE QUARTER ENDING SEPTEMBER 30, 2023

RECOMMENDATION: Accept and file the City of Seaside and the Successor Agency to the Redevelopment Agency of the City of Seaside Cash and Investment Report for the quarter ending September 30, 2023.

E. APPROVE MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM SEASIDE HIGH SCHOOL WOOD SHOP PROGRAM

RECOMMENDATION: Approve a request from the Seaside High School Wood Shop Program for a donation of $3,000.00 from the Mayor's Youth Fund to help cover the cost of consumables such as glue, sandpaper, saw blades and planer blades.

F. APPROVE A FEE WAIVER FROM THE BOYS & GIRLS CLUB OF MONTEREY COUNTY FOR THE USE OF THE LAGUNA GRANDE HALL AND KITCHEN FOR THE 2024 MARTI MULFORD YOUTH ARTS EXHIBIT ON JANUARY 19, 2024

RECOMMENDATION: Approve a fee waiver request from the Boys & Girls Club of Monterey County in the amount of $410.25 for the use of Laguna Grande Hall and Kitchen for the 2024 Marti Mulford Youth Arts Exhibit.

G. AUTHORIZATION TO DISPOSE OF SURPLUS CITY VEHICLES AND EQUIPMENT

RECOMMENDATION: Approve the disposal of select City vehicles and equipment that are no longer needed and considered excess due to inoperability or poor condition.

H. ADOPT A RESOLUTION AUTHORIZING AN AGREEMENT WITH SEASIDE COUNTY SANITATION DISTRICT (SCSD) FOR REIMBURSEMENT OF COSTS TO COMPLETE THE SUTTER STREET SEWER RELOCATION PROJECT

RECOMMENDATION: Adopt a resolution authorizing the City Manager to execute an agreement with the Seaside County Sanitation District (SCSD) for reimbursement of construction costs for the Sutter Street Sewer Relocation Project, constructed as part of the City Hall and Library Parking Lot Repaving Project.

I. APPROVE APPOINTMENTS TO BOARDS AND COMMISSIONS

RECOMMENDATION: Accept the appointments of Darryl Choates and Nathalie Smith, as recommended by the Mayor.

9. PUBLIC HEARING

A. ZONING ORDINANCE AMENDMENT ZOA-23-02: ADOPT AN ORDINANCE AMENDING TITLE 17 (ZONING ORDINANCE) TO ADD CHAPTER 17.13 IMPLEMENTING SENATE BILL 9 (DUPLEXES AND PARCEL MAPS FOR

URBAN LOT SPLITS). THE AMENDMENT IS NOT A PROJECT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO GOVERNMENT CODE SECTIONS 65852.21(J) AND 66411.7(N) (SECOND READING)

RECOMMENDATION: Consider the adoption of an ordinance amending Title 17 to add Chapter 17.13 to the Seaside Municipal Code to implement Senate Bill 9.

B. ~~**AMEND SEASIDE MUNICIPAL CODE CHAPTER 8.32 FIREWORKS; ADDING SECTION 8.32.211 - CURFEW FOR USE OF SAFE AND SANE FIREWORKS (FIRST READING, ROLL CALL VOTE)**~~

~~**RECOMMENDATION:** Approve an ordinance amending the City of Seaside Municipal Code Chapter 8.32 fireworks; adding section 8.32.211 - Curfew for the use of Safe and Sane Fireworks.~~

Requires publication (noticing) in a newspaper of general circulation. This item will be postponed and rescheduled for early 2024.

10. BUSINESS ITEMS

A. HOT SPOT PAVEMENT REPAIR PROJECT UPDATE

RECOMMENDATION: Receive an update on the Hot Spot Pavement Repair Project

B. FAMILY AND COMMUNITY SUPPORT PROGRAM INCLEMENT WEATHER UPDATE

RECOMMENDATION: Receive an update from the Family and Community Support Program.

C. CONSIDERATION OF THE CITY OF SEASIDE 2024 LEGISLATIVE PLATFORM

RECOMMENDATION: Receive, file and give direction on the City of Seaside 2024 Legislative Platform to City Staff.

11. COUNCIL MEMBER REQUESTS

A. NEW COUNCIL MEMBER REQUESTS

B. FOLLOW UP ON PREVIOUS REQUESTS

12. CITY ATTORNEY, CITY MANAGER, CITY COUNCIL AND MAYOR 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 and report on committee assignments.

13. CLOSED SESSION

Pursuant to Government Code Section 54956 et seq., the City Council and Successor Agency to Redevelopment Agency may adjourn to a Closed Session to consider specific matters dealing with litigation, certain personnel matters, property negotiations or to confer with the City Attorney. Public comments on these items are taken after being read by the City Attorney. For the public record, please state your name.

A. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54956.9 - EXISTING LITIGATION

RECOMMENDATION: Monterey County Superior Court Case No 23PR000490
Case Name: In Re Clyde and Claudia Marie Trust dated September 20, 2011

B. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE 54956.9

Potential Litigation (2 MATTERS)

14. ADJOURNMENT

Next Regularly Scheduled Meeting:
December 7, 2023
5:00 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.

First Quarter FY 2023-24 Financial Report

(Unaudited)

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INTRODUCTION

This is the first quarterly report for Fiscal Year 2023-24, and comprises results for the three-month period ending September 30, 2023. While a few other notable funds are reviewed, this report focuses primarily on the City's general fund. General Fund operating revenues and expenditures as compared to previous years are presented, and any notable changes or trends in these numbers are explained. The report is presented on a cash basis, which means that revenues are recognized at the time revenues are received and expenditures are recognized at the time payment is processed. The City does not accrue any revenues or expenditures in the first quarter.

The purpose of this report is twofold. First, it ensures that the City is consistently monitoring its revenues and expenditures so that it may proactively respond to unanticipated changes or emerging trends. Second, and equally important, consistent reporting increases the transparency of the City's finances. Quarterly reporting provides the City Council, City Administration, taxpayers and ratepayers with information that demonstrates the City is meeting this standard.

The information in this report is the most accurate and up-to-date information available at the time of publication. It is not meant to be inclusive of all financial and accounting transactions. It is intended only to provide the Council, Management and the public with an overview of the state of the City's general fiscal condition. It should be noted that this report is not an audited financial statement, and the numbers provided herein are preliminary and subject to change as the year progresses. No data on revenues and expenditures is final until the City has completed its annual audit and finalized its Annual Comprehensive Financial Report (ACFR), which is released in the winter of each year for the prior fiscal year.

ECONOMIC OUTLOOK

In March of 2020, the City declared a local emergency in response to the COVID-19 worldwide pandemic. The ensuing statewide shelter in place orders coupled with various levels of "reopening" created financial turmoil in the fourth quarter of FY 2019-20 and throughout FY 2020-21.

Throughout the pandemic the economy performed surprisingly well due to two prime factors; the development and distribution of a vaccine for the virus and federal stimulus dollars. California declared an end to the COVID-19 State of Emergency on February 28, 2023.

NATIONAL & STATE ECONOMIC OUTLOOK

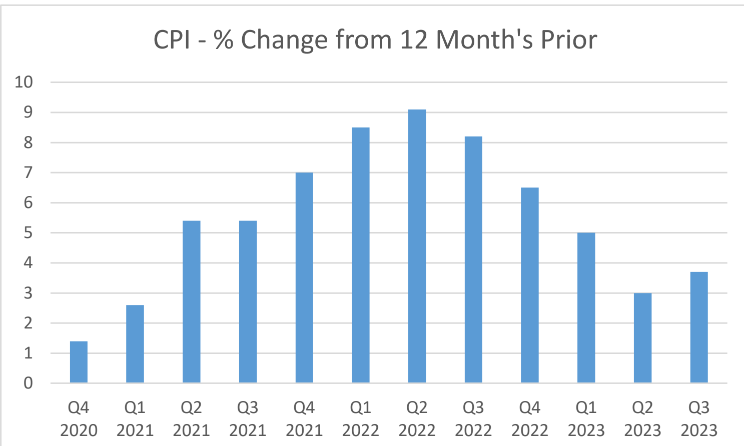
Hdl (The City's revenue enhancement consultant) reports the national economy grew 2.5% in FY22-23, and projects it will remain flat in FY 23-24. FY 24-25 is expected to slow further to 1.2%.

- California's unemployment rate is expected to remain low at 4.7% in FY 23-24 before climbing slightly to 5.2% in FY 24-25.
- Statewide Sales & Use Tax growth is expected to turn negative in FY 23-24 at -0.6% before swinging back positive in FY 24-25 at 2.1%.
- California's median existing home price is expected to increase from $673k in FY 23-24 to $709k in FY 24-25.

Source: Hdl

During the pandemic the Federal Government passed and implemented five economic stimulus packages totaling approximately $6 trillion. The Federal Reserve also lowered the Federal Funds rate to between 0% and .25%. In many ways the federal stimulus may have slowed the economic damage caused by the health and safety response to the pandemic and stabilized the economy. On the other hand, the vigorous amounts of stimulus coupled with supply chain bottlenecks appear to have contributed to rising inflation. Late in 2021 and early in 2022, many economists believed inflation would be short lived and come as a result of supply chain bottlenecks and staffing shortages, which would recede with time. That prediction did not prove correct, as inflation remained unsustainably high throughout 2022 and much of 2023. Faced with sustained inflation, the Federal Reserve responded with increases to the Federal Funds Rate, which generally speaking has a cooling effect on inflation. Beginning March 17, 2022 the Federal Reserves raised rates eleven times; from .25% to 5.5%. The 12-month increase in CPI (indicator of inflation) as of September 2022, as reported by the U.S. Bureau of Labor Statistics was 8.2%. It appears that rate increases have had the desired effect, with the increase in CPI dropping to 3.7% as of September 2023. While this is certainly good news, the traditional target rate for inflation is 2%, which indicates we are still in a high inflationary period.

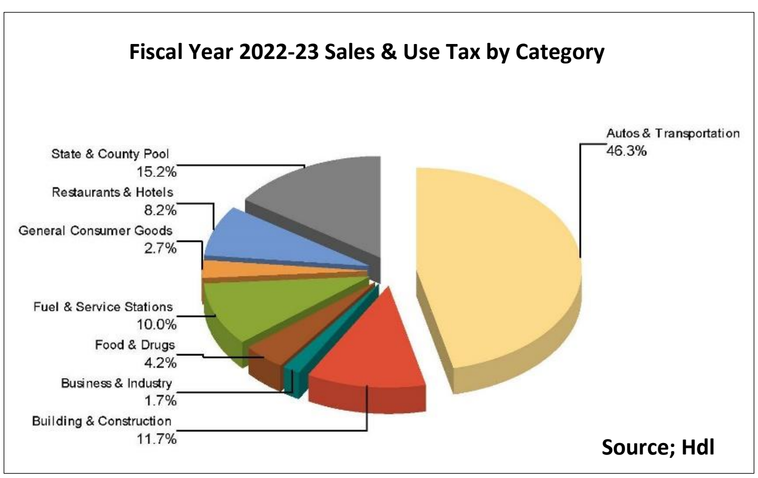
While the risk of a recession has decreased somewhat, many economists still believe a recession is possible in the first half of 2024. It remains to be seen, if, how long, and how severe a potential recession will be or if the economy will make the so-called “soft landing”.



LOCAL ECONOMIC OUTLOOK

At the local level, the City of Seaside unemployment rate steadily decreased since reaching a high mark of 19.0% in April of 2020 and reaching a low point of 2.5% in September of 2022. As of September of 2023 that number has increased to 3.4%.

The City of Seaside unexpectedly experienced strong results in several business sectors thoughout the pandemic, including Auto Sales, Online Sales, and Building and Construction Materials. Historically, sales tax from Auto Sales have accounted for approximately 41% of the City’s Sales Tax total and 16% of the General Fund revenue total. In a potential recession, revenue losses in this sector could have a substantial impact on the City’s finances.



Not all sectors of the local economy, however, fared as well. One major sector of Seaside’s local economy is based on tourism. Early in the pandemic the the local Hotel Tax (Transient Occupancy Tax) dropped off severly due to shelter in place orders. Beginning in June of 2021, however, this sector experienced some much needed relief. TOT collections showed strong signs of recovery throughout the 2021 Summer months and again in the 2022 and 2023 Summer months. From a pandemic era low of $2.1 million in fiscal year 20-21, this sector ended fiscal year 22-23 at approximately $3.4 million. By way of comparison, fiscal year 18-19 (the most recent “non-pandemic” fiscal year) generated $3.4 million in hotel tax.

While entire sectors and larger businesses have performed strongly throughout the pandemic, many smaller businesses have strugled. Staffing shortages have been particulaly difficult and rising pay rates are likely to prove challenging as well.

City staff will continue to monitor and report City financial health to the City Administration, City Council and Public, as well as monitoring the Federal Reserve ‘s and the Federal Government’s efforts to reduce inflation and avoid or lessen the impacts of a potential recession. Staff recommends that the City remain flexible should conditions require action as the year progresses. A clearer picture of the City’s finacial outlook is likely to emerge at the mid-year budget review in early March of 2024.

GENERAL FUND

FY 2023-24 BUDGET RECAP:

General Fund Changes in Fund Balance:	Operating FY24	Capital FY24	Total Budget FY24
Revenues	$ 46,255,651	$ -	$ 46,255,651
Fund Balance	-	$ 5,644,029	$ 5,644,029
Expenditures	(46,108,073)	(5,644,029)	(51,752,102)
Surplus (Deficit)	**$ 147,577**	**$ -**	**$ 147,577**

In June of 2023, the City of Seaside City Council adopted the FY 2023-24 annual budget. Due to a projection of strong Revenue growth and a collaborative effort between staff and the City Council to manage cost increases, a surplus budget was adopted including an operating surplus of $148k. Additionally, $5.6M of fund balance was provided for capital improvements.

The operating budget showed a surplus even while continuing to re-staff the City's workforce, and provide for a substantial cost of living adjustment. Personnel costs, the City's largest cost, were budgeted to increase by approximately $1M over the previous fiscal year budget. The staffing plan included an effort to continue hiring open positions approved in the previous year budget as well as a substantial cost of living increase for staff. As a matter of practice, the City management team reviews staffing levels each year and adjusts in an effort to achieve maximum efficiency while achieving the City Council's strategic goals. In this year's budget cycle, six positions were frozen and five positions added, resulting in a net decrease in funded positions of one. The effort to hold staffing levels flat was instrumental in the passage of a balanced budget.

Budget line items such as equipment, supplies and vehicles were increased to coincide with the staffing ramp up. For a fourth year running, the City appropriated funds ($500k) for grants to support community non-profits and also funded the Family and Community Support Program with an additional allocation of $554k.

The capital budget was funded entirely from fund balance. Projects in the CIP include government buildings, parks, water infrastructure, and stormwater.

RESERVES:

The City's reserve accounts are fully funded in the fiscal year 2023-24 budget at the following amounts:

Emergency Reserve - 15%	$ 6,919,211
Special Reserve - 10%	4,610,807
Capital Reserve - 5%	2,305,404
Total Reserves	$ 13,835,422

Q1 GENERAL FUND REVENUES:

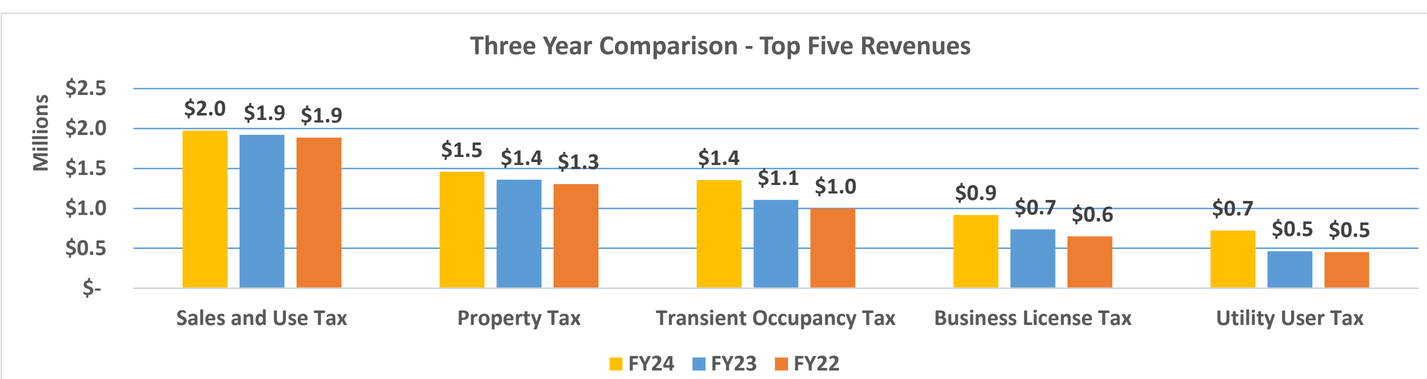
Total budgeted revenue for FY 2023-24 transfers in, is $46.3M. This compares to a FY 2022-23 budget of $44.1M; a budgeted revenue increase of nearly $2.2M. When looking at first quarter revenue results, staff believes that a year over year analysis is more effective than an analysis against budget for two reasons:

- Revenues are not received in a uniform manner (often times two months in arrears)
- The City does not accrue revenues in the first quarter

The following table and chart compares first quarter results for FY24 with first quarter results for FY22 and FY23. FY22 is considered the final pandemic year while FY23 and FY 24 may be considered post-pandemic.

As can be seen in the table, revenues in the first quarter totaled $7.7M which is 14% or $950k higher than the first quarter of the previous year and 16% or $1M higher than FY22. The $7.7M equals 16.6% of total budgeted revenue. Similarly, in the first quarter of the previous year the City had realized 15% of total budgeted revenue. This indicates that actual revenue collections may be trending slightly higher than budgeted revenue.

	Budget	Results:			Variances:			
	Q1	Q1			Year over Year Vs. FY23		Year over Year Vs. FY22	
General Fund Revenues:	FY24	FY24	FY23	FY22	$	%	$	%
Sales and Use Tax	$ 5,047,529	$ 1,974,689	$ 1,921,650	$ 1,886,686	$ 53,040	3%	$ 88,003	15%
Property Tax	1,580,680	1,457,096	1,358,086	1,303,049	99,010	7%	154,047	13%
Transient Occupancy Tax	1,131,807	1,353,274	1,106,689	997,444	246,585	22%	355,831	92%
Business License Tax	222,510	916,512	736,212	649,961	180,300	24%	266,551	35%
Utility User Tax	762,596	689,166	463,688	452,417	225,479	49%	236,750	75%
Miscellanous-Other Revenue	178,882	105,958	297,338	252,249	(191,380)	-64%	(146,291)	3326%
Licenses & Permits	205,442	238,109	286,169	264,272	(48,060)	-17%	(26,163)	176%
Marijuana Receipts Tax	293,121	237,092	248,395	235,859	(11,303)	-5%	1,233	39%
Fees & Charges	209,766	221,140	164,843	154,523	56,297	34%	66,617	271%
Income from Investments	97,049	121,500	87,264	81,789	34,236	39%	39,711	2393%
Grant Revenue	6,239	245,196	73,800	29,740	171,396	232%	215,456	17%
Other Agency Revenue	136,136	84,456	25,799	9,617	58,657	227%	74,839	-90%
Fines & Forfeitures	32,562	66,000	22,604	12,541	43,397	192%	53,459	-32%
Motor Vehicle In-Lieu	1,177,375	-	-		-	n/a	-	n/a
Franchise Fees	482,219	-	-	-	-	n/a	-	n/a
Transfer In	-	-	-	367,232	-	n/a	(367,232)	n/a
Revenues by Source	$ 11,563,913	$ 7,710,189	$ 6,792,536	$ 6,697,380	$ 917,654	14%	$ 1,012,810	15%



DISCUSSION OF SIGNIFICANT REVENUE SOURCES:

➢ Sales and Use Tax

In the first Quarter of the fiscal year $2.0M of sales and use taxes were collected. This equates to a $53k or 3% increase over the same quarter in the previous year. Sales and Use Tax projections are provided to the City by Hdl, which is a revenue enhancement consultant used widely by Cities throughout California.

After two years of very strong growth, the City's sales and use taxes appear to have hit a plateau. Throughout the pandemic years, this category performed quite well particularly in the areas of auto sales, cannabis retail and online sales. Demand for and sales of new and used vehicles remained high despite rising prices related to supply shortages. It is notable that in the final quarter of fiscal year 2022-23, sales taxes in general were down 2.9% on a year over year basis. Fuel and service stations were the largest decline at negative 18.8%. The second biggest decline was for Cannabis Related taxpayers, with a decline of 14.4%. This is in line with collection of the City's local Cannabis tax. Surprisingly, tax derived from new auto sales increased in the quarter by 3.1%. Unfortunately, this increase may be more the result of a change in reporting procedure by one of the City's major auto dealerships, rather than indicative of a market increase generally. Since sales tax reporting and remittance runs in arrears, it is difficult to say if the final quarterly results will continue on pace for a 3% increase. Staff believes it is possible this category will remain flat or possibly show a small decline.

➢ Property Tax

Similar to auto sales, demand for and sales of homes has been high the last three years. High levels of demand coupled with low interest rates and low inventory pushed home prices significantly higher. With the Federal Reserve raising interest rates, however, mortgage rates climbed and there was an expectation that demand would diminish. That scenario did not play out, however. While mortgage rates have more than doubled and inventory has continued to decline, the median price of a detached single-family home in Seaside has climbed to $815.000 as of the 3rd quarter of 2023 – far higher than pre-pandemic. With elevated prices, the assessed value of a property increases significantly upon change of ownership and this leads to increased tax collections.

The majority of the City's property tax receipts do not arrive until December and April each year. Therefore, they are not generally accounted for in the first quarter. One category of property tax, Successor Agency pass through distributions, however is received in the first quarter. Additionally, as the recognized obligations of the previous Redevelopment Agency are paid down or settled more property tax becomes available for pass through distribution. FY 2023-24 is showing receipts of $1.5M, an increase in this revenue source of $99k or 7% over the previous fiscal year.

➢ Transient Occupancy Tax (TOT)

In the first Quarter of the fiscal year $1.4M of TOTs were collected. This equates to a $246k or 22% increase over the same quarter in the previous year. This indicates that this sector still has room for growth after experiencing extreme lows during the pandemic. Pent up demand for travel and increasing prices appear to be driving this revenue source higher. Through the first quarter, TOT appears to be on track to outpace budget forecasts.

➢ Business License Tax

In the first quarter of the fiscal year $917k of Business License Taxes were collected. This represents an increase of $180k or 24% over the previous fiscal year. This increase is likely being driven by inflation. Business license taxes are based on gross receipts. As inflation drives up prices it drives up gross receipts in tandem. This revenue source may outpace budget forecasts for the fiscal year. As inflation cools, this revenue source may also flatten out.

Utility User Tax (UUT)

In the first quarter of the fiscal year $689k of Utility User Taxes were collected. This represents an increase of $226k or 49% over the previous year. The year over year increase is due to improved collection and processing in the Finance department as opposed to increased revenue. Recently the City's Finance department has taken steps to improve processes and procedures related to administration of the UUT tax program.

This has resulted in timelier receipting of UUTs which is reflected in the first quarter results. The first quarter revenue is in line with the quarterly budget amount of $762k and the annual forecast appears likely to be achievable.

Marijuana Receipts Tax

In the first quarter of the fiscal year $237k of Marijuana Receipts Taxes were collected. This represents a decrease of $11k or 5% over the previous year. This rate of collection is slightly lower than expected as compared to budget. One factor contributing to the decline in revenue is the closure of two of the six approved retail dispensaries. Although the Council has approve a total of eight licenses, as of this writing only four outlets are operating.

The Marijuana Receipts Tax was a new tax revenue for the City beginning in FY 2019-20. The first quarter of FY 2019-20 showed a relatively modest $140k in receipts as operations got under way. The following three quarters ballooned significantly so that the fiscal year total was $1.2M. Fiscal year 2020-21 then increased to $1.4M. Subsequently, however, this revenue source decreased in fiscal year 2021-22 to $1.2M, and then even lower in FY 2022-23 to $970k. Based on first quarter results, staff believes this revenue source is likely to end the year lower than the $1.3M budget.

Licenses and Permits

In the first Quarter of the fiscal year $238k of Licenses and Permits were collected. This equates to a $48k or 17% decrease over the same quarter in the previous year. This source of revenue is likely to increase in the second quarter of the year with the Ascent project moving forward. The budget forecast is likely to be achieved by year-end.

Fines and Forfeitures

In the first Quarter of the fiscal year $66k of Fines and Forfeitures were collected. This equates to a $44k or 192% increase over the same quarter in the previous year. While this category is not generally considered a significant revenue source for the City, it is noted particularly in light of the City's new parking enforcement and code enforcement capabilities.

In fiscal year 2022-23, the City implemented a parking enforcement program, which consisted of two parking enforcement officers, associated vehicles and other equipment. The program only got under way in earnest during the first quarter of the fiscal year and generated $90k for the entire year. In the first quarter of 2023-24, the City has similarly collected $17k in parking fines and staff expects this category may end the year again at about $90k.

Q1 GENERAL FUND EXPENDITURES:

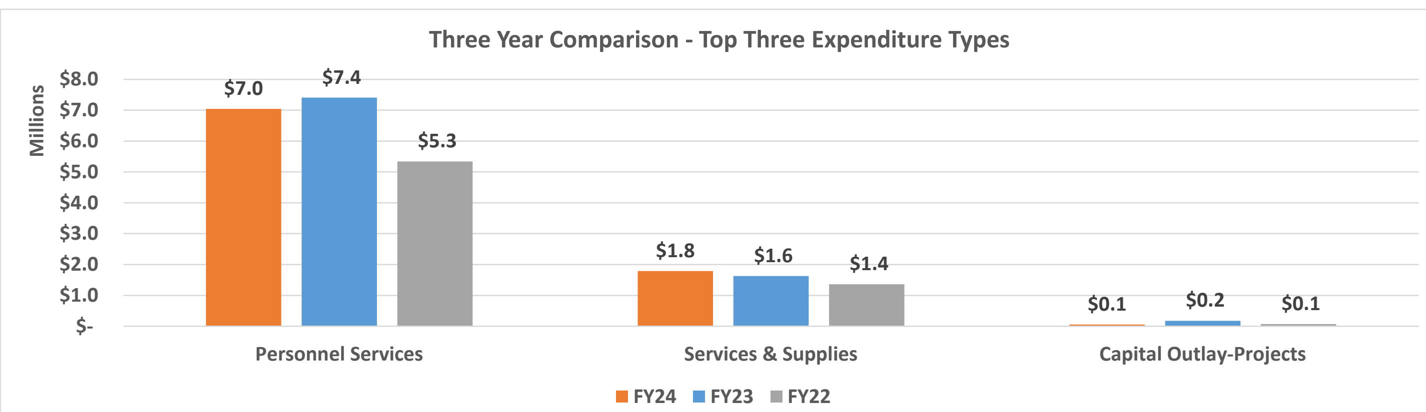
Total budgeted expenditures for FY 2023-24 including transfers are $51.8M. This compares to a FY 2022-23 budget of $48.3M; a budgeted expenditure increase of approximately $3.5M. As mentioned previously personnel cost were increased by approximately $1M on a year over year basis. Additionally, the services and supplies budget increased by $1.3M and the capital improvement budget also increased by $1.3M.

First quarter expenditures were $9.0M or 17% of the total fiscal year 2023-24 budget. For comparison, first quarter expenditures in the prior year were only 23% of the fiscal year 2022-23 budget. This year's lower first quarter expenditures are mainly due to vacancies in several key positions at the start of the year. As of this writing most of these key positions have been filled and therefore it is likely that personnel costs will increase in subsequent quarters.

EXPENDITURES BY TYPE:

	Budget	Results:			Variances:			
	Q1	Q1			Year over Year Vs. FY23		Year over Year Vs. FY22	
General Fund Expenditures by Type:	FY24	FY24	FY23	FY22	$	%	$	%
Personnel Services	$ 8,485,408	$ 7,043,957	$ 7,409,154	$ 5,341,844	$ (365,198)	-5%	$ 1,702,112	32%
Services & Supplies	2,190,904	1,787,038	1,630,006	1,364,327	157,032	10%	422,711	31%
Capital Outlay-Projects	226,071	58,610	178,588	68,257	(119,978)	-67%	(9,647)	-14%
Transfer Out	1,900,021	-	87,183	-	(87,183)	-100%	-	n/a
Debt Service	131,000	41,859	38,579	14,348	3,280	9%	27,511	192%
Internal Service Charge	601,504	601,504	631,621	530,873	(30,117)	-5%	70,631	n/a
Administrative Allocation	(559,600)	(559,600)	(355,523)	(332,884)	(204,078)	57%	(226,716)	n/a
Expenditures by Type	$ 12,975,308	$ 8,973,368	$ 9,619,609	$ 6,986,766	$ (646,241)	-7%	$ 1,986,602	21%

It should be noted that Debt Service is dependent on payment schedules and Capital Outlay is dependent on project schedules. Since these categories are not necessarily expended evenly throughout the year, it is difficult to infer a trend from the first quarter results.



DISCUSSION OF SIGNIFICANT EXPENDITURES BY TYPE:

➢ Personnel Services

In the first quarter, Personnel Services were down $365kM or 5% on a year over year basis. The decrease occurred even as the City had expected personnel costs to increase. The decrease occurred due to vacancies in several key positions, offset somewhat by cost of living adjustments. Overall, personnel costs were below budget by approximately $1.4M. It is anticipated that this cost will come more in line with budget as the year progresses since many of the vacant positions have already been filled as of this writing. Positions filled in the first quarter include; Assistant Public Works Director, Assistant City Manager PT, five Administrative Assistants, Economic Development Director and Project Manager. While the City made excellent progress in the first quarter in filling vacant positions, there are still several more positions yet to be hired. Open positions include a Public Works Services Manager, Communications and Public Engagement Coordinator, and six Police Officers.

General Fund Personnel Costs by Department:	Budget Q1 FY24	Results: Q1 FY24	Variances: Q1 vs. Budget $	%
Legislative Body	$ 18,120	$ 11,646	$ (6,475)	-36%
Administration	288,659	192,833	(95,826)	-33%
City Clerk	43,230	42,007	(1,223)	-3%
City Attorney	120,851	83,831	(37,019)	-31%
Human Resources	168,093	155,801	(12,292)	-7%
Finance Department	284,398	240,761	(43,637)	-15%
Police Department	3,220,022	2,596,366	(623,655)	-19%
Fire Department	2,048,945	1,821,710	(227,235)	-11%
Building and Code Enforcement	229,497	179,154	(50,343)	-22%
Community Development Administration	88,239	40,367	(47,873)	-54%
Planning	150,877	84,551	(66,326)	-44%
Economic Development	151,756	117,194	(34,561)	-23%
Public Works/Engineering	768,200	575,127	(193,073)	-25%
Recreation	904,521	902,608	(1,912)	0%
	$ 8,485,408	$ 7,043,957	$ (1,441,451)	-17%

➢ Services & Supplies

Services and supplies were up 10% on a year over year basis yet under budget by 18%. While the City is experiencing cost increases due to inflation, the increases were adequately planned for in the budget. Inflation is likely to effect the City more in the area of major capital projects where construction bids continue to increase.

EXPENDITURES BY DEPARTMENT:

General Fund Expenditures by Department:	Budget	Results:			Variances:			
	Q1	Q1			Year over Year Vs. FY23		Year over Year Vs. FY22	
	FY24	FY24	FY23	FY22	$	%	$	%
Legislative Body	$ 169,943	$ 81,728	$ 168,739	$ 38,183	$ (87,011)	-52%	$ 43,545	114%
Administration	154,015	35,109	173,356	114,207	(138,248)	-80%	(79,099)	-69%
City Clerk	30,351	20,001	25,537	15,205	(5,536)	-22%	4,796	32%
City Attorney	70,933	(103,849)	91,780	245	(195,630)	-213%	(104,094)	-42543%
Human Resources	162,545	122,870	163,331	(24,636)	(40,461)	-25%	147,507	-599%
Finance Department	79,168	28,617	64,779	(58,403)	(36,162)	-56%	87,020	-149%
Police Department	4,183,276	3,530,551	3,546,505	2,780,267	(15,954)	0%	750,283	27%
Fire Department	2,709,804	2,227,720	2,339,415	1,988,868	(111,695)	-5%	238,852	12%
Building and Code Enforcement	329,975	233,990	245,071	215,511	(11,081)	-5%	18,479	9%
Community Development Administration	(14,268)	(121,411)	(69,066)	(8,748)	(52,345)	76%	(112,663)	1288%
Planning	190,543	200,704	214,882	95,213	(14,178)	-7%	105,491	111%
Economic Development	238,558	260,913	231,222	401,201	29,691	13%	(140,288)	-35%
Public Works/Engineering	1,284,443	1,116,317	1,001,327	482,712	114,990	11%	633,605	131%
Recreation	1,486,003	1,340,109	1,422,730	902,186	(82,622)	-6%	437,923	49%
Transfer Out	1,900,021	-	-	44,755	-	n/a	(44,755)	-100%
Expenditures by Department	$ 12,975,308	$ 8,973,368	$ 9,619,609	$ 6,986,766	$ (646,241)	-7%	$ 1,986,601	21%

As can be seen in the table above, nearly all departments were under budget in the first quarter of the year.

DISCUSSION OF SIGNIFICANT EXPENDITURES BY DEPARTMENT:

Legislative Body

The Legislative Body is $88k under the quarterly budget. Factors contributing to the variance include a reduction in the City's required LAFCO contribution, project timing in the Neighborhood Improvement Commission and timing of contributions to Community Support groups.

Administration

The Administration Department is approximately $138k below the amount that would be expected as of the first quarter of the year. This is largely due to several open positions in the department. The Project Manager Position and the Assistant City Manager position were filled in the first quarter. The Communications and Public Engagement Coordinator position remains vacant. On a year over year basis, departmental costs decreased by $118k.

City Attorney

The City Attorney's Office is under budget by $195k in the first quarter. The department had an open Legal Assistant position for much of the first quarter. Additionally, legal costs are not necessarily expended evenly throughout the year, but are expended as needed. Lastly, cost allocations are based on actual costs one year prior, which is the cause of the negative expense amount.

- **Police Department**

  The Police Department is $652k under budget in the first quarter due largely to personnel costs. A concerted effort remains underway between the Police Department, the City Manager's Office and the Human Resources Department to bring the City's Police Department up to full staff. Still, with six open Police Officer Positions, personnel costs are under budget by $623k. Overtime expenditures have decreased year over year by $50k, but still outpace budget by $23k for the quarter. On a year over year basis, overall department costs are essentially flat.

- **Fire Department**

  The Fire Department is $482k under budget in the first quarter due largely to personnel costs ($227k), capital equipment purchases (94k) and debt service ($95k). In the first quarter, the department had one vacant Firefighter and one vacant Fire Engineer position. Overtime decreased year over year by $66k but was over budget by $48k. Capital equipment purchases occur irregularly and were not undertaken in the first quarter. Likewise, debt service payments are irregular with a payment for the City's ladder truck not due until the second quarter of the year.

- **Community Development**

  The Planning Department is $107k under budget in the first quarter due largely to personnel costs and services and supplies costs. Personnel costs are under budget by $48k due to staffing vacancies. Services and Supplies for the department are under budget by $59k. The variance is largely due to low consulting costs that are a result of the unexpected departure of the department director. On a year over year basis, departmental costs are down 76%.

- **Public Works/Engineering**

  The Public Works/Engineering department is approximately $168k below the amount that would be expected as of the first quarter of the year when compared to the adopted budget. This is largely due vacant positions in the department. In the first quarter, the department had a vacant Public Works Services Manager/City Engineer position as well as a vacant Senior Civil Engineer position. On a year over year basis, the department costs have increased $115k or 11%. Cost increases were anticipated and budgeted for, especially in the area of water costs for the City's golf course.

BUDGET AMENDMENTS:

In the first quarter, the City of Seaside City Council approved a few budget amendments totaling $149k: A new appropriation was approved for the Seaside Stars program in the amount of $59k. A new appropriation was approved to increase the budget for the City Hall Parking Lot project in the amount of $74k. Lastly, a new appropriation was approved to provide funding for a project at Fernando Park in the amount of $16k. Some amendments were needed due to unforeseen costs, others were needed due to changing circumstances.

GENERAL FUND NET RESULTS & BUDGET OUTLOOK:

Overall, the first quarter showed expenditures of $9.0M (17% of the annual budget) in comparison with revenues of $7.7M (16.6% of the annual budget). This is not a cause for concern in light of the fact that certain revenues are not received at all in the first quarter (Franchise Fees and Motor Vehicle in-Lieu Fees) and others run two months in arears (Sales, Use & Transaction Taxes). Still, first quarter results can provide some insights:

- TOTs **have recovered** from pandemic era lows.
- Sales and Use Tax is **has flattened out** and **may turn negative** in fiscal year 2023-24.
- Property Taxes **remain strong,** defying expectations of a slow down due to increasing mortgage rates and decreasing inventory**.**
- Marijuana Receipts tax **are decreasing**.
- Personnel costs **were lower** in the first quarter due to vacant positions, but are likely to end the year higher as compared to the previous year.

General Fund Changes in Fund Balance:		Projected Budget FY24
Beginning Fund Balance (unaudited)		$ 44,799,157
Prior Year Encumbrances		(5,651,410)
Revenue	46,255,651	
Expenditures	(51,901,233)	
Net Revenue		(5,645,583)
Ending Fund Balance		$ 33,502,164

As can be seen, the results of the first quarter indicate that the ongoing operations of the City are expected to continue producing positive financial results, albeit at a slower rate as compared to the last couple of years. As planned, capital improvements will continue to be funded with fund balance.

Fund Balance	Results FY2024
Projected Fund Balance	$ 33,502,164
Nonspendable	(2,425,725)
Seaside Muni Loan	(7,522,232)
Pension Trust	(3,000,000)
Emergency Reserve - 15%	(6,919,211)
Special Reserve - 10%	(4,610,807)
Capital Reserve - 5%	(2,305,404)
Unassigned Fund Balance	$ 6,718,785

The City's total fund balance is projected to be $33.5M at fiscal year-end. The chart above shows several commitments and reserves held against the total balance. The City's emergency, special and capital reserves are fully funded at the rates set by policy and provide a fiscal safety net for the City's operations. The unassigned fund balance is expected to decrease to $6.7M by year-end.

Headwinds:

- Inflation rates have reduced over the course of the last year, but still remain high. Many economists still believe a recession is possible in 2024.
- Expenses are likely to increase (due to inflation as well as increased cost of labor) especially in the area of major construction projects with bids expected to come in higher than originally anticipated.
- PERS unfunded liabilities continue to grow.
- Possible Federal government shutdown.
- Geopolitical unrest.

LONG TERM FORECAST

On the following page may be found the City's five-year long-term forecast (LTF). The forecast provides 5 years of historical data as context, the amended budget for FY 2023-24 and five years of forward looking projections. The LTF was developed at a high level (low level of detail). The City's major sources of revenue were grouped into categories and projected. Likewise, the City's major expenditures were grouped into categories and projected. The majority of the assumptions used in the report were based on a five-year historical trend or provided by outside consultants. Some projections however are based on known payment or increase percentages, such as debt service schedules. Another example is pension costs, which can be estimated with some accuracy. Additionally, the City's capital costs were input according to the five-year CIP.

The following updates were made to the LTF for the Q1 report:

- FY2022-23 projections were updated with preliminary (unaudited) results
- FY2023-24 budget amendments were added

OPERATING OUTLOOK

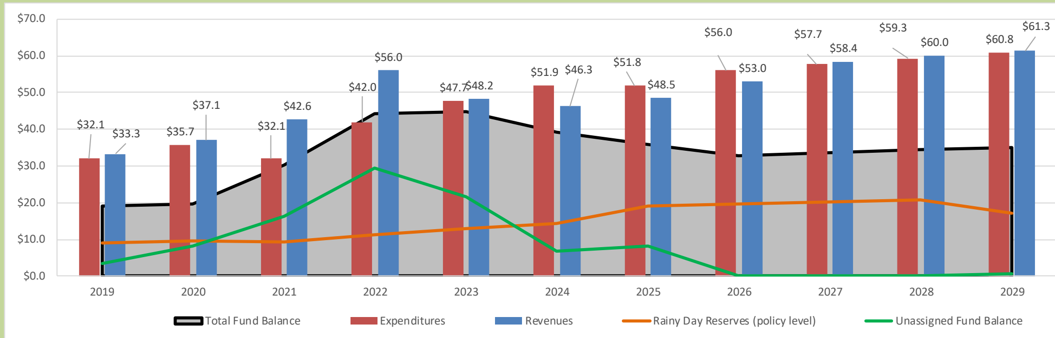
Late in fiscal year 2021-22, the City agreed to three-year labor agreements with all labor groups. This provides more accurate long term forecasting in the area of personnel costs, which is the City's largest cost. Personnel costs are expected to increase steadily over the next several years, particularly pension costs. The City recently established a Section 115 Trust in an effort to mitigate these rising pension costs. Fire Department personnel costs are expected to push personnel costs up significantly in FY 2026 as Fire Station #2 is anticipated to come online. Overall, operating results are expected to produce small increases or decreases over the next few years. Surpluses may increase in FY 2026 and 2027 as certain development projects progress.

DEVELOPMENT OUTLOOK

Three notable development projects are expected to increase City costs for services and infrastructure, as well as generating revenue. They are Seaside Resort Development, Campus Town and Main Gate. All three of the projects are expected to increase sales tax and property tax. The Seaside Resort Development and Campus Town Project will also generate significant transient occupancy taxes. One additional development that is close to breaking ground is the Ascent project. The Ascent project is a ten building workforce rental housing project consisting of one bedroom, two bedroom, and three bedroom units and townhouses along Olympia Avenue.

The long-term forecast uses results of Fiscal Impact Analyses (prepared by outside consultants) where possible and nets revenue and expense so as to make the net effect easier to discern. The City is committed to seeing these projects through and the fiscal impact for the City's operations is likely to be a net positive.

Long Term Forecast



	Actual	Actual	Actual	Actual	Preliminary Results	Adjusted Budget	Projected	Projected	Projected	Projected	Projected
	2019	**2020**	**2021**	**2022**	**2023**	**2024**	**2025**	**2026**	**2027**	**2028**	**2029**
REVENUES											
Sales, Use & Transaction Tax	14,834,786	13,751,243	17,794,977	19,903,626	20,287,290	20,190,116	20,270,876	20,574,940	21,192,188	21,827,953	22,482,792
Property Tax	7,118,845	8,493,623	9,407,980	10,030,828	12,078,650	11,032,222	11,663,281	12,219,564	12,790,091	13,380,867	13,989,573
Transient Occupancy Tax	3,424,302	3,038,525	2,662,172	4,121,251	4,129,418	4,527,226	4,617,771	4,710,126	4,804,329	4,900,415	4,998,424
Utility User Tax	2,415,132	2,405,125	2,803,550	2,744,471	3,071,788	3,050,383	3,172,398	3,299,294	3,365,280	3,432,586	3,501,237
Franchise Fees	1,725,050	1,288,511	1,764,355	1,899,159	1,928,742	1,928,878	1,962,633	2,001,886	2,041,924	2,082,762	2,124,417
Marijuana Receipts Tax	514,565	1,209,596	1,416,668	1,198,045	967,985	1,172,483	1,242,832	1,292,545	1,331,321	1,371,261	1,412,399
Other Revenues	3,219,237	6,878,513	6,618,636	6,010,683	5,732,751	4,354,343	5,194,934	5,353,458	5,477,229	5,604,714	5,736,024
Developer Deposits	-	-	-	959,369	-	-	-	-	-	-	-
Transfer In	135	-	118,983	9,175,575	-	-	-	-	-	-	-
Water Fund Loan Repayment	-	-	-	-	-	-	394,838	394,838	394,838	394,838	394,838
Projected SRD; net revenue	-	-	-	-	-	-	-	3,134,478	3,187,871.50	3,159,713.73	3,130,772.95
Proected Maingate/Campus Town; net revenue	-	-	-	-	-	-	-		3,835,856.50	3,837,503.75	3,562,710.76
Total Revenues	33,252,052	37,065,136	42,587,320	56,043,006	48,196,623	46,255,651	48,519,564	52,981,128	58,420,928	59,992,614	61,333,187
EXPENDITURES BY TYPE											
Personnel Services											
Salaries & Overtime	15,138,471	15,949,592	13,659,269	16,236,861	18,096,930	20,658,547	21,483,918	24,368,176	25,099,215	25,852,186	26,627,746
Benefits	7,992,470	9,192,128	9,574,493	10,915,815	12,325,130	13,337,759	14,201,509	14,392,014	15,074,442	15,676,541	16,260,333
Total Personnel Services	**23,130,940**	**25,141,720**	**23,233,762**	**27,152,676**	**30,422,060**	**33,996,306**	**35,685,427**	**38,760,190**	**40,173,657**	**41,528,727**	**42,888,078**
Services & Supplies	4,506,135	4,532,224	5,591,424	7,913,532	10,081,125	8,720,442	8,850,543	9,115,010	9,296,610	9,481,842	9,670,779
Internal Service Charge	2,387,516	2,024,982	2,414,863	2,135,415	2,528,925	2,406,017	2,627,370	2,706,191	2,760,315	2,815,522	2,871,832
Operating Transfer Out	1,281,860	2,517,092	810,540	1,426,159	3,316,461	1,806,922	1,752,196	1,778,551	1,810,693	1,841,289	1,840,129
Debt Service	318,773	710,915	189,914	237,888	405,080	524,002	700,929	745,488	771,675	761,277	732,808
Non-project Capital		1,176,915	282,296	888,962	566,360	892,785	327,316	337,136	343,878	350,756	357,771
Debt Service Fire Station #2	-	-	-	-		-	-	2,000,000	2,000,000	2,000,000	2,000,000
Administrative Allocation	(1,004,152)	(1,304,327)	(1,344,047)	(1,331,538)	(1,412,639)	(2,238,401)	(2,421,055)	(2,493,686)	(2,568,497)	(2,645,552)	(2,724,918)
Total Operating Expenditures	**30,621,072**	**34,799,522**	**31,178,753**	**38,423,094**	**45,907,372**	**46,108,073**	**47,522,727**	**52,948,879**	**54,588,333**	**56,133,860**	**57,636,479**
Operating Surplus/(Deficit)	2,630,980	2,265,614	11,408,567	17,619,912	2,289,251	147,578	996,837	32,249	3,832,595	3,858,754	3,696,708
Capital Outlay	1,525,942	931,830	940,757	3,598,510	1,794,474	5,793,160	4,231,271	3,040,522	3,086,737	3,118,472	3,150,841
Net Change in Fund Balance	1,105,038	1,333,784	10,467,810	14,021,402	494,777	(5,645,583)	(3,234,434)	(3,008,273)	745,858	740,282	545,867
End of Year Fund Balance	18,974,801	19,815,169	30,282,979	44,304,381	44,799,157	39,153,574	35,919,140	32,910,867	33,656,726	34,397,008	34,942,875
Less Prior Year Budget Roll Forward						5,651,410					
Less Rainy Day Reserves	12,340,000	9,045,764	11,459,000	11,231,853	13,031,157	13,835,422	14,359,281	19,094,956	19,688,776	20,252,964	20,816,923
Less Restricted Balances	3,221,633	2,425,725	2,655,428	3,614,797	10,177,660	12,947,957	13,447,957	13,656,401	13,788,390	13,919,013	13,548,265
Unassigned Fund Balance	3,413,168	8,343,680	16,168,551	29,457,731	21,590,340	6,718,785	8,111,903	159,510	179,559	225,031	577,687

OVERALL OUTLOOK

The LTF indicates that the City is in a good financial position for the next five years. Due to the exceptionally strong results for FY2020-21 and again for FY 2021-22, the long-term forecast has improved since it was first presented to the City Council. Overall, unassigned fund balance is projected to be nearly spent down by 2026. The current projection does however show the City maintaining policy level reserves for the next five years. With many headwinds on the horizon, this forecast is subject to change and will be re-evaluated at the Mid-year budget review in March of 2024. Staff will continue to update the forecast and present it to Council as specific information becomes available.

OTHER FUNDS

In addition to the General Fund, the budget includes funds from a range of restricted sources as well as business-type activities that are used to provide specific services, including:

WATER FUND:

Water Enterprise Q1 Results	Budget	Results:		Variances:	
	Q1	Q1		Year over Year Vs. FY23	
	FY24	FY24	FY23	$	%
Operating Revenue	$ 314,154	$ 356,004	$ 336,962	$ 19,042	6%
Expenditures	444,974	(121,638)	(250,976)	(129,338)	-52%
Net Revenues	$ 759,128	234,366	$ 85,986	$ 148,380	173%

The Water Enterprise Fund appears to be functioning as designed. Recent rate increases have greatly increased revenues putting the enterprise in a much better position. The final increase of a five-year rate plan went into effect on January 1, 2023. A new rate study is currently under way with plans to implement new rates in the Fiscal Year 2024-25 budget.

Year over year, expenditures were somewhat lower in FY 24 as compared to FY23. This is due to some project work getting under way in the first quarter. Design work for a new well was programmed for the previous fiscal year, but the project did not get under way. The well design project was rolled forward to the current fiscal year. First quarter results indicate the fund is on track to collect revenues in line with budget and expenditures are within budget as well.

STORM WATER FUND:
The Storm Water fund expenditures in the first quarter were $131k. Storm Water costs were $240k lower than the same quarter of the previous year, mainly due to timing of capital Improvement projects. Currently the primary source of funding for the Storm Water fund is the City's General Fund. City staff continues to seek grant funding when available as well.

Requests for additional financial information may be directed to:
City of Seaside, Finance Department, 440 Harcourt Avenue, Seaside CA, 93955
Attention: Victor Damiani, Finance Director| Email; vdamiani@ci.seaside.ca.us| Phone; (831) 899-6718

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.A.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Loreene Bermudez-Onate, Accountant II

DATE: November 16, 2023

SUBJECT: APPROVE AND FILE CITY CHECKS

RECOMMENDATION

Approve and file the accounts payable and wired payments made during the period of August 26, 2023 through September 29, 2023, including the payroll and benefits checks, direct deposits, and wired payments related to the pay period ending September 1, 2023 and September 15, 2023. Total Accounts Payable and Payroll for the above referenced period is $5,136,241.95.

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 the checks can be inspected and confirmed. Each purchase has been reviewed and approved by the department making the purchase at the time of procurement. The invoices have been reviewed by the Finance Department prior to payment to ensure that they conform 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 $10,000.00 are as follows:

- $15,050.00 to A. G. Davi LTD for United Way rental assistance for 1 tenant for the periods of: January-February 2023 & September-December 2023.
- $46,513.19 to American Signal Company for Purchase of (3) changeable message signs.
- $24,578.59 to Bureau Veritas Technical Assessments LLC for Prof. plan review

services for FYE 2024 facilities condition assessments for the period of July 2023.

- $38,655.50 to California-American Water for Water consumption for multiple City of Seaside service addresses. Billing period of 7/25/23-8/23/23. Service addresses include city buildings, parks, fire hydrants, irrigation stations, and city affordable housing.
- $16,651.19 to Coastal Fabrication Company, Inc. for fabrication services of new handicap ramp and stair rails at 1583 Del Monte Blvd.
- $100,922.77 to Coastal Paving & Excavating, Inc. for Construction services of the Ord Terrace Elementary School Crossing Improvement Project through July 31, 2023.
- $14,070.45 to Coastal Paving & Excavating, Inc. for construction services of the Ord Terrace Elementary School Crossing Improvement Project through August 31, 2023.
- $187,821.82 to County of Monterey for Payment for FY 2023-24 Quarter 2 Dispatch Services.
- $31,148.53 to Enterprise FM Trust for monthly payments for (17) leased City vehicles for the periods of July-September 2023.
- $219,753.14 to Granite Rock Company for Construction services for Cutino Park Improvement Part 2, Phase 1 through July 31, 2023.
- $25,099.16 to Hamilton, Ellis & Martin Plaza for United Way rental assistance for 3 tenants for the periods of: August-November 2023, February 2022- August 2023 & August-November 2023.
- $27,854.00 to Hamilton, Ellis & Martin Plaza for United Way rental assistance for 4 tenants for the periods of: August-December 2023, September-December 2023, August-December 2023 & June-December 2023.
- $13,679.25 to Hope Services for Maintenance services for the period of August 2023.
- $17,753.76 to Kimley-Horn and Associates, Inc. for RSTP Grant Assistance for FY 2022-23 & professional services for the Broadway Streets Corridor project through May 31, 2023.
- $192,026.32 to Marina Coast Water District for Recycled water meter services for the period of 8/1/23-8/31/23.
- $40,439.52 to Monterey Co. Convention & Visitor's Bureau for TID (Tourism Improvement District) remittance for the reporting period of July 2023 for the 13 Seaside motels/hotels.
- $35,187.37 to Monterey County Auditor-Controller for the City's portion of FY 2023-24 LAFCO Budget Allocation.
- $13,677.50 to Monterey One Water for SCSD prof. services for Lift Station Maintenance during April-June 2023.
- $255,493.00 to Monterey Peninsula Engineering for Prof. construction services of the Lincoln Cunningham Basketball Court through the period of July 2023.
- $11,420.30 to Natural Structures Inc. for Purchase of (1) portable seal slide.
- $32,500.25 to Olympus and Associates, Inc. for Prof. services for the rehabilitation of the City Municipal Water Tanks.

- $55,196.25 to Pavement Engineering, Inc. for Professional services for the 2023 Hot Spot Repair project through August 31, 2023 & Pavement Rehab Project Phase 5 services through August 31, 2023.
- $54,749.37 to PG&E for Collective accts for street lights, highway lighting, park lights and city office buildings. Service for the statement period of August 2023.
- $100,300.00 to Raimi & Associates, Inc. for Prof. services for the City's 6th Cycle Housing Element for the period of July 2023.
- $21,609.02 to RRM Design Group for Professional architectural and engineering services for the Fire Station 2 project through July 31, 2023.
- $16,630.00 to Schaaf & Wheeler, Consulting Civil Engineers for Professional engineering services for the Storm Drain Master Plan Project through June 2023.
- $22,530.00 to Seaview Affordable Communities, L.P. for United Way rental assistance for 4 tenants for the periods of: January-November 2023, September-December 2023, June-December 2023 & January-February 2021/January-March 2023/October-December 2023.
- $13,231.18 to Sturdy Oil Company for 2,070 gallons of regular gas (ethanol) and 602 gallons of clear diesel delivered to the public works department on 8/23/23.
- $275,617.06 to U.S. Bank St. Paul for City of Seaside joint powers financing authority lease revenue bonds: Measure X Road Improvements & Cutino Park Improvement Projects.
- $39,709.75 to U.S. Bank-Calcard for City of Seaside purchase card transactions for the billing period of August 2023.
- $51,056.52 to Wallace Group for July 2023 invoices for: Cutino & Ellis Parks Improvement services (Part 2, Phase 1); Bike Safe Strom Grates services; Lincoln Cunningham Basketball Court Improvement project services; Ord Terrace Elementary School Crossing project services; Fire Station Upgrade services; Del Monte LID project services.
- $14,177.24 to Wallace Group for August 2023 invoices for: Bike Safe Strom Grates services; Ord Terrace Elementary School Crossing project services; Fire Station Upgrade services.
- $20,216.74 to Whitson Engineers for August 2023 invoices for: Professional services for Cutino Park Improvements; Lincoln-Cunningham & Havanna-Soliz Parks Review; Del Monte Manor LID Project; Yosemite/San Pablo Storm Drain project; City Hall Parking Lot Repaving project.

The Net Payroll and Payroll benefits total was $2,079,111.36.

The remaining checks, totaling $1,011,811.85, include payments to vendors for operating expenditures.

The check report is available on the City's website here:
https://www.ci.seaside.ca.us/194/Check-Draft-Register

FISCAL IMPACT

There are no additional fiscal impacts.

ATTACHMENTS

None

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.B.

TO: Successor Agency to the Redevelopment Agency of the City of Seaside

FROM: Jaime M. Fontes, City Manager

BY: Loreene Bermudez-Onate, Accountant II

DATE: November 16, 2023

SUBJECT: **APPROVE AND FILE SUCCESSOR AGENCY CHECKS**

RECOMMENDATION

Approve and file the accounts payable and wired payments made during the period of August 26, 2023 through September 29, 2023, including the payroll and benefits checks, direct deposits and wired payments related to the pay period ending September 1, 2023 and September 15, 2023. Total Accounts Payable and Payroll for the above referenced period is $2,353.91.

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:

- No checks exceeded $10,000.

The Checks report is available on the City's website here:
https://www.ci.seaside.ca.us/194/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: Jaime M. Fontes, City Manager

BY: Victor Damiani, Finance Director

DATE: November 16, 2023

SUBJECT: **ACCEPT AND FILE DEVELOPMENT IMPACT FEES REPORTS FOR THE FISCAL YEAR ENDING JUNE 30, 2023.**

RECOMMENDATION

Accept and file development impact fees reports for the fiscal year ending June 30, 2023.

BACKGROUND

In order to comply with the California Government Code Subsection 66006(b)(1), the City must report annually on the amount of Development Impact Fees collected, the beginning and ending balances in the account and any interest earned. The reports are due within one hundred eighty days of the close of the fiscal year. The council must review the information at a regularly scheduled public meeting not less than 15 days after the information is made available.

The required reports were first made available to the Council and to the public on Friday, October 20, 2023.

The Mitigation Fee Act, California Government Code Section 66000 et. seq. authorizes the City of Seaside (City) to impose, collect and expend mitigation fees to offset the impact of development within the City. The only impact fees currently collected by the City are imposed as conditions of approval in specific developer agreements and are commonly referred to as "fair share fees". The City has adopted a water capacity fee. However, no water capacity fees have been collected thus far. Cities that levy and collect fees have certain annual reporting requirements and if unspent balances remain after five years, the City must make certain findings regarding the fees after five years and every five years thereafter. The City of Seaside City Council made findings in 2022, therefore additional findings are not required in 2023.

FISCAL IMPACT

There are no fiscal impacts associated with accepting the report.

ATTACHMENTS

1. Developer Agreement_Impact Fees_FY23

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

City of Seaside, California

Development Impact Fees Report
Developer Agreement Fair Share Fees
Fiscal Year Ended June 30, 2023

Prepared by City of Seaside Finance Director
Victor Damiani

City of Seaside, California
Development Impact Fees Report
Developer Fair Share Fees
Fiscal Year Ended June 30, 2023

For purpose of compliance with California Government Code Subsection 66006(b)(1), the following information regarding AB 1600 fees is presented in connection with the City's Impact Fees fund:

(A) A brief description of the type of fee in the account or fund.

Fair Share Fees - Fees collected are used for the planning, design, construction or support activities of facilities in existence at the time the charge is imposed or for new facilities to be constructed in the future that are necessitated by the development project.

(B) The amount of the fee.

FY 2022/2023:

Fair Share Fees: $172,796

(C) *The beginning and ending balance of the account or fund.* **See statement below.**
(D) *The amount of the fees collected and the interest earned.* **See statement below.**

Statement of Revenues, Expenditures and Changes in Fund Balance
For the Year Ended Jun 30, 2023

REVENUES		
Seaside Resort Development	$	172,796
Interest	$	12,129
Total Revenues	**$**	**184,925**
EXPENDITURES		
Fire Station Design	$	138,392
Total Expenditures	$	138,392
OTHER FINANCING SOURCES (USES)		
Transfers in	$	-
Transfers out	$	-
Total Other Financing Sources & Uses	$	-
REVENUES OVER (UNDER) EXPENDITURES	**$**	**46,533**
Beginning Fund Balance as of 07/01/22	**$**	**837,014**
Ending Fund Balance as of 06/30/23	**$**	**883,547**

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

- Fees were transferred to the Capital Project fund for Government Facilities (Fund 344) . The transferred funds were used for design of a second fire station on the north side of the City of Seaside.

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

Fires Station # 2 Design and Construction

- A Second Fire Station on the North side of the City of Seaside
- Estimated cost is $20,000,000.00 and design is scheduled to be undertaken in FY 22/23 and construction planned for FY 24/25.

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.

- Fees were transferred to the Capital Project fund for Government Facilities (Fund 344) . The transferred funds were used for design of a second fire station on the north side of the City of Seaside.

(H) The amount of the refunds made pursuant to subdivision € Section 66001 and any allocation pursuant to subdivision (f) of Section 66001.

No refunds were made during the fiscal year.

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.D.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Jessica Riley, Assistant Finance Director

DATE: November 16, 2023

SUBJECT: **ACCEPT AND FILE THE CASH AND INVESTMENTS REPORT FOR THE CITY OF SEASIDE AND THE SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY OF THE CITY OF SEASIDE FOR THE QUARTER ENDING SEPTEMBER 30, 2023**

RECOMMENDATION

Accept and file the City of Seaside and the Successor Agency to the Redevelopment Agency of the City of Seaside Cash and Investment Report for the quarter ending September 30, 2023.

BACKGROUND

Section 53646 of the California State Government code requires the fiscal officer to prepare a quarterly report detailing the City's and the Agency's cash and investments. The City of Seaside's and the Successor Agency's Investment Policy requires a quarterly report. This report covers the Fiscal Year 2022-2023 2nd quarter beginning July 1, 2023, and ending September 30, 2023.

The September 30, 2023 report shows that approximately 100% of the portfolio is City of Seaside funds and less than 1% is Successor Agency Funds. 46% of the funds are invested in the Local Agency Investment Fund with the State of California.

FISCAL IMPACT

None.

ATTACHMENTS

1. LAIF Program Description

2. LAIF Quarterly Apportionment Rates
3. PMIA Performance Report 20230930
4. Quarterly Investment Exhibits - 1Q quarter ended 09-30-23

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

LOCAL AGENCY INVESTMENT FUND

Program Description

The Local Agency Investment Fund (LAIF), a voluntary program created by statute, began in 1977 as an investment alternative for California's local governments and special districts and it continues today under Treasurer Fiona Ma's administration. The enabling legislation for the LAIF is Section 16429.1 et seq. of the California Government Code.

This program offers local agencies the opportunity to participate in a major portfolio, which invests hundreds of millions of dollars, using the investment expertise of the State Treasurer's Office professional investment staff at no additional cost to the taxpayer.

The LAIF is part of the Pooled Money Investment Account (PMIA). The PMIA began in 1955 and oversight is provided by the Pooled Money Investment Board (PMIB) and an in-house Investment Committee. The PMIB members are the State Treasurer, Director of Finance, and State Controller.

The Local Investment Advisory Board (LIAB) provides oversight for LAIF. The Board consists of five members as designated by statute. The State Treasurer, as Chair, or her designated representative, appoints two members qualified by training and experience in the field of investment or finance, and two members who are treasurers, finance or fiscal officers or business managers employed by any county, city or local district or municipal corporation of this state. The term of each appointment is two years or at the pleasure of the Treasurer.

All securities are purchased under the authority of Government Code Section 16430 and 16480.4. The State Treasurer's Office takes delivery of all securities purchased on a delivery versus payment basis using a third party custodian. All investments are purchased at market and a market valuation is conducted monthly.

Additionally, the PMIA has Policies, Goals and Objectives for the portfolio to make certain that our goals of Safety, Liquidity and Yield are not jeopardized and that prudent management prevails. These policies are formulated by Investment Division staff and reviewed by both the PMIB and the LIAB on an annual basis.

The State Treasurer's Office is audited by the Bureau of State Audits on an annual basis and the resulting opinion is posted to the State Treasurer’s Office website following its publication. The Bureau of State Audits also has a continuing audit process throughout the year. All investments and LAIF claims are audited on a daily basis by the State Controller's Office as well as an internal audit process.

Under Federal Law, the State of California cannot declare bankruptcy, thereby allowing the Government Code Section 16429.3 to stand. This Section states that "moneys placed with the Treasurer for deposit in the LAIF by cities, counties, special districts, nonprofit corporations, or qualified quasi-governmental agencies shall not be subject to either of the following: (a) transfer or loan pursuant to Sections 16310, 16312, or 16313, or (b) impoundment or seizure by any state official or state agency."

During the 2002 legislative session, California Government Code Section 16429.4 was added to the LAIF's enabling legislation. This Section states that "the right of a city, county, city and county, special district, nonprofit corporation, or qualified quasi-governmental agency to withdraw its deposited moneys from the LAIF, upon demand, may not be altered, impaired, or denied in any way, by any state official or state agency based upon the state's failure to adopt a State Budget by July 1 of each new fiscal year."

The LAIF has grown from 293 participants and $468 million in 1977 to 2,362 participants and $26.7 billion at the end of December 2019.

LOCAL AGENCY INVESTMENT FUND

Quarterly Apportionment Rates

	March	June	September	December
1977	5.68	5.78	5.84	6.45
1978	6.97	7.35	7.86	8.32
1979	8.81	9.10	9.26	10.06
1980	11.11	11.54	10.01	10.47
1981	11.23	11.68	12.40	11.91
1982	11.82	11.99	11.74	10.71
1983	9.87	9.64	10.04	10.18
1984	10.32	10.88	11.53	11.41
1985	10.32	9.98	9.54	9.43
1986	9.09	8.39	7.81	7.48
1987	7.24	7.21	7.54	7.97
1988	8.01	7.87	8.20	8.45
1989	8.76	9.13	8.87	8.68
1990	8.52	8.50	8.39	8.27
1991	7.97	7.38	7.00	6.52
1992	5.87	5.45	4.97	4.67
1993	4.64	4.51	4.44	4.36
1994	4.25	4.45	4.96	5.37
1995	5.76	5.98	5.89	5.76
1996	5.62	5.52	5.57	5.58
1997	5.56	5.63	5.68	5.71
1998	5.70	5.66	5.64	5.46
1999	5.19	5.08	5.21	5.49
2000	5.80	6.18	6.47	6.52
2001	6.16	5.32	4.47	3.52
2002	2.96	2.75	2.63	2.31
2003	1.98	1.77	1.63	1.56
2004	1.47	1.44	1.67	2.00
2005	2.38	2.85	3.18	3.63
2006	4.03	4.53	4.93	5.11
2007	5.17	5.23	5.24	4.96
2008	4.18	3.11	2.77	2.54
2009	1.91	1.51	0.90	0.60
2010	0.56	0.56	0.51	0.46
2011	0.51	0.48	0.38	0.38
2012	0.38	0.36	0.35	0.32
2013	0.28	0.24	0.26	0.26
2014	0.23	0.22	0.24	0.25
2015	0.26	0.28	0.32	0.37
2016	0.46	0.55	0.60	0.68

	March	June	September	December
2017	0.78	0.92	1.07	1.20
2018	1.51	1.90	2.16	2.40
2019	2.55	2.57	2.45	2.29
2020	2.03	1.47*	0.84	0.63
2021	0.44	0.33	0.24	0.23
2022	0.32	0.75	1.35	2.07
2023	2.74	3.15*	3.59	

*Revised per State Controller's Office

PMIA/LAIF Performance Report as of 10/18/23

Quarterly Performance Quarter Ended 09/30/23

LAIF Apportionment Rate[2]:	3.59
LAIF Earnings Ratio[2]:	0.00009812538629360
LAIF Administrative Cost[1]*:	0.29
LAIF Fair Value Factor[1]:	0.986307739
PMIA Daily[1]:	3.48
PMIA Quarter to Date[1]:	3.42
PMIA Average Life[1]:	256

PMIA Average Monthly Effective Yields[1]

September	**3.534**
August	3.434
July	3.305**
June	3.167
May	2.993
April	2.870

Pooled Money Investment Account Monthly Portfolio Composition [1] 09/30/23 $156.4 billion

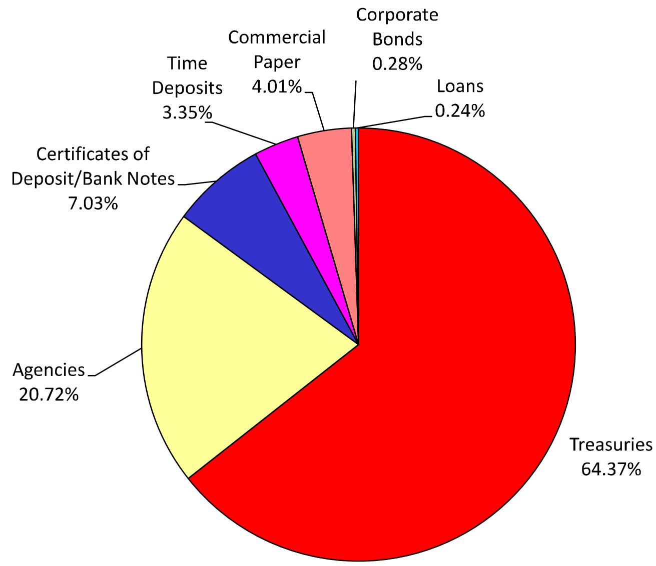


Chart does not include $2,444,000.00 in mortgages, which equates to 0.002%. Percentages may not total 100% due to rounding.

Daily rates are now available here. **View PMIA Daily Rates**

Notes: The apportionment rate includes interest earned on the CalPERS Supplemental Pension Payment pursuant to Government Code 20825 (c)(1) and interest earned on the Wildfire Fund loan pursuant to Public Utility Code 3288 (a).

**The percentage of administrative cost equals the total administrative cost divided by the quarterly interest earnings. The law provides that administrative costs are not to exceed 5% of quarterly EARNINGS of the fund. However, if the 13-week Daily Treasury Bill Rate on the last day of the fiscal year is below 1%, then administrative costs shall not exceed 8% of quarterly EARNINGS of the fund for the subsequent fiscal year.*

*** Revised*

Source:
[1] State of California, Office of the Treasurer
[2] State of Calfiornia, Office of the Controller

Exhibit A

CITY OF SEASIDE and THE SUCCESSOR AGENCY
SUMMARY OF POOLED CASH AND INVESTMENTS
AS OF SEPTEMBER 30, 2023

DESCRIPTION	INSTITUTION	VALUATION	AMOUNT
LAIF - City Funds	State Treasurer	Market	$ 24,205,288.58
General Checking	Bank of West	Market	$ 15,614,547.17
Money Market	Bank of West	Market	$ 6,799,147.17
2022 Lease Escrow Account	Webster Bank	Market	$ 29,159.31
PARS Retirement Account	US Bank	Market	$ 20,270.25
PARS 115 Trust	PARS	Market	$ 3,499,432.19
York Tail Claims	Bank of America	Market	$ 29,629.80
Bond 2018 Cutino Reserve account	US Bank	Market	$ 1,111,955.53
Bond 2018 Measure X Reserve account	US Bank	Market	$ 192,466.60
Bond 2014 Reserve account	US Bank	Market	$ 232.19
Bond 2006 Reserve & Installment accounts	US Bank	Market	$ 339,564.22
Pension Obligation Bond Program Reserve account	Wells Fargo Bank	Market	$ 799,318.22
		Total	**$ 52,641,011.23**

I hereby certify that sufficient investment liquidity and anitcipated revenues are available to meet the City's and the Agency's aniticipated expenditure requirements for the next six months. (California Code Section 53646)

Investments in this report meet the requirements of the City of Seaside's and the Successor Agency's Investment Policy.

Respectfully submitted,

Jaime Fontes
City Manager

CITY OF SEASIDE and THE SUCCESSOR AGENCY
SUMMARY OF POOLED CASH AND INVESTMENTS
AS OF SEPTEMBER 30, 2023

	Yield	Book Value	% of Total	Market Value
Investments				
State Treasurer LAIF - City Account	**1.58%**	**24,205,288.58**	**45.98%**	**24,205,288.58**
Checking Account				
BMO - General Checking	**0.00%**	**15,614,547.17**	**29.66%**	**15,614,547.17**
BMO - Money Market	**1.71%**	**6,799,147.17**	**12.92%**	**6,799,147.17**
Webster Bank - 2022 Lease	**0.68%**	**29,090.89**	**0.06%**	**29,159.31**
PARS Retirement Account	**2.07%**	**20,270.25**	**0.04%**	**20,270.25**
PARS 115 Trust	**-6.86%**	**3,499,432.19**	**6.65%**	**3,499,432.19**
Bank of America-York Checking	**0.00%**	**29,629.80**	**0.06%**	**29,629.80**
US Bank - Cutino Revenue 2018 Bonds				
Installment Payment, Reserve	**0.00%**	**1,111,955.53**	**2.11%**	**1,111,955.53**
US Bank - Measure X Revenue 2018 Bonds				
Installment Payment, Reserve	**0.00%**	**192,466.60**	**0.37%**	**192,466.60**
US Bank - Redevelopment Agency Merged Area Refunding 2014 Bonds				
Installment Payment, Reserve	**20497.90%**	**232.19**	**0.00%**	**232.19**
US Bank - Golf Course 2006 Bonds				
Installment Payment, Reserve	**0.00%**	**339,564.22**	**0.65%**	**339,564.22**
US Bank - PNC Equipment Lease Escrow Account	**0.00%**	**-**	**0.00%**	**-**
Wells Fargo Bank				
Pension Obligation Bond Program Reserve Account	**1.99%**	**799,318.22**	**1.52%**	**799,318.22**
Total Cash and Investments		**52,640,942.81**	**100.00%**	**52,641,011.23**

Exhibit C

CITY OF SEASIDE and THE SUCCESSOR AGENCY
CASH AND INVESTMENT ACTIVITY REPORT FOR THE PERIOD
JULY 1, 2023 THROUGH SEPTEMBER 30, 2023

INSTITUTION	ACCOUNT STATUS		BEGINNING BALANCE	DEPOSITED	EXPENDED or TRANSFERRED	INTEREST EARNED		ENDING BALANCE
INVESTMENTS								
LAIF - City	OPEN	$	24,016,723.65	-		188,564.93	$	24,205,288.58
CHECKING ACCOUNT								
BMO - General Checking	OPEN	$	25,327,151.08	12,695,812.38	22,408,416.29		$	15,614,547.17
BMO - Payroll Checking	OPEN	$	-	10,947,432.07	10,947,432.07		$	-
BMO - Money Market	OPEN	$	6,741,908.67	-	-	57,238.50	$	6,799,147.17
BMO - Athens Tail Claims	OPEN	$	0.00	6,559.26	6,559.26	-	$	0.00
Webster Bank - 2022 Lease	OPEN	$	29,090.89	-	30.00	98.42	$	29,159.31
PARS Retirement Account	OPEN	$	20,093.88	14,340.00	14,370.10	206.47	$	20,270.25
PARS 115 Trust	OPEN	$	3,122,850.44	500,000.00	4,638.40	(118,779.85)	$	3,499,432.19
Bank of America York Tail Claims	OPEN	$	29,629.80	-	-	-	$	29,629.80
BOND RESERVE ACCOUNT - HELD BY TRUSTEES								
Bond 2018 Cutino Accounts - Reserve, Interest	OPEN	$	1,028,758.92	83,183.64	-	12.97	$	1,111,955.53
Bond 2018 Meas X Accounts - Reserve, Interest	OPEN	$	16.59	192,450.01	-	-	$	192,466.60
Bond 2014 Accounts - Reserve, Interest	OPEN	$	83.27	150,172.98	150,256.25	232.19	$	232.19
Bond 2006 Accounts - Reserve, Installment	OPEN	$	573,939.23	38.42	234,419.67	6.24	$	339,564.22
Wells F Pension Obligation Bond Prog-Reserve Acct.	OPEN	$	37,167.83	758,254.82	213.75	4,109.32	$	799,318.22
		$	**60,927,414.25**	**25,348,243.58**	**33,766,335.79**	**131,689.19**	**$**	**52,641,011.23**

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.E.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Dan Meewis, Recreation Director

DATE: November 16, 2023

SUBJECT: **APPROVE MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM SEASIDE HIGH SCHOOL WOOD SHOP PROGRAM**

RECOMMENDATION

Approve a request from the Seaside High School Wood Shop Program for a donation of $3,000.00 from the Mayor's Youth Fund to help cover the cost of consumables such as glue, sandpaper, saw blades and planer blades.

BACKGROUND

The Seaside High School Wood Shop Program is requesting a $3,000 donation from the Mayor's Youth Fund to cover the costs of consumables such as glue, sandpaper, saw blades and planer blades. The program serves 150 students annually. The majority of the students use wood donated by local construction and woodworking companies. The wood would otherwise be discarded or burned but is instead repurposed into beautiful projects. The wood sawdust produced is composted for the school garden.

Based on the information provided, staff has determined that the application meets the requirements of the Mayor's Youth Fund Policy. This is the first time that Seaside High School Wood Shop has requested a donation.

FISCAL IMPACT

This request would be funded by a donation from the Green Waste Recovery's donation to the Mayor's Youth Fund. The current balance is the Mayor's Youth Fund account (601-2106) is $63,107.02. If the City Council approves this request, the balance will decrease to $60,107.02. This is for fiscal year 2023-2024.

In the event that all of the funds in the Mayor's Youth Fund are exhausted, staff will keep a file of all applications. Upon Green Waste's issuance of the next round of funding, all applications on file will be processed at the next available City Council meeting.

ATTACHMENTS

1. MYF Seaside High School Wood Shop 2023
2. W-9 Seaside High School Wood Shop 2023

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

Terry Navarro - Online Form Submittal: Mayor Youth's Contribution Request

From: <noreply@civicplus.com>
To: <cityclerk@ci.seaside.ca.us>, <dmeewis@ci.seaside.ca.us>, <tnavarro@ci.s...
Date: 10/24/2023 4:27 PM
Subject: Online Form Submittal: Mayor Youth's Contribution Request

Mayor Youth's Contribution Request

Purpose

The Mayor's Youth Fund was created to provide supplemental financial assistance to students and non-profit groups that provide services to improve the lives of young people living in the City of Seaside. A policy has been developed to standardize the evaluation of contribution requests and ensure that the funds are used appropriately to serve the City's youth.

Eligible Applications

Contributions will only be made to, or on behalf of, students or organized groups, such as schools and non-profit organizations based in Seaside and/or serving a majority of Seaside residents (50%) that are 18 years old or younger or enrolled in high school. Faith based organizations may apply for contributions from the Mayor's Youth Fund if the funding is not used to support religious activities such as: Religious instruction, Sunday School, and Worship. In addition, activities funded by the Mayor's Youth Fund must be open to all persons without regard to their religious affiliation.

Submittal of Contribution Requests

In order to request a contribution, the following information must be provided in writing:

- Name of the organization, person(s) benefiting, proposed use of the funds, total amount needed or fundraising goal.

- Description of other methods being used to raise funds and/or other contributors.

- An explanation of how the group, activity, or event will benefit Seaside youth.

- Written description of how the use of the funds will be specifically used for youth group activities/events and has a nexus to the goals related to recycle, cleanup, and "green" sustainability to ensure a healthy environment.

- How this request will provide a municipal benefit (ie., benefit the community).

- Proof of non-profit organization status (not a taxpayer's I.D number) and a current W-9 form.

Evaluation Process & Criteria

Contributions can only be made if approved by the City Council. Funding requests will be evaluated based on their consistency with this policy, including the following criteria.

- Scholastic, athletic, music, environmental and art activities will be considered for funding based on the quality of the proposed activity.

- Evidence of activities/events related to "reduce, reuse and recycle" to ensure a healthy environment.

- Contributions requests will be accepted from individuals and can be made to an organization on behalf of an individual member or student.

- Contributions are only paid to organizations, such as non-profit groups and schools.

- Contributions are intended to fund actual costs related to an event or activity. (Please see "Payment Process" information provided in the following area.)

- Contributions from the Mayor's Youth Fund are not intended to be the sole source of funds for an organization or program and will only be made to supplement other fundraising activities.

- How this request will provide a municipal benefit (ie., benefit the community).

Contribution Limits

In order to equitably distribute funds available in the Mayor's Youth Fund, the following contribution guidelines have been developed, although all contributions are subject to the discretion of the City Council. In addition, funding will be limited to one contribution per year (every 12 months).

- Individuals - 25% of the total cost of the activity (not to exceed $1,000)

- Groups up to 20 people - up to $1,500

- Groups of 21 or more people - up to $3,000

Payment Process

If a contribution is approved by the City Council, payment will be made to the authorized organization or directly to the vendor selected by the authorized organization after submittal of a receipt or the presentation of actual invoices. No funding can go directly to an individual. This process is required in order to provide documentation required to meet municipal auditing standards.

Funding Requirements

Funding is limited to one contribution per year (every 12 months). The Mayor's Youth Fund Closing Report Form must be submitted to staff at least 60 days upon completion of the event, activity or program. Applicants that do not furnish the form may not apply for funds for the following year. A representative from the organization is required to be at the Council meeting for their application to be heard. If no representative is present then the agenda item will be postponed to another City Council meeting upon notification by the applicant. Incomplete applications will not be forwarded for Council consideration; applications not answering the question related to reduce, reuse or recycle are considered incomplete.

Individual Requests

Please attach an itemized list of all expenses. Amount of donation may not exceed 25% of the total cost of the activity and not exceed $1,000. Applications that are incomplete will be returned.

Name of Organization	Seaside High School Wood Shop
Name	David B Founds
Email Address	dfounds@mpusd.k12.ca.us
Address	2200 Noche Buena St
City	Seaside
State	CA
Zip Code	93955
Phone Number	8313593519
Additional Phone Number	*Field not completed.*
Percentage of Residents or Students of Seaside	100

Number of Participants	150
Ages of Participants	14-18

Criteria

Applicants must meet at least one of the following criteria to be eligible for funding. Please select one or more from the following list:	Art, Scholastic
Are you funding a reward for one of these activities?	No
Description of event, activity or program funding pertains to:	The Seaside High Woodshop serves 150 students a year. As a part of SHS career and technical ical education programs students in my Construction and Design classes learn to measure, mark, cut and
Attach Additional Information as Necessary	*Field not completed.*
Description of how the funds will be specifically used for youth groups activities/events and has a nexus to the goals of recycling, cleanup and "green" sustainability to insure a healthy environment:	The majority of the wood students use or projects are donated by local construction and woodworking companies. The wood would typically be discarded or burned, but we are able to repurpose it into beautiful projects. The funding will be used for consumables such as glue, sandpaper, saw blades, planer blades etc. Staff spoke to David Founds (the wood shop teacher) on 10/25/2023 and received more information about how they recycle. They compost the wood sawdust for the school garden.
What other fundraising activities are you participating in to fund your event, program or activity and what other funding sources will supplement your request?	We are funded by the State and Federal government grants that fund large purchaces. We have also received some grant money from the local trades union.
Total Amount Requested:	3,000
Electronic Signature Agreement	I agree.
Electronic Signature	David B Founds
Date	10/24/2023

Email not displaying correctly? View it in your browser.

Form **W-9**
(Rev. October 2018)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

▶ Go to *www.irs.gov/FormW9* for instructions and the latest information.

Give Form to the requester. Do not send to the IRS.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
Monterey Peninsula Unified School District

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☒ Other (see instructions) ▶ K-12 School District

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any)

Exemption from FATCA reporting code (if any)

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.
700 Pacific Street/P.O. Box 1031

Requester's name and address (optional)

6 City, state, and ZIP code
Monterey, California 93942-1031

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN,* later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

or

Employer identification number

77 - 0320712

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here **Signature of U.S. person** ▶ **Date** ▶

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to *www.irs.gov/FormW9.*

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, *later.*

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.F.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Dan Meewis, Recreation Director

DATE: November 16, 2023

SUBJECT: **APPROVE A FEE WAIVER FROM THE BOYS & GIRLS CLUB OF MONTEREY COUNTY FOR THE USE OF THE LAGUNA GRANDE HALL AND KITCHEN FOR THE 2024 MARTI MULFORD YOUTH ARTS EXHIBIT ON JANUARY 19, 2024**

RECOMMENDATION

Approve a fee waiver request from the Boys & Girls Club of Monterey County in the amount of $410.25 for the use of Laguna Grande Hall and Kitchen for the 2024 Marti Mulford Youth Arts Exhibit.

BACKGROUND

The Boys & Girls Club of Monterey County has requested a fee waiver to help cover the cost associated with their 2024 Marti Mulford Youth Arts Exhibit set to take place on Friday, January 19, 2024 from 4:30 p.m. to 8:30 p.m. in the Laguna Grande Hall at the Oldemeyer Center.

The Boys & Girls Club of Monterey County provides youth who are dedicated to the visual and performing arts a way to showcase their work at the annual Marti Mulford Youth Arts Exhibit. The exhibit was named after Marti Mulford, a local ceramist, for her legacy of art and nurturing the creativity of youth.

The last fee waiver submitted to the City Council by the Boys & Girls Club of Monterey County was approved on October 17, 2019, for their Marti Mulford Youth Arts Exhibit that was held in the Laguna Grande Hall at the Oldemeyer Center on January 16, 2020.

FISCAL IMPACT

Should the City Council approve the full fee waiver request, the approximate fiscal impact is as follows:

Laguna Grande Hall & Kitchen Rental Fee 4 Hours @ $56.25	$225.00
Insurance	$ 87.00
Non-Refundable Deposit	$ 98.25
TOTAL	**$410.25**

ATTACHMENTS

1. Fee Waiver Request - Boys & Girls Clubs of Monterey County 2023
2. Boys & Girls Clubs of Monterey County 501(c)(3)

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

SEASIDE CALIFORNIA

Fee Waiver Request Form

Parks and Recreation Division
986 Hilby Avenue, Seaside CA 93955
831-899-6800

CONTACT INFORMATION:

Organization: Boys & Girls Clubs of Monterey County
Name of Applicant: Beth Menon
Address: 1332 La Salle Ave City: Seaside State: CA
Phone: 831-394-5171 Email: bmenon@bgcmc.org

EVENT INFORMATION:

Event Title: BGCMC Marti Mulford Youth Arts Exhibit 2024
Event Description: Art exhibit created by the members of BGCMC
Event Date: Jan 19, 2024 Room(s) Requested: Laguna Grande Hall
Time (including set-up): 4:30p - 8:30p Approximate Number of Guests: 125

ADDITIONAL INFORMATION:

Reason for Requesting Fee Waiver: We are a non-profit hosting our annual Kids art exhibit with no money set aside for venue fee.
Have you received a Fee Waiver in the past? ☑ Yes, the event was on 1/16/2020 ☐ No
What is your organization's tax identification number? 94-1702753
What percentage of your members or participants resides in Seaside? 50% Seaside, 50% Salinas
Is your organization based in Seaside? ☑ Yes ☐ No
Is your organization able to provide liability insurance? ☑ Yes ☐ No
Will alcohol be served or sold at your event? ☐ Yes ☑ No

Applicant Signature: Beth Menon Date: 11/1/23

(For Office Use Only)

Fee Waiver Request: ☐ Approved ☐ Denied ☐ Appealed

Security Deposit Required? ☐ Yes ☐ No

Staff Signature: ______________ Date: ______________

Notes: ______________

SEASIDE CALIFORNIA

Facility Use Rental Request Form

Parks and Recreation Division
986 Hilby Avenue, Seaside CA 93955
831-899-6800

CONTACT INFORMATION: **ROOM:** Laguna Grande Hall

Organization: Boys + Girls Clubs of Monterey County

Name of Applicant: Beth Menon

Address: 1332 La Salle City: Seaside Zip: 93955

Phone: 831-394-5171 Email: bmenon@bgcmc.org

Day of Event Contact Name and Phone: Jonathan Lupisan 831-915-4578

☑ Resident ☐ Non-Resident

EVENT INFORMATION:

Event Title: BGCMC Marti Mulford youth Arts Exhibit 2024
Please attach invitation or flyer if available.

Event Date: 1/19/24 Approximate Number of Guests: 125

Reservation Time: 4:30pm-8:30pm Event Time: 6pm - 8pm
Laguna Grande Hall & Soper: Security guard(s) must be present for entire event time. See next page.

Special Instructions: N/A

Request to use the City's: ☐ Podium ☐ Microphone ☐ Projector Screen
Subject to availability ***Projectors and other electronic equipment will not be provided*

	Yes	No
Is the event open to the public?	☐	☑
Will admission be charged?	☐	☑
Are you a non-profit organization?	☑	☐
Will there be music?	☑	☐
Will there be live music and/or DJ?	☐	☑

Name of band or DJ: ____________

	Yes	No
Will refreshments be served?	☑	☐
Will refreshments be sold?	☐	☑
Will you be using the kitchen?	☑	☐
Will alcohol be served?	☐	☑
Will alcohol be sold?	☐	☑

Alcohol is prohibited at youth oriented events

APPLICANT WILL PROVIDE THE FOLLOWING ITEMS 30 DAYS PRIOR TO THE EVENT:

1. Full payment of all applicable fees
2. Copy of event security contract by licensed company (if applicable)
3. Proof of liability insurance
4. Copy of ABC license (if applicable)

I have read and agree to all pages in the rental agreement forms

Applicant Signature: Beth Menon Date: 11/1/23

(For Office Use Only)

Permit Fee: ____________ Authorized Agent: ____________ Date: ____________

Note: Original to Resource Management/Recreation Department

SEASIDE CALIFORNIA

Facility Use Rental Request Form

Parks and Recreation Division
986 Hilby Avenue, Seaside CA 93955
831-899-6800

FACILITY SELECTION

☒ **LAGUNA GRANDE HALL**
Capacity: Dining: 225 / Theatre: 300
Dimensions: 128' X 120'

	Resident	Non-Res
Hourly Rate	$56.25	$154.00
Deposit *(Refundable)*	$655.00 *($556.75)*	$819.00 *($696.15)*
Alcohol Deposit *(Refundable)*	$638.00 *($414.70)*	$798.00 *($518.70)*

Liability Insurance: $85-$217
Security Guards: required 1 per 50 guests
- ☐ I will be using Hall only
- ☒ I will be using Hall & Kitchen only
- ☐ I will be using Hall, Kitchen & Dance Studio

☐ **BAYONET MEETING ROOM**
Capacity: Classroom: 30 / Theatre: 40
Dimensions: 24' X 20'

	Resident	Non-Res
Food Deposit *(Non Refundable)*	$150 *($37.50)*	$187.50 *($46.75)*
Rate 0-3 hr.	$43.75 /hr.	$61.00 /hr.
After 3 hrs.	$20 /hr.	$28.00 /hr.

☐ **BLACKHORSE MEETING ROOM**
Capacity: Classroom: 40 / Theatre: 50
Dimensions: 28' X 26'

	Resident	Non-Res
Food Deposit *(Non Refundable)*	$150 *($37.50)*	$187.50 *($46.75)*
Rate 0-3 hrs.	$43.75 /hr.	$76.00 /hr.
After 3 hrs.	$20 /hr.	$33.00 /hr.

☐ **DANCE STUDIO**
Capacity: Classroom: 35 / Theatre: 70
Dimensions: 26' X 24'

	Resident	Non-Res
Food Deposit *(Non Refundable)*	$150 *($37.50)*	$187.50 *($46.75)*
Rate 0-3 hr.	$43.75 /hr.	$94.00 / hr.
After 3 hrs.	$20.00 /hr.	$44.00 / hr.

☐ **SEAHORSE CONFERENCE ROOM**
Capacity: 20 / Dimensions: 28' X 16'

	Resident	Non-Res
Rate 0-3 hrs.	$43.75 /hr.	$61.00 / hr.
After 3 hrs.	$20 /hr.	$28.00 /hr.

☐ **SEASIDE MEETING ROOM**
Capacity: Classroom: 40 / Theatre: 60
Dimensions: 32' X 26'

	Resident	Non-Res
Food Deposit *(Non Refundable)*	$150 *($37.50)*	$187.50 *($46.75)*
Rate 0-3 hr.	$43.75 /hr.	$61.00 / hr.
After 3 hrs.	$20 /hr.	$28.00 / hr.

☐ **SEASIDE COMMUNITY CENTER (SOPER)**
Capacity: Dining: 85 / Theatre: 100
Dimensions: 128' X 120'

	Resident	Non-Res
Hourly Rate	$59.25	$83.00
Deposit *(Refundable)*	$348.00 *($295.80)*	$436.00 *($370.60)*
Alcohol Deposit *(Refundable)*	$638.00 *($414.70)*	$798.00 *($518.70)*

Liability Insurance: $85-$217
Security Guards: required 1 per 50 guests
- ☐ I will be using the Large Room only
- ☐ I will be using the Kitchen only
- ☐ I will be using the Large Room & Kitchen

☐ **YOUTH EDUCATION CENTER**
Two hour rentals: available Fridays and Saturdays 7:30-9:30 PM, and Sundays for any two hours between 8 AM – 9 PM.

	Resident	Non-Res
Deposit *(Non Refundable)*	$83 *($21)*	$103.50 *($26)*
0-25 Guests	$172	$215
26-50 Guests	$187.00	$234
51-75 Guests	$205.00	$257.00
Mini Golf	$25	$31
Extra ½ Hour	$38	$47.50

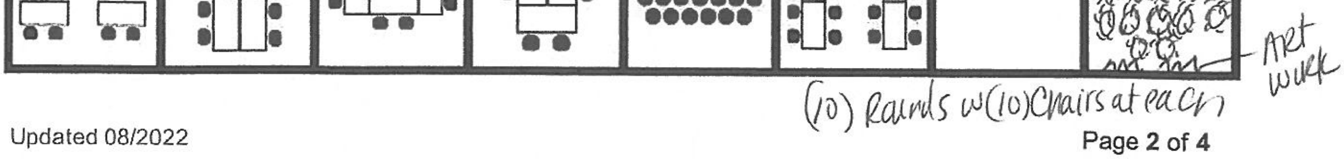
Non-Profit Rate: *For Laguna Grande Hall, Seaside Community Center, and the Youth Education & Resource Center, non-profits may use the resident rate. For all other meeting rooms, non-profits may have up to 4 hours for $37.00/$47.00. Proof of 501(c)(3) required.*

Security Guards: *If required, security guards must be present for entire duration of event. Failure to comply or late security guards may result in deposit forfeited or event shut down completely.*

SEATING CONFIGURATION

Review and select a seating configuration below. If you would like a different layout, please sketch your preferred layout in the box marked "other" or on the back of this sheet.

☐Classroom ☐Conference ☐U-Shaped ☐Pods ☐Theater ☐Banquet ☐Empty ☒Other



(10) Rounds w(10)Chairs at each

Updated 08/2022

Department of the Treasury
Internal Revenue Service
P.O. Box 9941
Ogden UT 84409

In reply refer to: 2916803013
May 02, 2000 LTR 252C
94-1702753 000000 00 000
01383

BOYS & GIRLS CLUBS OF MONTEREY
COUNTY
PO BOX 72
SEASIDE CA 93955-0072721

Taxpayer Identification Number: 94-1702753

Dear Taxpayer:

Thank you for the inquiry dated Mar. 20, 2000.

We have changed your business name as requested. The number shown above is valid for use on all tax documents. For your convenience, we have ordered corrected Forms 8109, Federal Tax Deposit Coupons for you to make your deposit. You should receive them in five to six weeks. REMINDER - Your new business name should also be used if you deposit electronically. You can make Electronic Funds Transfer (EFT) payments using the government's Electronic Federal Tax Payment System (EFTPS) through a financial agent designated to process tax payments.

If you have any questions, please call us toll free at 1-800-829-1040. If you prefer, you may write to us at the address shown at the top of the first page of this letter.

Whenever you write, please include this letter and, in the spaces below, give us your telephone number with the hours we can reach you. Also, you may want to keep a copy of this letter for your records.

Telephone Number (   )_______________ Hours_______________

Address any reply to: P.O. Box 36040, San Francisco, Calif. 94102

Department of the Treasury

District Director
Internal Revenue Service

Date: 4 DEC 1975

In reply refer to: FL-1330, Code 428
EO-7272:d:SRehdish
SF:EO:75-1625
(415)556-7963

Boys Club of Monterey Peninsula
P. O. Box 72
Seaside, California 93955

Our Letter Dated: February 24, 1969

In our above letter, we advised you that you were recognized as exempt from Federal income tax as an organization described in section 501(c)(3) of the Internal Revenue Code. However, we did not determine whether you are a private foundation.

Based on the information you recently submitted, we have classified your organization as one that is not a private foundation as defined in section 509(a) of the Code because you are an organization described in section 170(b)(1)(A)(vi) and 509(a)(1).

This classification is based on the assumption that your operations will continue as you have stated. Please notify us of any changes in your purposes, character, or method of operation so that we can consider their effect on your status.

Because this letter could help resolve any questions about your exempt status and private foundation status, please keep it in your permanent records.

Sincerely yours,

F. L. Browitt

District Director

FL-1330 (Rev. 11-73)

STATE OF CALIFORNIA

FRANCHISE TAX BOARD

1025 P STREET

CRAMENTO, CALIFORNIA 95814

October 23, 1968

Boys Club of Monterey Peninsula, a
non-profit Corporation
c/o Weingarten and McGinty
Fremont Professional Center
Fremont Boulevard and Williams Avenue
Seaside, CA 93955

Re: Exemption from franchise tax

Gentlemen:

It is the opinion of this office, based upon the evidence presented, that you a exempt from State franchise tax under the provisions of Section 23701d of the Revenue and Taxation Code, as it is shown that you are organized and operated exclusively as a charitable organization.

Accordingly, you will not be required to file franchise tax returns unless you change the character of your organization, the purposes for which you were organized, or your method of operation. Any such changes should be reported immediately to this office in order that their effect upon your exempt status ma be determined.

If in any year your gross income exceeds $25,000, you are required to file an information return on Form 199 on or before the 15th day of the 5th month following the close of your fiscal year. These forms will be mailed to you if y provide us with your current postal address.

If you have income from an unrelated trade or business that is taxable under the provisions of Section 23731 of the Revenue and Taxation Code, you must file a re on Form 109 on or before the 15th day of the 3rd month following the close of yo fiscal year. Copies of this form may be obtained from this office or any of its branches.

Contributions made to you are deductible by the donors in arriving at their taxa net income in the manner and to the extent provided by Sections 17214, 17215, 17 and 24357 of the Revenue and Taxation Code.

If the organization is not yet incorporated or has not yet qualified to do busin in California, this approval will expire unless incorporation or qualification i completed within 30 days.

Very truly yours,

James C. Stewart

... Counsel

cc: Secretary of State

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.G.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Nisha Patel, Public Works Director/City Engineer
Dave Fortune, Maintenance and Utilities Superintendent

DATE: November 16, 2023

SUBJECT: **AUTHORIZATION TO DISPOSE OF SURPLUS CITY VEHICLES AND EQUIPMENT**

RECOMMENDATION

Approve the disposal of select City vehicles and equipment that are no longer needed and considered excess due to inoperability or poor condition.

BACKGROUND

Section 2.49 of the Seaside Municipal Code addresses the disposal of surplus items no longer needed or usable by a City department. It requires the City Manager to provide an itemized list of property to the City Council valued in excess of $100.00. Should the Council determine the items are no longer usable by the City, the City Manager or his designee will have the authority to dispose of all such items. Disposal would be accomplished by sale, auction or donation to any nonprofit organization or governmental entity providing services to the City or its residents, or to any Seaside Sister City.

Vehicles and equipment on the list below are no longer needed by the City. They have either been replaced by new equipment or they have reached the end of their useful life. The plan is to sell vehicles and equipment on the list using Public Surplus.com, an online auction site for government vehicles and equipment. Anything that is not sold at the auction will be donated or sold to a recycling facility. The values placed on the vehicles and equipment were estimated using the best judgment of past auction sales.

City of Seaside Vehicles and Equipment Surplus Vehicles

Veh#	Description	Make	Model	Yr	Dept	Miles	Disp.	Value
675	Backhoe	John Deere	410 G	2002	PW	3,000 Hrs	Sell	$15,000
68	Patrol	Ford	Crown Vic	2007	PD	130,000	Sell	$500
673	Sweeper	Elgin	M2-106	2006	PW	49,000	Sell	$2,000
601	Compressor	Ingersoll Rand	160WW	1984	PW	1,500 Hrs	Sell	$100
680	Truck	Chevrolet	C2500	1989	PW	TMU	Sell	$500
628	Truck	Dodge	Ram 3500	2002	PW	130,000	Sell	$2,500
62	Patrol	Ford	Crown Vic	2006	PD	110,000	Sell	$500
82	Admin	Ford	Crown Vic	2007	PW	105,000	Sell	$2,000
693	Truck	GMC	C-3500	1988	PW	165,000	Sell	$1,500
656	Truck	GMC	S-15	1985	Rec.	50,000	Sell	$500
660	SUV	Chevrolet	Tahoe	2002	Eng.	235,000	Sell	$2,500
679	Truck	Chevrolet	2500 HD	2006	PW	185,000	Sell	$500
704	Signboard	Nat Signal	Sun Ray 380	2007	PW	N/A	Sell	$1,000
705	Signboard	Nat Signal	Sun Ray 380	2007	PW	N/A	Sell	$250
706	Signboard	Nat Signal	Sun Ray 380	2007	PW	N/A	Sell	$1,000
639	Truck	Chevrolet	C2500	1989	PW	160,000	Sell	$1,500

624	Truck	Dodge	Ram2500	2002	PW	170,000	Sell	$1,500
Gustine	K-9	Ford	Crown Vic	2008	PD	160,000	Sell	$1,500

FISCAL IMPACT

Sale of the vehicles and equipment could generate approximately $35,350.00.

ATTACHMENTS

None

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.H.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Nisha Patel, Public Works Director/City Engineer
Patrick Grogan, Associate Engineer

DATE: November 16, 2023

SUBJECT: **ADOPT A RESOLUTION AUTHORIZING AN AGREEMENT WITH SEASIDE COUNTY SANITATION DISTRICT (SCSD) FOR REIMBURSEMENT OF COSTS TO COMPLETE THE SUTTER STREET SEWER RELOCATION PROJECT**

RECOMMENDATION

Adopt a resolution authorizing the City Manager to execute an agreement with the Seaside County Sanitation District (SCSD) for reimbursement of construction costs for the Sutter Street Sewer Relocation Project, constructed as part of the City Hall and Library Parking Lot Repaving Project.

BACKGROUND

The Seaside County Sanitation District (SCSD) provides sewer utility services to the City of Seaside, Sand City, and City of Del Rey Oaks. The City has started construction on the City Hall and Library Parking Lot Repave Project, which includes repaving the parking lot in front of City Hall and the library, improving ADA paths of travel, and routing the Sutter Street sewer main from a private easement to the City's parking lot.

The sewer line that runs down the easement from the corner of Sutter Street to Harcourt Avenue is a 6" corrugated metal pipe (CMP) sewer line that is damaged, and has rusted through the wall of the pipe in several locations. The easement is 5 feet wide and is located along the west side of the parcel at 594 Harcourt Avenue. As part of the project, the City is proposing to abandon the existing sewer line in place, fill the line with flowable cementous slurry, and construct a new 8" HDPE sewer main. The new sewer main is to be routed from the manhole on Sutter Street, east of the library, through the library parking lot, and reconnected to the sewer main on Harcourt Avenue. The City proposed to perform this work concurrently and with the same construction contract as the City's construction project.

The City retained the services of Whitson Engineers (Whitson) and Schaaf & Wheeler (S&W) as the civil engineering firms to design the proposed upgrades. As part of this work, S&W entered into a contract with SCSD on February 1, 2023, for an amount not to exceed $24,606.00 for project management, data collection and analysis, and pipeline design. The attached agreement proposes that the SCSD pay its share of the actual cost of the work determined on the basis of the actual bid price of the construction contract. The estimated cost to SCSD for their portion of the work being done by the City construction contractor is $157,215.00. A contingency amount of approximately 15% of the construction cost for unforeseen circumstances associated with the construction has been authorized by the Council. The construction contract was awarded to Monterey Peninsula Engineering at the July 20, 2023 Seaside City Council meeting. The total SCSD amount of the construction cost, including contingency, to be reimbursed to the City upon completion of the scope of work of the City project, is $180,800.00.

At their meeting on October 10, 2023, the SCSD Board approved executing a reimbursement agreement to reimburse the City of Seaside for upgrades to the sanitary sewer system made as part of the City Hall and Library Parking Lot Repaving Project. Staff is now recommending the City Council authorize the City Manager to execute the reimbursement agreement.

ENVIRONMENTAL COMPLIANCE

Pursuant to preliminary review of the activities associated with this Council action in accordance with Section 15061 of the California Environmental Quality Act (CEQA) Guidelines, this project is Categorically Exempt (Class 1, Existing Facilities). The project repairs and performs minor upgrades to the existing parking lot and sanitary sewer utility, and involves negligible or no expansion of use.

FISCAL IMPACT

The reimbursement agreement with the Seaside County Sanitation District is for an estimated amount of $157,215.00 plus 15% contingency for total amount of $180,800.00, to be funded from the Sewer Main Replacement fund (Account 953-8820-9215), to the project account (Account 344-8910-9552).

ATTACHMENTS

1. Resolution
2. Reimbursement Agreement
3. Reimbursement Agreement Exhibit A

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

RESOLUTION NO. 23-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

AUTHORIZING AN AGREEMENT WITH SEASIDE COUNTY SANITATION DISTRICT (SCSD) FOR REIMBURSEMENT OF COSTS TO COMPLETE THE SUTTER STREET SEWER RELOCATION PROJECT

WHEREAS, the Sutter Street Sewer Relocation project is an approved Seaside County Sanitation District Capital Improvement Project; and

WHEREAS, the City Hall and Library Parking Lot Repaving project is an approved City of Seaside Capital Improvement Project; and

WHEREAS, the Sutter Street Sewer Relocation project will be completed concurrently and with the construction contract for the City of Seaside City Hall and Library Parking Lot Repaving project (Project); and

WHEREAS, Whitson Engineers completed design of the project in May 2023; and

WHEREAS, The City of Seaside (City) is currently constructing the City Hall and Library Parking Lot Repaving Project, which includes repaving the parking lot in front of City Hall and the Seaside Library, improving ADA paths of travel, and routing the Sutter Street sewer main; and

WHEREAS, the portion of the sewer line which is within the easement at 594 Harcourt Avenue is damaged, and requires replacement; and

WHEREAS, the sewer line is located in close proximity to the structure of the private residence at 594 Harcourt Avenue; and

WHEREAS, to avoid disturbance to private property, the sewer line is being rerouted from the manhole on Sutter Street, through the City Hall and library parking lot, to Harcourt Avenue, prior to the placement of the new parking lot pavement; and

WHEREAS, Seaside County Sanitation District (District) is the owner and operator of the sanitary sewer system within the proposed project limits; and

WHEREAS, the City is constructing line sewer line replacement with the City Hall and Library Parking Lot construction project with the District paying its share of probable cost; and

WHEREAS, Monterey Peninsula Engineering was awarded the construction contract for the project, with a total cost of $157,215.00 pertaining to the portion of work to be performed for the Sutter Street Sewer Relocation Project; and

WHEREAS, at the July 20, 2023 Meeting, the City Council approved a 15% contingency be applied to the estimated sum as is typical with construction projects, to accommodate unforeseen circumstances and construction management and inspection costs should the need arise; and

WHEREAS, Pursuant to preliminary review of the activities associated with this Council action in accordance with Section 15061 of the California Environmental Quality Act (CEQA) Guidelines, this project is Categorically Exempt (Class 1, Existing Facilities). The project repairs and performs minor upgrades to the existing parking lot and sanitary sewer utility and involves negligible or no expansion of use.

WHEREAS, Seaside County Sanitation District has willfully entered into an agreement to reimburse the City of Seaside for costs related to the construction of the Sutter Street Sewer Relocation project, up to a reimbursement limit of $180,800.00; and

WHEREAS, the City agrees to pay for the initial costs related to construction, in advance of reimbursement by SCSD, per the agreement, and all costs above the reimbursement limit.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Seaside authorizes the City Manager to enter into a Reimbursement Agreement with Seaside County Sanitation District to allow for reimbursement for sanitary sewer improvements of Sutter Street Sewer Relocation project constructed as part of the City Hall and Library Parking Lot Repaving project.

PASSED AND ADOPTED at a regular City Council meeting of the City of Seaside duly held on the 16th day of November, 2023 by the following vote:

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

____
Ian N. Oglesby, Mayor

ATTEST:

____
Dominique L. Davis, City Clerk

CITY HALL AND LIBRARY PARKING LOT REPAVE PROJECT
REIMBURSEMENT AGREEMENT

This is a Sewer Line Improvement and Relocation Reimbursement Agreement between the City of Seaside ("CITY") and Seaside County Sanitation District ("SCSD") for the purpose of relocating and replacing certain portions of sewer line and the reimbursement to CITY by SCSD for relocating and replacing certain portions of the existing sewer line.

RECITALS

WHEREAS, the City of Seaside ("CITY", "DEVELOPER"), in conjunction with its parking lot repaving project has planned to relocate and reconstruct a portion of the SCSD sewer line; and

WHEREAS, SCSD is the owner and operator of an older sewer line which is required to be relocated and replaced as a part of the City's repaving project; and

WHEREAS, SCSD and CITY have agreed that such relocation and replacement of the sewer line is of benefit to SCSD as it will improve both access and quality of the sewer line all to the benefit of SCSD; and

WHEREAS, SCSD has reviewed and approved the improvements associated with the relocation of the sewer, and as described in PLANS and Exhibit A ("Improvements"), will benefit other properties within the City and are therefore properly the subject of this Reimbursement Agreement; and

NOW THEREFORE, SCSD AND CITY AGREE AS FOLLOWS:

AGREEMENT

1. Recitals Correct. The recitals set forth above are true and correct.

2. Reimbursement. SCSD and CITY agree that Improvements consisting of the relocation of the sewer line shown on the PLANS and as described in Exhibit A are properly the subject of a Reimbursement Agreement and that the sum of $157,215.00 is a

fair and equitable reimbursement for CITY'S costs of relocating the sewer line to benefit other properties within the City. SCSD agrees to pay CITY amount listed above upon completion of the Improvements by DEVELOPER, approval of and acceptance of dedication of Improvements by the City Engineer.

3. Construction. CITY shall construct Improvements. The Improvements as described in PLANS and Exhibit A have been reviewed and approved by CITY. However, CITY has not made an independent investigation of the job site, soil conditions, and any and all other conditions that might affect the design and construction of the facilities. It is the

responsibility of CITY to construct all Improvements in accordance with the PLANS and Exhibit A. In the event that job conditions require changes in the PLANS and/or Exhibit A, a request for such deviation must be submitted in writing by CITY for approval by SCSD; no deviation will be allowed without such approval.

4. Access; Compliance with Plans and Exhibit A. CITY shall allow SCSD'S duly authorized representative access to the work at all times and shall furnish representative with every reasonable facility for ascertaining that the methods, materials, and workmanship comply with the requirements and intent of the PLANS and Exhibit A. SCSD may reject defective work and require its repair, replacement, or removal by CITY, all at no expense to SCSD. All work shall conform to the PLANS and Exhibit A.

5. Default. In the event that the Improvements are not completed to the satisfaction of CITY, CITY in addition to any other remedy at law or equity, may complete such work with its own forces or by contract. In the event of such default by DEVELOPER, and CITY's subsequent undertaking, CITY shall have no obligation to reimburse DEVELOPER for any partial performance of this agreement, except that CITY shall reimburse DEVELOPER for that portion of the work which is determined by CITY to be acceptable.

6. Indemnity. CITY agrees to accept all responsibility for loss or damage to any person or entity, and to defend indemnify, hold harmless and release SCSD, its officers, agents and employees, from and against any and all actions, claims, damages, disabilities or expenses that maybe asserted by any person or entity, including CITY, arising out of or in connection with the performance of CITY hereunder, whether or not there is concurrent negligence on the part of SCSD but excluding liability due to the sole active negligence or sole willful misconduct of SCSD. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for CITY or its agents under workers' compensation acts, disability benefit acts, or other employee benefit acts.

CITY shall be liable to SCSD for any loss of, or damage to, SCSD property arising from or in connection with CITY'S performance hereunder.

8. Permits. Prior to commencing construction of Improvements, CITY shall be responsible for obtaining all required permits for the construction and installation of said improvements and facilities, including but not limited to building, grading and encroachment permits from CITY.

9. Prevailing Wages. This is a public works project and CITY shall comply with all provisions of California Labor Code §§ 1770 *et seq*. regarding prevailing wages.

10. Workmanship. CITY hereby warrants that the design and construction of improvements will not adversely affect any portion of adjacent properties, and that all work will be performed in a proper and workmanlike manner.

12. No Third Party Beneficiary. Nothing in this agreement does or is intended to create an interest in any person or entity not a party to this agreement.

13. Merger. This writing is intended both as the final expression of the agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the agreement, pursuant to Code of Civil Procedure ' 1856. No modification of this agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

14. Notice. All notices, bills and payments shall be made in writing and may be given by personal delivery or by mail. Notices, bills and payments sent by mail shall be addressed as follows:

SCSD :	District Engineer SCSD 440 Harcourt Engineering Seaside, CA 93955
CITY:	City Engineer Public Works Engineering 440 Harcourt Avenue Seaside, CA 93955

and when so addressed shall be deemed given upon deposit in the United States mail, postage prepaid. In all other instances, notice, bills and payments shall deemed given at the time of actual delivery. Changes may be made in the names and addresses of the person to whom notices, bills and payments are to be given by giving notice pursuant to this paragraph.

15. Governing Law; Venue. This Agreement shall be construed, and its performance enforced, under California law. Because this Agreement is to be performed in the County of Monterey, The parties hereto agree that the forum for the adjudication of any dispute regarding this Agreement or enforcement thereof shall be brought exclusively and solely in Sonoma County, California.

16. Assignment. CITY shall not assign any rights or duties under this Agreement to a third party without the express prior written consent of the District Engineer, in the District Engineer's sole and absolute discretion. CITY agrees that the District Engineer shall have the right to approve any and all subcontractors and subconsultants to be used by CITY in the performance of this Agreement before CITY contracts with or otherwise engages any such subcontractors or subconsultants.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed

CITY:	SCSD:
By: ______________________________	By: ______________________________
Title: ______________________________	Title: ______________________________
Date: ______________________________	Date: ______________________________

By:______________________________

Title:______________________________

Date:______________________________

ATTEST:

By: ______________________

APPROVED AS TO FORM:

By: ______________________

Office of the City Attorney

Attachments:

- Exhibit A – City Hall and Library Parking Lot Repave Project Cost

Exhibit A

Sutter Street Sewer Reroute Reimbursement Tabulation

Bid Item	Original Reimbursement Amount	Revised Reimbursement Amount
Line Item 20	$1,500.00	$1,500.00
Line Item 21	$9,000.00	$18,000.00
Line Item 22	$9,000.00	$0.00
Line Item 23	$10,000.00	$0.00
Line Item 24	$52,200.00	$52,200.00
Line Item 25	$7,500.00	$0.00
Line Item 26	$15,000.00	$15,000.00
Extra Work PCO 3.01	$0.00	$11,695.00
Extra Work PCO 6.00	$0.00	$58,820.00
Total	$104,200.00	$157,215.00

EXHIBIT A

Bid items 20 through 26 pertain to the Sutter Street Sewer Reroute Project

SCHEDULE OF BID PRICES

All Bid items, including lump sums and unit prices, must be filled in completely. Bid items are described in Section 01 1100 (Summary of Work). Quote in figures only, unless words are specifically requested.

Base Bid

ITEM #	BID ITEM	EST. QTY.	UNIT	UNIT PRICE	TOTAL
1	Mobilization	1	LS	25,000	25,000
2	Storm Water Compliance	1	LS	7,500 -	7,500-
3	Traffic Control	1	LS	8,800-	8,800-
4	Construction Staking	1	LS	8,500-	8,500-
5	Demolition	1	LS	55,000-	55,000-
6	Drain Inlet Apron	3	EA	2000-	6,000-
7	Class 2 Aggregate Base	24	CY	360 -	8,640-
8	Hot Mix Asphalt (Type A)	1,030	TON	216-	222,480-
9	Concrete Sidewalk and Curb Ramp	340	SF	22-	7,480-
10	Concrete Pedestrian Passage	470	SF	21 -	9,870 -
11	Concrete Vertical Curb	480	LF	56-	26,880-
12	6"-18" Concrete Retaining Curb	30	LF	150-	4,500-
13	Detectable Warning Surface	30	SF	36-	1,080 -
14	Salvage and Reinstall Stacked Block Wall	1	LS	11,000	11,000 -
15	Wheel Stop	16	EA	170-	2,720-
16	Salvage and Reinstall Roadside Sign	1	EA	280 -	280 -
17	Replace Roadside Sign Panel on Existing Post	1	EA	335 -	335 -
18	Roadside Sign	2	EA	500 -	1,000 -
19	Pavement Markings	1	LS	3,600 -	3,600 -
20	Sewer Bypass	1	LS	1,500 -	1,500 -
21	Standard Manhole	1	EA	9,000-	9,000-
22	Shallow Manhole, Type 1	1	EA	9,000 -	9,000 -
23	Polymer Concrete Inside Drop Manhole	1	EA	10,000-	10,000-
24	8" PVC SDR 26 Sanitary Sewer Pipe	290	LF	180-	52,200-

ITEM #	BID ITEM	EST. QTY.	UNIT	UNIT PRICE	TOTAL
25	Storm Drain Crossing	1	LS	7,500-	7,500-
26	Plug and Abandon Existing 6" Sanitary Sewer Pipe	1	LS	15,000-	15,000-
27	Relocate Post Office Mailbox	1	EA	3,400-	3,400-
28	Record Drawings	1	LS	1,100-	1,100-
				TOTAL	519,365

The TOTAL BASE BID AMOUNT described in words is:

five hundred nineteen thousand, three hundred sixty-five dollars and ________/100 DOLLARS

(F) – Final Pay item
(N) - Item not subject to unit price adjustments for quantities "less than 75 percent or greater than 125 percent of the estimated quantities bid" as outlined in Section 01 2000, 1.03.B "Unit Price Items".

5. Subcontractors for work included in all Bid items are listed on Document 00 4330 (Subcontractors List) submitted herewith.
6. The undersigned Bidder understands that Owner reserves the right to reject this Bid.
7. If written notice of the acceptance of this Bid, hereinafter referred to as Notice of Award, is mailed or delivered to the undersigned Bidder within the time described in Paragraph 2 of this Document 00 4113 or at any other time thereafter before it is withdrawn, the undersigned Bidder will execute and deliver the documents required by Document 00 2113 (Instructions to Bidders) within the times specified therein.
8. Notice of Award or request for additional information may be addressed to the undersigned Bidder at the address set forth below.
9. The undersigned Bidder herewith encloses cash, a cashier's check, or certified check of or on a responsible bank in the United States, or a corporate surety bond furnished by a surety authorized to do a surety business in the State of California, in form specified in Document 00 2113 (Instructions to Bidders), in the amount of ten percent (10%) of the Total Bid Price and made payable to the City of Seaside.
10. The undersigned Bidder agrees to commence Work under the Contract Documents on the date established in Document 00 7200 (General Conditions) and to complete all Work within the time specified in Document 00 5200 (Agreement).
11. The undersigned Bidder agrees that, in accordance with Document 00 7200 (General Conditions), liquidated damages for failure to complete all Work in the Contract within the time specified in Document 00 5200 (Agreement) shall be as set forth in Document 00 5200.
12. The names of all persons interested in the foregoing Bid as principals are:

IMPORTANT NOTICE: If Bidder or other interested person is a corporation, give the legal name of corporation, state where incorporated, and names of president and secretary thereof; if a partnership, give name of the firm and names of all

MONTEREY PENINSULA ENGINEERING
CONTRACTORS & ENGINEERS
P.O. BOX 2317
MONTEREY, CA 93942
(831) 384-4081

August 28, 2023

Patrick Grogan
City of Seaside
Associate Civil Engineer
440 Harcourt Ave.
Seaside, CA 93955
(831) 899-6885
PGrogan@ci.seaside.ca.us

Re: City of Seaside City Hall & Library Parking Lot- PCO #003.01, Sewer Changes

M.P.E. proposes to provide all labor, equipment, and materials required to install new sewer system as per revised plan sheet C2.2, dated 8/23/23.

Work to be Performed (Extra Work):

- Bid Item 21: SSMH ***1 EA @ $9,000***
- Additional depth for new sewer installation ***1 / LS @ $11,695***

Total Add: $20,695.00

Work to be Omitted (Credit):

- Bid Item 22: Construct shallow SSMH ***(1 EA @ $9,000)***
- Bid Item 23: Construct polymer drop SSMH ***(1 EA @ $10,000)***
- Bid Item 25: Construct storm drain crossing ***(1 LS @ $7,500)***

Total Credit: ($26,500.00)

Notes:

- *This proposal does not include additional work related to sewer lateral relocations.*
- *This proposal does not include additional potholing work performed on Force Account.*
- *Credited bid items are provided to show the effect on total contract value. If credited items are incorporated into this CCO and billed for, corresponding Contract bid items will also be billed for to balance.*

Total Change: ($5,805.00)

It is mutually agreed that for such change the contract price is **decreased** by **$5,805.00** ***(five thousand, eight hundred, five dollars, and 0/100).***

M.P.E. specifically excludes the following items:

- Sewer lateral relocation work
- Engineering, permits, and/or fees
- All bonds, as-builts, and/or construction staking
- All construction testing
- SWPPP installation and/or maintenance
- ***Any items not specifically listed above***

Please review the above cost proposal and, if acceptable, issue a change order for the work described. In addition, we request a Contract Time Extension of one (1) **working** day(s) or two (2) **calendar** day(s). If you have any questions, please feel free to contact me by phone at (831) 277-5917, or by email at bart@mpe2000.com.

Sincerely,

Bart Bruno

Bart Bruno
Estimator/Project Manager

MONTEREY PENINSULA ENGINEERING

CONTRACTORS & ENGINEERS
P.O. BOX 2317
MONTEREY, CA 93942
(831) 384-4081

September 21, 2023

Patrick Grogan
City of Seaside
Associate Civil Engineer
440 Harcourt Ave.
Seaside, CA 93955
(831) 899-6885
PGrogan@ci.seaside.ca.us

Re: City of Seaside City Hall & Library Parking Lot- PCO #006.00, Relocate SS Laterals

M.P.E. proposes to provide all labor, equipment, and materials required to install new sewer lateral(s) as shown on revised plan sheet C2.2 dated 8/23/23.

Work to be Performed (Extra Work):

Option A: Shared 6" Lateral

- USA and layout ***$650.00***
- Pothole existing utilities and points of connection as shown on plans ***$4,550.00***
- Excavate, connect to existing sewer main, and install 90 LF of new 6" shared lateral within existing easement ***$29,600.00***
- Bypass existing sewer while connecting new wyes ***$2,800.00***
- Prepare grade for 10 LF of new concrete curb, gutter, and sidewalk ***$1,300.00***
- Form, pour, and finish 10 LF new concrete curb, gutter, and sidewalk ***$1,650.00***
- Restore pavement with 4" HMA ***$7,400.00***
- Provide all traffic control required for work described above ***$7,920.00***
- Furnish pipe materials for work described above ***$2,950.00***

Proceed with Option A

Total Option A: $ 58,820.00

Option B: Individual Laterals

- ~~USA and layout~~ ~~***$650.00***~~
- ~~Pothole existing utilities and points of connection as shown on plans~~ ~~***$9,100.00***~~
- ~~Sawcut and demolish existing PCC and brick paving at 590 Harcourt~~ ~~***$3,350.00***~~
- ~~Excavate, connect to existing sewer main, and install two (2) 90 LF 4" sewer laterals~~ ~~***$50,000.00***~~
- ~~Bypass existing sewer while connecting new wyes~~ ~~***$3,250.00***~~

- ~~Prepare grade for 20 LF of new concrete curb, gutter, and sidewalk ***$2,600.00***~~
- ~~Form, pour, and finish 20 LF new concrete curb, gutter, and sidewalk ***$3,300.00***~~
- ~~Prepare grade for new concrete hardscape at 590 Harcourt ***$5,200.00***~~
- ~~Form, pour, and finish new concrete at 590 Harcourt ***$14,500.00***~~
- ~~Restore pavement with 4” HMA ***$13,300.00***~~
- ~~Provide all traffic control required for work described above ***$10,550.00***~~
- ~~Furnish pipe materials for work described above ***$3,150.00***~~

~~**Total Option B: $118,950.00**~~

Notes:

- *This proposal excludes all landscape and/or irrigation restoration. If required, repairs with be performed on a Force Account basis.*
- *We cannot guarantee colored concrete to match existing color.*
- *Bypass for tie-in work assumed to be plugs with submersible trash pump and lay flat hose. If a more robust bypass system is required, additional costs will be warranted.*
- *Because of the nature of working on private property, we suggest performing ALL work on a Force Account basis.*

If ***Option A*** is chosen, it is mutually agreed that for such change the contract price is **increased** by **$58,820.00** ***(fifty-eight thousand, eight hundred, twenty dollars, and 0/100).***

~~If ***Option B*** is chosen, it is mutually agreed that for such change the contract price is **increased** by **$118,950.00** ***(one hundred, eighteen thousand, nine hundred, fifty dollars, and 0/100).***~~

M.P.E. specifically excludes the following items:

- Sewer lateral relocation work
- Engineering, permits, and/or fees
- All bonds, as-builts, and/or construction staking
- All construction testing
- SWPPP installation and/or maintenance
- ***Any items not specifically listed above***

Please review the above cost proposal and, if acceptable, issue a change order for the work described. In addition, we request a Contract Time Extension of ten (10) **working** day(s) or sixteen (16) **calendar** day(s). If you have any questions, please feel free to contact me by phone at (831) 277-5917, or by email at bart@mpe2000.com.

Sincerely,

Bart Bruno

Bart Bruno
Estimator / Project Manager

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.I.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Dominique Davis, City Clerk
Rosa Salcedo, Executive Assistant

DATE: November 16, 2023

SUBJECT: APPROVE APPOINTMENTS TO BOARDS AND COMMISSIONS

RECOMMENDATION

Accept the appointments of Darryl Choates and Nathalie Smith, as recommended by the Mayor.

BACKGROUND

The Mayor appoints members to the City's Boards, Commissions and Committees, which serve as advisory boards to the City Council. These advisory bodies supplement the City Council's skills and abilities to help guide the City toward its mission. They also serve as an important link between the City Council and the community by providing opportunities for direct involvement in policy-making and the communication of vital information.

The Mayor makes appointments to these advisory boards, while the City Manager designates Department Heads or other staff members to serve as staff liaisons that regularly attend meetings and provide technical support.

The Mayor has made the following appointments:

APPLICANT	ADVISORY BODY
Darryl Choates	Commission on Jobs, Opportunities & Businesses in Seaside
Nathalie Smith	Homeless Commission

FISCAL IMPACT

None.

ATTACHMENTS

1. Darryl Choates CJOBS
2. Nathalie Smith HC

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

Dominique Davis - Online Form Submittal: Application for Appointment to a City Board/Commission/Committee

From: <noreply@civicplus.com>
To: <cityclerk@ci.seaside.ca.us>
Date: 10/4/2023 7:46 PM
Subject: Online Form Submittal: Application for Appointment to a City Board/Commission/Committee

Application for Appointment to a City Board/Commission/Committee

I'd like to serve on:	Commission on Jobs, Opportunities & Businesses in Seaside
Name	Darryl
Email Address	[redacted]
Address	[redacted]
City	Seaside
State	Ca
Zip Code	93955
Phone Number	[redacted]
Alternate Phone Number	*Field not completed.*
Please list your background, education, experience, and special skills:	Resident for 61 years , local Businessman in the city , former councilman
Are you willing to file Statements of Economic Interest (Form 700)?	Yes
Are you able to attend meetings during business hours? (Most Boards and Commissions meet after 5 pm)	Yes
Comments:	*Field not completed.*
Electronic Signature Agreement	I agree.
Electronic Signature	Darryl Choates

Date	10/4/2023

Dear Applicant: As an employer with an Affirmative Action Program, we comply with Federal and State government record keeping, reports and other legal requirements. The completion of this data is voluntary and in no way affects your application to participate on any City Board, Commission or Committee. All data is kept in a separate confidential file by the Affirmative Action Office.

Name	Darryl
Ethnic Origin	Black

Email not displaying correctly? View it in your browser.

Dominique Davis - Online Form Submittal: Application for Appointment to a City Board/Commission/Committee

From: <noreply@civicplus.com>
To: <cityclerk@ci.seaside.ca.us>
Date: 10/5/2023 8:35 AM
Subject: Online Form Submittal: Application for Appointment to a City Board/Commission/Committee

Application for Appointment to a City Board/Commission/Committee

I'd like to serve on:	Homeless Commission
Name	Nathalie Smith
Email Address	[redacted]
Address	[redacted]
City	Seaside
State	CA
Zip Code	93955
Phone Number	[redacted]
Alternate Phone Number	*Field not completed.*
Please list your background, education, experience, and special skills:	I'm a retired nurse practitioner, moved to Seaside 2020, I'm interested in serving on the homeless commission but first in learning a lot about homelessness in Seaside and Mont. County - the wheres, whys and available services.. I have particular interest in welfare of homeless children and women because of their particular vulnerability and in prevention of homelessness (all persons). Thanks,, Nathalie Smith [redacted]
Are you willing to file Statements of Economic Interest (Form 700)?	Yes
Are you able to attend meetings during business hours? (Most Boards and	Yes

Commissions meet after 5 pm)	
Comments:	with some limitations (my work schedule)
Electronic Signature Agreement	I agree.
Electronic Signature	Nathalie Smith
Date	10/5/2023

Dear Applicant: As an employer with an Affirmative Action Program, we comply with Federal and State government record keeping, reports and other legal requirements. The completion of this data is voluntary and in no way affects your application to participate on any City Board, Commission or Committee. All data is kept in a separate confidential file by the Affirmative Action Office.

Name	Nathalie Smith
Ethnic Origin	White

Email not displaying correctly? [View it in your browser.]

CITY OF SEASIDE
STAFF REPORT

Item No.: 9.A.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Andrew Myrick, Economic Development & Community Planning Manager

DATE: November 16, 2023

SUBJECT: **ZONING ORDINANCE AMENDMENT ZOA-23-02: ADOPT AN ORDINANCE AMENDING TITLE 17 (ZONING ORDINANCE) TO ADD CHAPTER 17.13 IMPLEMENTING SENATE BILL 9 (DUPLEXES AND PARCEL MAPS FOR URBAN LOT SPLITS). THE AMENDMENT IS NOT A PROJECT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO GOVERNMENT CODE SECTIONS 65852.21(J) AND 66411.7(N) (SECOND READING)**

RECOMMENDATION

Consider the adoption of an ordinance amending Title 17 to add Chapter 17.13 to the Seaside Municipal Code to implement Senate Bill 9.

BACKGROUND

On September 16, 2021, Governor Newsom signed Senate Bill 9 (SB 9) into law, substantially altering low-density, single-family zoning throughout the state. The most significant component of this bill is that it requires ministerial approval of one-time, two-lot subdivision and/or development projects for up to two (2) units per lot. The proposed subdivision or development project is required to meet certain qualifying location and development criteria. Although the new law supersedes varying City of Seaside regulations regarding subdivision and development standards, SB9 preserves some authority for local agencies to enact regulations through the adoption of new objective subdivision and zoning regulations. The law became effective on January 1, 2022.

On December 2, 2021, staff presented a summary of the new state regulations to the City Council. Following discussion of the issues surrounding the new law, the City Council directed staff to prepare an Urgency Ordinance which would allow the City of

Seaside to establish regulations prior to January 1, 2022. On December 16, 2021, the Council adopted Urgency Ordinance 2011, which established interim standards to comply with the requirements of SB9 while the City evaluated a long-term regulatory program for SB9 projects. This Urgency Ordinance was effective for 45 days. On January 27, 2022, the Council approved Urgency Ordinance 2012, which extended the effective period of Urgency Ordinance 2011 by ten months and fifteen days through December 12, 2022. On December 1, 2022, the Council approved Ordinance 2020 to extend the Urgency Ordinance by one year to December 12, 2023.

Staff has reviewed the language in the previously adopted Urgency Ordinances and believes that the language contained therein is consistent with SB 9. Therefore, staff is recommending that the previously adopted Urgency Ordinance be made permanent.

This item was heard by the Planning Commission on October 11, 2023. The Planning Commission unanimously recommended to the City Council that it adopt the proposed Ordinance.

FISCAL IMPACT

No fiscal impact is associated with this item.

ATTACHMENTS

1. ZOA-23-02 DRAFT Ordinance 2023-11-15

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

ORDINANCE ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE AMENDING TITLE 17 OF THE CITY OF SEASIDE MUNICIPAL CODE TO ADD CHAPTER 17.13 (SENATE BILL 9 DUPLEXES AND PARCEL MAPS FOR URBAN LOT SPLITS) TO IMPLEMENT RECENT HOUSING BILLS

WHEREAS, on or about September 16, 2021, Governor Newsom signed into law Senate Bill 9 ("SB 9"), entitled the "California Home Act", an act to amend Section 66452.6 of and to add Sections 65852.21 and 66411.7 to the Government Code relating to land use; and

WHEREAS, on December 16, 2021, the City Council adopted Urgency Ordinance 2011 to implement the new state legislation SB 9 pursuant to Government Code 65858; and

WHERAS, on January 27, 2022, the City Council adopted Urgency Ordinance 2012 to extend Urgency Ordinance 2011 by an additional 10 months and 15 days which extended Urgency Ordinance 2011 to and through December 12, 2022; and

WHEREAS, on December 1, 2022, the City Council adopted Urgency Ordinance 2020 to extend Urgency Ordinance 2011 by an additional year through December 12, 2023; and

WHEREAS, the City now desires to permanently adopt the language included in its Urgency Ordinance 2011 to implement SB9; and

WHEREAS, this Ordinance is not a project under the California Environmental Quality Act pursuant to Government Code Sections 65852.21(j) and 66411.7(n).

NOW, THEREFORE, the City of Seaside City Council hereby amends the Zoning Ordinance by adding Chapter 17.13 as described in the attached Exhibit A.

ADOPTED at a regular meeting of the City Council of the City of Seaside, State of California, held on the 15th day of November 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Ian N. Oglesby, Mayor

ATTEST:

Dominique L. Davis, City Clerk

APPROVED AS TO FORM:

Sheri L. Damon, City Attorney

EXHIBIT A

Title 17. Zoning Ordinance Code
Chapter 17.13 Residential Zones
Objective Standards for Qualified Senate Bill 9 Subdivisions and Development Projects

17.13.010 Purpose and Intent.

The purpose of this Chapter is to establish objective standards and regulations to govern the development of qualified Senate Bill 9 subdivisions and development projects on single family residential zoned properties within the City of Seaside. The establishment of these regulations will result in the orderly subdivision and development of qualified Senate Bill No. 9 (2021) ("SB 9") projects while ensuring that the new units are consistent with the character of the City and do not create any significant impacts with regards to public infrastructure or public safety. The regulations are established to implement the requirements under California Government Code Sections 65852.21 and 66411.7.

17.13.020 Definitions.

For purposes of this Chapter, the following definitions apply:

(a) "Accessory dwelling unit" or "ADU", means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a parcel with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

(b) "Dwelling unit" includes an ADU, JADU, a primary dwelling unit, and a SB 9 dwelling unit.

(c) "Junior accessory dwelling unit" or "JADU", or "efficiency unit", means a dwelling unit that is up to 500 square feet in size and contained entirely within an existing primary dwelling unit that provides an efficiency kitchen and a separate exterior entrance, and may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(d) "Conservation Easement" means restrictive covenants that run with the land and bind upon successive owners that protects against future development such as preservation of open space, scenic, riparian, historical, agricultural, forested, or similar conditions. Open space and riparian easements are included in this definition.

(e) "Existing dwelling unit" means a primary dwelling unit or other dwelling unit on a parcel that exists prior to any voluntary demolition or reconstruction or remodel where more than 50% of the exterior wall framing has been removed or altered. Any existing dwelling unit where more than 50% of the exterior wall framing has been removed is considered a new dwelling for purposes of this Chapter.

(f) "Panhandle" means the narrow strip of land on a flag lot, typically less than 30 feet in width, that provides access to a public or private road. "Primary dwelling unit" means a single-family residence on the parcel and is the larger of the two if there is an existing accessory dwelling unit on the parcel.

(g) "Private Road" means a road, way, or street in private ownership and under private maintenance, not offered for dedication as a public road, way, place, or street, which affords the principal means of access to three or more lots or parcels which do not have frontage on a public street.

(h) "SB 9 dwelling unit" or "SB 9 unit" means a dwelling unit that is developed using the provisions in this Chapter and the provisions identified in California Government Code Sections 65852.21 and 66411.7.

(i) "Objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

17.13.030 Eligibility of properties for a subdivision.

The following parcels are not eligible for a subdivision under this Chapter:

(a) Any parcel that was established through a prior exercise of a subdivision as provided for in this Chapter.

(b) Any parcel that is not located within existing single family residential zoning (R-8 and R-12).

(c) Any parcel proposing to be subdivided by a person or any person acting in concert with that person who has previously subdivided an adjacent parcel using the provisions of this Chapter. For the purposes of this Chapter, "any person acting in concert" with the owners includes, but is not limited to, an individual or entity operating on behalf of, acting jointly with, or in partnership or another form of cooperative relationship with, the property owner.

(d) Any parcel located within an historic district or included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or a parcel within a site that is designated or listed as a City of Seaside or Monterey County landmark or historic property or district pursuant to a City of Seaside or Monterey County ordinance.

(e) Any parcel where the subdivision would require the demolition or alteration of any of the following types of housing:

    (1) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

    (2) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(3) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Government Code section 7060 et seq. to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(4) Housing that has been occupied by a tenant in the last three years.

(f) Any parcel located with a severe earthquake hazard zone as designated on the Geotechnical and Seismic Hazard Zones Map for the City of Seaside unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by the City's Building Department pursuant to Government Code section 8875 et seq.

(g) Any parcel fully encumbered with a conservation easement or identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(h) Any parcel that is designated prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure.

(i) Any parcel containing wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993), that would prevent the development of the parcel.

(j) Any parcel within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code

Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subsection does not apply to parcels that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(k) Any parcel with a hazardous waste site that is listed pursuant to Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use.

(l) Any parcel within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by the FEMA. However, a subdivision and/or development project may be located on a parcel described in this subsection if (1) the parcel is otherwise eligible for approval under the provisions of this Chapter and (2) the project applicant is able to satisfy all applicable federal qualifying criteria demonstrating either of the following are met:

(1) The site has been subject to a Letter of Map Revision prepared by the FEMA and issued to the City.

(2) The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(m) Any parcel within a regulatory floodway as determined by the FEMA in any official maps published by the FEMA, unless the subdivision and/or development project has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

(n) Any parcel containing habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code) or Environmentally Sensitive Habitat Areas (ESHA) in the Coastal Zone.

17.13.040 Objective standards and requirements for a subdivision.

The following objective standards and regulations apply to all subdivisions under this Chapter:

(a) A Parcel Map and a Subdivision Application shall be submitted to the City for all proposed subdivisions, including but not limited to any ownership and rental questionnaires and affidavits.

(b) The subdivision shall create no more than two new parcels of approximately equal area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision. In no instance shall any resulting parcel be smaller than 1,200 square feet in area.

(c) Existing parcels shall be split approximately perpendicular to the longest contiguous property line. However, this requirement shall be waived if the subdivision applicant demonstrates that it would prohibit a subdivision that otherwise meets the requirements of subsection (b).

(d) The subdivision shall not result in a new parcel with an average width that is less than the average width of the original parcel. Any panhandle on a flag lot shall not be used to calculate the average width. However, this requirement shall be waived if the subdivision applicant demonstrates that it would prohibit a subdivision that otherwise meets the requirements of subsection (b).

(e) The front parcel line of any newly created parcel shall be the parcel line that is closest to or parallel to the public or private road that serves the parcel.

(f) The property owner for a lot served by a private road or common driveway shall, prior to issuance of a building permits, record an appropriate deed restriction guaranteeing the following to adjoining property owners who utilize the private road or common driveway for the primary access to their lot(s): a) a reciprocal ingress/egress easement; and b) participation in a reciprocal maintenance agreement. A 25-foot-wide panhandle (for a flag lot) or an ingress/egress easement and maintenance agreement shall be provided for all new parcels that do not have direct frontage on a public or private road. Driveway access to the new parcels shall be shared unless the new driveways are a minimum of 100 feet apart.

(g) Easements for access and public and private utilities shall be provided for any newly created parcel that does not front on a public or private street.

(h) A note shall be placed on the parcel map that each building shall have separate meters..

(i) All newly created parcels shall be connected to public sewer.

(j) Any existing structure must meet the setback requirements in section 17.13.060 from a newly proposed property line unless by doing so would prohibit the creation of a parcel that otherwise meets the requirements of this Chapter.

(k) The subdivision is subject to all impact or development fees related to the creation of a new parcel and shall provide proof that all school fees, water or other impact fees have been paid.

(l) Upon receipt of a subdivision application using the provisions of this Chapter, the City shall notify all owners and occupants within a 500-foot radius from the subject parcel that a parcel map has been filed with the City of Seaside.

(m) A note on the parcel map and a recorded deed restriction in a form approved by the City Attorney’s Office shall be applied to all newly created parcels indicating that the parcel was split using the provision of this Chapter, no further subdivision of the parcels is permitted and the parcels may only be used for residential use. In addition, the deed restriction shall stipulate that all new units developed on the new parcels shall be for residential use only and income restricted to low and very low-income households based on the most recent Monterey County Area Median Income (AMI) levels. A timeshare or short term rental of less than 30 days is not considered residential use.

(n) The parcel map shall include a note stating the requirement for off-street parking of up to one space per unit, except if the parcel is located within ½ mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code or a major transit stop as defined in Section 21064.3 of the Public Resources Code.

(o) Prior to the recordation of the parcel map, the applicant shall sign and record an affidavit stating that the applicant intends to reside in one of the proposed or existing primary dwelling units or SB 9 units for three years from the date of the approval of the subdivision. This requirement shall not apply if the applicant is a community land trust or a qualified nonprofit corporation as provided in Sections 402.1 and 214.15 of the Revenue and Taxation Code.

17.13.045 Map Extension. Any parcel map created pursuant to the provisions of this Chapter shall be subject to extension in compliance with the provisions of Government Code section 66452.6.

17.13.050 Objective standards and requirements for new dwelling units on a parcel that is not being subdivided.

The following objective standards and regulations apply to all new SB 9 development on a parcel that is **not** being subdivided:

(a) Notwithstanding Government Code Section 65852.2 or 65852.22 or any provision of this Chapter, no accessory dwelling unit or a junior accessory dwelling unit shall be permitted on any lot in single-family residence district (R-8 or R-12) if a lot split has been approved pursuant to Section 17.13.040 and two residential units have been approved for construction pursuant to this chapter 17 (Government Code Section 65852.21).

(b) The maximum floor area ratio (FAR) permitted on the parcel shall be determined as defined in Section 17.12.050 of the Municipal Code unless application of that FAR prohibits a 800 square foot SB 9 unit, in which case, additional floor area shall be allowed.

(c) The maximum floor area of an SB 9 unit shall be 800 square feet. Basements and bunkers are not permitted.

(d) Setbacks: The minimum setback for any new SB 9 dwelling unit shall be 15 feet from the front parcel line and four (4) feet from the side and rear parcel lines.

Exception:

A new SB9 dwelling unit shall not be required to meet the setbacks above if it replaces a non-conforming existing structure.

(e) The maximum height of all new SB 9 dwelling units shall be no higher than the height of the primary dwelling, but shall not exceed 24 feet and shall not impede 100% of an ocean or mountain viewshed of any property owners within 500' radius of the property. In the case where viewshed or height limitations preclude the minimum sized SB 9 unit, the unit shall be placed in the least impactful location.

(f) One uncovered parking space, located a minimum of 5-feet from the front parcel line abutting the street frontage and one (1) feet from the side and rear parcel lines, is required for each dwelling unit, except as provided in Chapter 17.34 of the Seaside Municipal Code. The parking space shall be at least 8 feet wide by 16 feet deep, except where such project is located within ¼ mile of a transit stop.

(g) A solid (no openings) one-hour rated fire wall is required between any SB 9 unit and the primary dwelling unit or an ADU.

(h) Driveway access to all new units shall be compliant with the City of Seaside Fire Department standard details and specifications for driveways and turnarounds.

(i) The owner shall sign and record an affidavit placing a covenant that will run with the parcel to confirm that the owner will reside in either the primary dwelling unit or an SB 9 unit on the parcel for three years from the issuance of an SB 9 dwelling unit's Certificate of Occupancy and closing of all construction permits pertaining to the parcel.

(j) All newly created dwelling units shall be connected to public sewer.

(k) All outdoor patios, covered patios, decks, and other hardscape shall meet the City's minimum 5-foot front yard and 4-foot side and rear yard setbacks.

(l) No dwelling unit shall be rented for a period of less than thirty (30) days and cannot be occupied as a short-term rental unit, as defined under section 17.52.251.

(m) An SB 9 dwelling unit may be rented separately from the primary dwelling unit.

(n) Development projects pursuant to this section shall be subject to all impact or development fees related to the development of a new dwelling unit.

17.13.060 Objective standards and requirements for dwelling units on a parcel subdivided pursuant to this chapter ~~article~~.

The following objective standards and regulations apply to all development on a parcel that has been subdivided or concurrently subdivided under the provisions of this chapter:

(a) The following development is permitted on the parcel:

  (1) A primary dwelling unit and an SB 9 unit; or

  (2) If there is an existing primary dwelling unit and ADU on the property, then no further development is permitted for that property.

(b) The maximum floor area ratio (FAR) permitted on the parcel shall be determined as defined in Section 17.12.050 of the Municipal Code unless application of that FAR prohibits a 800 square foot SB 9 unit, in which case, additional floor area shall be allowed. Basements and bunkers are not permitted.

(c) Setbacks: The minimum setback for any new primary dwelling unit or SB 9 dwelling unit shall be 15 feet from the front parcel line and four (4) feet from the side and rear parcel lines.

Exception:

A new SB9 dwelling unit shall not be required to meet the setbacks above if it replaces a non-conforming existing structure.

(d) The maximum height of all new SB 9 dwelling units shall be no higher than the height of the primary dwelling, but shall not exceed 24 feet and shall not impede 100% of an ocean or mountain viewshed of any property owners within 500′ radius of the property. In the case where viewshed or height limitations preclude the minimum sized SB 9 unit, the unit shall be placed in the least impactful location. ...

(e) One uncovered parking space, located a minimum of 5-feet from the front property line abutting the street frontage and One (1) feet from the side and rear property lines, is required for each new dwelling unit, except as provided in Chapter 17.34 of the Seaside Municipal Code. The parking space shall be at least 8 feet wide by 16 feet deep. All parking required for an existing primary dwelling on the parcel shall be retained.

(f) If the two SB 9 dwelling units are configured as a duplex on a parcel, a solid one-hour fire wall between the units is required. In addition, a deed restriction in a form approved by the City Attorney's Office shall be recorded stipulating that the duplex shall be maintained as two separate units.

(g) If the parcel is fully developed with the number of units permitted under section 17.13.060 above, then the applicant or property owner shall record a deed restriction in a form approved by the City Attorney's Office stipulating that no further development of the parcel is permitted.

(h) Driveway access to all new units shall be compliant with the City of SeasideFire Department standard details and specifications for driveways and turnarounds.

(i) If the proposed dwelling units are developed subsequent to a subdivision completed pursuant to this Chapter, the owner shall sign and record an affidavit placing a covenant that will run with the parcel to confirm that the owner intends to reside in either the primary dwelling unit or an SB 9 unit on the parcel for three years from the issuance of an SB 9 dwelling unit's

Certificate of Occupancy and closing of all construction permits pertaining to the parcel.

(j) All newly created dwelling units shall be connected to public sewer.

(k) All outdoor patios, covered patios, decks, and other hardscape shall meet the minimum 5-foot front yard and 4-foot side and rear yard setbacks.

(l) No dwelling unit shall be rented for a period of less than thirty (30) days and cannot be occupied as a short-term rental unit, as defined under section 17.52.251.

(m) An SB 9 dwelling unit may be rented separately from the primary dwelling unit.

(n) Any development constructed in accordance with this section shall be subject to all impact or development fees related to the development of a new dwelling unit.

17.13.070 Objective building and design requirements for all SB 9 dwelling units.

All SB 9 dwelling units shall be reviewed and approved without discretionary review or a hearing. As part of the ministerial approval, the following objective design requirements shall be confirmed:

(a) The design of the dwelling unit shall be as follows:

(1) For a detached unit, the exterior materials and design shall match the design of any existing primary dwelling unit on the property through the use of the same exterior wall materials, identified color tones, window types, door and window trims, roofing materials and roof pitch.

(2) For an attached unit, the exterior materials, windows and other architectural features shall match the existing structure by employing the same building form, color tones, window design, door and window trims, roofing materials and roof pitch.

(b) Exterior building lighting shall be fully shielded and downward facing and limited to one exterior light fixture per exterior doorway, or the minimum necessary to comply with the California Building Standards Code.

(c) All new dwelling units are required to have fire sprinklers.

(d) All portions of the SB 9 dwelling unit, include eave overhangs and other projections, shall meet the required setbacks as set forth in this Chapter.

(e) Roof decks are permitted on SB 9 dwelling units.

(f) Structures shall not be located in the following locations:

(1) In areas encumbered by a recorded easement, including but not limited to, public utility easements, conservation easements, access easements, pedestrian pathway easements and open space easements;

(2) In areas within the critical root zone of any tree with a diameter of four (4) feet or greater measured at four (4) feet above grade. Review and approval of an arborist report prepared by a licensed or consulting arborist is required if a structure is proposed within the critical root zone of a heritage oak tree.

(g) All electrical and utility services to a new dwelling unit shall be undergrounded.

(h) Notwithstanding the foregoing subsections, any development or design standards that physically precludes an SB 9 dwelling unit from being 800 square feet in floor area shall be waived.

17.13.070 Compliance with California Coastal Act. All projects seeking to either develop units or subdivide shall comply with the California Coastal Act and shall seek a coastal development permit. No public hearing shall be held for any such coastal development permit in accordance with Government Code section 66411.7.

17.13.080 Ineligible for Condominium Conversions. Any dwelling unit approved pursuant to this Chapter shall be ineligible for conversion to a condominium, community apartment, or stock cooperative project. Any application for a tentative subdivision map or tentative parcel map for a residential condominium conversion of a unit created pursuant to this Chapter shall be denied.

17.13.090 Ministerial Reviews and Approvals. Any application submitted pursuant to the provisions of this Chapter for either a dwelling or urban lot split shall be reviewed and approved ministerially, if it meets the requirements of the Government Section 66411.7 and conforms to all the applicable requirements of this Chapter. Notwithstanding such review, an application, may be denied if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

17.13.100 Consistency. All SB 9 dwelling units shall comply with, to the extent permissible, and not be in conflict with the specific provisions of this Chapter with the provisions of Chapter 17.12 related to residential development.

17.13.200 Permit review process.

All applications for lot splits and new development using this Chapter shall be ministerially approved without public hearings or discretionary review.

17.13.300 Effective Date. This Chapter shall remain in effect until such time as Government Code Section 65842.21 is repealed or superseded or its requirements for ministerial approval of housing development projects are materially amended, whether by legislation or initiative, or are held to be unenforceable by a court of competent jurisdiction, at which time this Section shall become null and void.

17.13.400 Fees.

The City Council may establish and set by resolution all fees and charges, consistent with Government Code sections 65852.2 and 65852.22, and related provisions, as may be necessary to effectuate the purpose of this Chapter.

CITY OF SEASIDE
STAFF REPORT

Item No.: 9.B.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Mary Gutierrez, Fire Chief

DATE: November 16, 2023

SUBJECT: **AMEND SEASIDE MUNICIPAL CODE CHAPTER 8.32 FIREWORKS; ADDING SECTION 8.32.211 - CURFEW FOR USE OF SAFE AND SANE FIREWORKS (FIRST READING, ROLL CALL VOTE)**

RECOMMENDATION

Approve an ordinance amending the City of Seaside Municipal Code Chapter 8.32 fireworks; adding section 8.32.211 - Curfew for the use of Safe and Sane Fireworks.

BACKGROUND

At the October 5, 2023 Regular City Council meeting, the city council discussed and made decisions regarding changes to the use of Safe and Sane fireworks in the city. The police and fire departments presented eleven (11) recommendations for discussion. One of the recommendations included having a curfew for the use of safe and sane fireworks during the period when they are sold surrounding the 4th of July holiday period. The city council approved eight (8) of the eleven (11) recommendations. The recommendation to have a curfew necessitates an addition to the City of Seaside Municipal Code Chapter 8.32 fireworks. Section 8.32.211 will be added - Curfew for the use of Safe and Sane fireworks will be added.

Below is a review of the recommendations to be adopted in July 2024.

1. Include parking enforcement team on July 4. - Majority voted YES
2. Increase the number of drones deployed - Majority voted YES
3. Recommend Safe and Sane zones within the City - Majority voted NO
4. Pass out educational fliers to problematic areas earlier - Majority voted YES
5. Increase educational outreach - Majority voted YES
6. Recommend NO PARKING signs / curbs / on General Jim Moore - Majority voted YES
7. Host community meeting to obtain community feedback - Majority voted YES

8. **Curfew for use of Safe and Sane fireworks - Majority voted YES**

8.32.211 - Curfew for use of Safe and Sane Fireworks.
There will be a 10:00 p.m. curfew each evening for the use of Safe and Sane Fireworks. The curfew will go into effect on the first day of the sale of safe and sane fireworks, beginning at 12:00 June 28, and ending at 10:00 p.m. on July 5 (the final day of sales).

Per Ordinance No. 1014 – Ordinance of the City Council of the City of Seaside. The use of Safe and Sane fireworks is permitted during that period, beginning at 12:00 p.m. on June 28 and ending at 10:00 p.m. July 5 of the same year.

9. Enhance enforcement of Sane and Sane fireworks use after the 10:00 curfew - Majority voted YES
10. Sale of Safe and Sane fireworks shall only be sold to city of Seaside residents. - Majority voted NO
11. Discontinue sale of Safe and Sane fireworks on city-owned property. - Majority voted NO

FISCAL IMPACT

No fiscal impact

ATTACHMENTS

1. Fire Works Ordinance chapter 8.32 with Addition November 16_2023 Council Meeting
2. Fireworks Ordinance_ First Reading November 16_2023

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

Chapter 8.32

FIREWORKS

Sections:

* 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. 1095 § 3, 2020; 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. 1095 § 3, 2020; 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. 1095 § 3, 2020; 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 which is either a city-sponsored or co-sponsored event or for which a special event permit has been issued pursuant to SMC 17.62.040(E)(3) and to which the general public is admitted.

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. 1095 § 3, 2020; Ord. 1014 § 2, 2014)

8.32.050 Exception – Safe and sane fireworks.
Repealed by Ord. 1095. (Ord. 1014 § 2, 2014)

8.32.060 Permit to sell safe and sane fireworks – Application – Qualified applicants.
Repealed by Ord. 1095. (Ord. 1014 § 2, 2014)

8.32.070 Limitation on permits to sell safe and sane fireworks – Selection of eligible nonprofit organizations.
Repealed by Ord. 1095. (Ord. 1014 § 2, 2014)

8.32.080 Operator safety seminar.
Repealed by Ord. 1095. (Ord. 1014 § 2, 2014)

8.32.090 Operation of fireworks stand.
Repealed by Ord. 1095. (Ord. 1014 § 2, 2014)

8.32.100 Fireworks stands.
Repealed by Ord. 1095. (Ord. 1014 § 2, 2014)

8.32.110 General requirements for permittees.
Repealed by Ord. 1095. (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. 1095 § 3, 2020; 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. 1095 § 3, 2020; 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. 1095 § 3, 2020; Ord. 1014 § 2, 2014)

8.32.150 Fireworks surcharge.
Repealed by Ord. 1095. (Ord. 1014 § 2, 2014)

8.32.160 Wholesale storage of safe and sane fireworks.
Repealed by Ord. 1095. (Ord. 1014 § 2, 2014)

8.32.170 Fireworks wholesaler public education plan.
Repealed by Ord. 1095. (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. 1095 § 3, 2020; Ord. 1014 § 2, 2014)

8.32.190 Administrative fines and penalties.
A. *Repealed by Ord. 1095.*

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 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.

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 is 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. 1095 § 3, 2020; 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. 1095 § 3, 2020; 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. 1095 § 3, 2020; Ord. 1014 § 2, 2014)

8.32.211 Curfew for use of Safe and Sane Fireworks.

There will be a 10:00 p.m. curfew each evening for the use of Safe and Sane Fireworks beginning the first day of sane and sane fireworks sales at 12:00 June 28 and ending 10:00 p.m. on July 5 (the final day of sales).

Per Ordinance No. 1014 – Ordinance of the City Council of the City of Seaside. The use of Safe and Sane fireworks is permitted during that period beginning at 12:00 p.m. on June 28 and ending at 10:00 p.m. July 5 of the same year.

ORDINANCE NO. XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE

AMENDING SEASIDE MUNICIPAL CODE SECTION 8.32 FIREWORKS TO ADD A NEW SECTION 8.32.211 DAILY CURFEW FOR USE OF SAFE AND SANE FIREWORKS (FIRST READING - ROLL CALL VOTE)

WHEREAS, the City of Seaside has regulated fireworks since 1970; and

WHEREAS, in 2014 the City added Chapter 8.32 to the Seaside Municipal Code to prohibit all fireworks, but provided a narrow exception to allow the sale, use and possession of safe and sane fireworks during the period of June 28 through noon on July 5; and

WHEREAS, in 2019 and 2020, the City adopted Urgency Ordinances establishing a daily curfew for the use of safe and sane fireworks at 10:00 p.m.; and

WHEREAS, there continue to be multiple complaints of noise and abuses related to the use of fireworks; and

WHEREAS, during the 2023 fireworks season, Seaside Police Department reported that use of safe and sane fireworks inhibited and obscured their ability to enforce against illegal fireworks users; and

WHEREAS, on or about October 5, 2023, the Seaside Police Department and Fire Department made a series of recommendations to assist in the enforcement against illegal fireworks, including that a daily curfew be imposed on the use of safe and sane fireworks and the City Council directed staff to pursue certain of those recommendations; and

WHEREAS, it is appropriate to amend Seaside Municipal Code (SMC) Chapter 8.32 to create a daily curfew for the use of safe and sane fireworks; and

WHEREAS, amendments to SMC Chapter 8.32 adding a new provision for a curfew on the use of safe and sane fireworks. This item is not a project under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

NOW THEREFORE, 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 add a new Section to Chapter 8.32 Fireworks, establishing a curfew for the use of safe and sane during the time period June 28 through July 5.

SECTION 2. PROPOSED TEXT AMENDMENT

The Seaside Municipal Code Section 8.32 shall add a new section and reference to the same as follows:

<u>**8.32.211 Daily Curfew for use of Safe and Sane Fireworks.**</u>

<u>There will be a 10:00 p.m. curfew each evening for the use of Safe and Sane Fireworks beginning the first day of sane and sane fireworks sales at 12:00 p.m. June 28 and ending 10:00 p.m. on July 5 (the final day of sales).</u>

SECTION 3. SEVERABILITY

A. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provision of this Ordinance are severable.

B. The City Council hereby declares that it would have passed each section subsection, subdivision, paragraph, sentence, clause or phase thereof irrespective of the fact that any one or more sections, subsections, subdivision, paragraphs, sentences clause or phrases be held unconstitutional, invalid or unenforceable.

SECTION 4. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after its final passage and adoption.

INTRODUCED AND PASSED TO PRINT at a regular meeting of the City Council of the City of Seaside, State of California, on the 16th day of November, 2023.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside, State of California, on the __ day of _____, 2023, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

APPROVED:

____

Ian M. Oglesby, Mayor

ATTEST:

____

Dominique L. Davis, City Clerk

APPROVED AS TO FORM:

____

Sheri L. Damon, City Attorney

CITY OF SEASIDE
STAFF REPORT

Item No.: 10.A.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Nisha Patel, Public Works Director/City Engineer

DATE: November 16, 2023

SUBJECT: **HOT SPOT PAVEMENT REPAIR PROJECT UPDATE**

RECOMMENDATION

Receive an update on the Hot Spot Pavement Repair Project

BACKGROUND

On March 2, 2023, the City Council approved the Streets Pavement Rehabilitation Funding Policy (Policy) through proposed modifications to the FY 2022-23 Annual Operating Budget detailed in the Mid-Year Financial Report (Resolution 23-52). The Policy was created to provide additional funding sources for street maintenance and rehabilitation. The Policy provides that at the time of the mid-year budget review, twenty five percent (25%) of any projected year-end operating budget surplus will be committed to the pavement rehabilitation project for the following year. The FY 2022-23 projected year-end operating surplus was $2.5 million, yielding approximately $614,000 which was committed to this fiscal year's pavement rehabilitation project. The additional funding allowed Public Works to pursue proceeding with a pavement repair project.

The City Council awarded a professional services agreement with Pavement Engineering Inc. (PEI) to design and prepare construction bid documents for the 2023 Hot Spot Pavement Repair Project (Project). The design included field investigation and evaluation of pothole locations based upon observations of the Public Works crew, frequently requested locations, and See-Click-Fix reported pothole locations. The evaluation presented a mixture of permanent repair as well as temporary repair options. The temporary repairs are meant to act as a barrier such that the roadway does not further deteriorate and to act as a stop gap measure until funding is obtained for more appropriate treatment. The Project bid documents include 4-inch deep 'dig out' pavement repairs totaling 20,723 square feet within 14 area zones and 1-1/2 inch thin maintenance overlays (TMOs) on four street segments. The latter is intended as a stop-gap measure. PEI completed the design and the project was advertised for bids for construction and the project was advertised for bids for construction on June 29, 2023.

On August 3, 2023, the Council awarded a construction contract to Don Chapin Company for an amount not to exceed $513,690.00. They started construction on September 18, 2023. To date, Don Chapin has completed construction of all ‘dig out’ repairs and TMOs that were included as part of the project. The only work remaining is the striping.

In addition, City PW Maintenance staff have repaired numerous potholes throughout the year with in-house equipment. They were not able to crack seal streets that have alligator cracking because of staffing issues, but they have scheduled this for the springtime, when the temperatures are more appropriate to perform the work.

FISCAL IMPACT

The contractor performed extra work of a 1” leveling course on Roberts Avenue and a fog seal on TMO street sections. The extra work is within the approved contingency of $45,561.00.

ATTACHMENTS

None

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

CITY OF SEASIDE
STAFF REPORT

Item No.: 10.B.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Derrick Elder, Family & Community Support Practitioner
Dan Meewis, Recreation Director

DATE: November 16, 2023

SUBJECT: **FAMILY AND COMMUNITY SUPPORT PROGRAM INCLEMENT WEATHER UPDATE**

RECOMMENDATION

Receive an update from the Family and Community Support Program.

BACKGROUND

The Family and Community Support Program (FCSP) recognizes that the community experiences increased needs for resources and services during the winter months and inclement weather season. Such needs include access to food, warm clothing, shelter/housing, and linkages to social services. During the 2022 winter, FCSP collaborated with the Monterey County Department of Social Services to acquire hotel vouchers for unhoused individuals and families when shelter access was unavailable.

Last year, FCSP received 49 requests for hotel vouchers. The FCSP team distributed 17 hotel vouchers to individuals and families, guided the remaining 32 households to shelter (Casa Noche Buena, Salvation Army, Safe Place, I-Help, Natividad, Hamilton, and China Town Navigation Center). In addition, the FCSP team engaged in weekly homeless outreach efforts in the community where they provided hot meals, care kits containing hygiene items, warm clothes, as well as providing case management to link to other City and County social services.

FCSP will partner again this winter with the Monterey County Department of Social Services to acquire hotel vouchers. FCSP plans to collaborate with the County proactively to obtain the vouchers before the inclement weather starts, allowing FCSP to better and more-quickly assist community members in need. FCSP will also continue its collaboration with the Coalition of Homeless Services Providers to identify shelters, warming centers, and housing programs for linkage. For those in need of food, the team will work with the Food Bank of Monterey County, Meals on Wheels, and Faith-Based organizations to provide food boxes and/or identify the locations of food distribution sites that can be shared with the community. Staff will also begin its monthly homeless outreach program providing food and hygiene kits to those in need, and may increase the frequency depending on the needs of the community and the severity of the inclement weather this season.

Outreach to low-income and unhoused individuals and families will be conducted through mobile crisis response, communications with community partners, receipt of referrals, office drop-in's, and proactive direct contact while traveling throughout the community.

FISCAL IMPACT

There is no fiscal impact to the City for the hotel vouchers that are received from the county. FCSP has sufficient funds in their operating budget for the distribution of supplies associated with the homeless outreach program. The estimated cost of this is $2,000-$3,000.

ATTACHMENTS

None

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

CITY OF SEASIDE
STAFF REPORT

Item No.: 10.C.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Manny Gonzalez, Assistant City Manager

DATE: November 16, 2023

SUBJECT: **CONSIDERATION OF THE CITY OF SEASIDE 2024 LEGISLATIVE PLATFORM**

RECOMMENDATION

Receive, file and give direction on the City of Seaside 2024 Legislative Platform to City Staff.

BACKGROUND

On September 21, 2023, the City Council approved a professional services agreement (PSA) with JEA & Associates to provide Lobbyist and Advocacy Services to the City of Seaside. The City Manager, Public Works Director, Economic Development Director and the Project Manager met with the JEA & Associates team on Tuesday, November 7, 2023 to discuss items to be included in the 2024 Legislative Platform for the City of Seaside.

Attached is the Legislative Platform developed and presented for consideration and direction from the City Council.

FISCAL IMPACT

There is no fiscal impact because services provided are within the professional services agreement amount approved on September 21, 2023.

ATTACHMENTS

1. City of Seaside 2024 Legislative Platform

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

2024

CITY OF SEASIDE LEGISLATIVE PLATFORM

Prepared by
JEA & ASSOCIATES

CITY COUNCIL VISION

Seaside is a vibrant, proudly diverse, energetic and safe community, with extraordinary natural beauty, quality of life and economic opportunities.

CITY OF SEASIDE LEGISLATIVE PLATFORM EXECUTIVE SUMMARY

The City of Seaside City Council recognizes the need to identify and advocate for its legislative and funding priorities in Sacramento and Washington, D.C. To be effective in this mission, the City Council is pleased to present its Legislative Platform.

The City of Seaside's Legislative Platform is a summary of the priorities of the City Council and Executive Staff and establishes the basis for its advocacy efforts with the Executive and Legislative branches of the U.S. Government and the State of California regarding legislation and regulation. It also provides general direction to the City Council and Executive Staff and City departments, legislative advocates, state and federal delegation members and the public on positions of support or opposition to key policy initiatives that impact the way the City of Seaside does business. The City Council may review and modify this document annually as necessary.

CITY OF SEASIDE LEGISLATIVE PLATFORM

ABOUT

The City of Seaside is an ocean-side community that overlooks the beautiful Monterey Bay on the Central Coast of California, approximately 115 miles south of San Francisco.

Founded in 1887 and incorporated in 1954, this 10 square-mile city continues to grow while holding on to the rich values upon which it was established. Young families and retirees are drawn to the community, providing a healthy residential mix of people and solid sense of community.

VISION: Seaside is a vibrant, proudly diverse, energetic and safe community, with extraordinary natural beauty, quality of life and economic opportunities.

PURPOSE

The purpose of the City of Seaside Legislative Platform is to unify the city's voice and to proactively frame sponsorship, support, and advocacy regarding critical legislative and regulatory priorities.

STATE LEGISLATIVE PLATFORM

Local Water Issues

- Advocate for policy and increased state funding for water infrastructure improvements and maintenance.
- **Advocate for policy and increased state funding for expanding the local water supply and distribution systems to meet future development needs.**
- Support legislation that promotes water conservation and sustainable water management practices.
- Collaborate with state agencies to address water quality, ensuring that Seaside residents have access to safe and clean drinking water.

Economic Development

- Advocate for resources and policies that facilitate economic expansion and growth and increase the opportunity for discretionary revenues and programmatic and financial flexibility.
- **Support state policies and funding for the expansion of workforce training, focusing on vital trades, to support the future growth and economic development of the City.**

Tourism

- Promote policies that enhance and diversify Seaside's tourism industry while protecting the environment.
- Support funding for marketing initiatives to attract tourists to Seaside, boosting the local economy.
- Work with the state to ensure tourism-related regulations align with the unique needs of the City.

Housing and Homelessness

- **Support state policies to streamline and reduce barriers for the development of ADU's, Multi-Family, and Workforce housing**
- Support state funding opportunities to develop affordable housing and expand housing and homeless assistance programs.
- Expand funding and enhance funding opportunities for homelessness prevention programs, rapid housing assistance, and affordable housing development and assistance programs.

Land Development Issues

- Advocate for grants and resources to support sustainable land development, affordable housing, and brownfield redevelopment projects in Seaside.
- Support programs that address housing affordability issues and provide incentives for environmentally responsible land development.
- Work with state agencies to streamline permitting and regulatory processes for development projects, encouraging responsible growth.

- Support state funding for implementing broadband infrastructure, particularly the last-mile infrastructure.

Community Safety and Quality of Life

- Seek state support for public safety through funding for law enforcement and firefighting services.
- Support legislation and regulations that maximize the ability to effectively mitigate, prepare for, respond to, and recover from natural and man-made disasters and public health emergencies, protecting both physical and fiscal health.
- **Seek funding for the expansion and development of the City's 25 local parks.**

Streets and Roads

- **Support state policies and funding to expand bicycle and pedestrian infrastructure, as well as expand access and improvements to the City's 25 parks for its residents.**
- **Support state policies and funding for streets and roads maintenance, rehabilitation, and improvements to address congestion and enhance traffic circulation and safety**

Fort Ord Reuse Property

- Work closely with state authorities to expedite the redevelopment of the Fort Ord property, fostering economic growth and job creation.
- Seek state assistance in ensuring that the Fort Ord area redevelopment is conducted to benefit the local community and preserve historical and environmental assets.
- **Support state advocacy efforts and funding to build a Visitors Center and expand access to the Fort Ord National Monument.**

Federal Legislative Platform

Local Water Issues

- **Advocate for federal funding and support for water infrastructure improvements, including water treatment facilities, stormwater management, and groundwater replenishment projects.**
- Pursue federal grants for climate-resilient infrastructure to address potential water scarcity challenges due to climate change.
- Advocate for increased federal funding for expanding the local water supply and distribution systems to meet future development needs.
- Collaborate with federal agencies to address regional water quality concerns and support sustainable water supply practices.

Economic Development

- Seek or support legislation and regulations determined to benefit the City of Seaside project and economic development initiatives.
- Seek federal funding and financing for capital improvements.
- **Support federal policies and funding for the expansion of workforce training, focusing on vital trades, to support the future growth and economic development of the City.**

Tourism

- Seek federal grants and assistance to promote Seaside as a tourist destination through marketing campaigns, cultural events, and infrastructure improvements.
- Advocate for policies that enhance visitor experiences, such as national park initiatives, and funding for local museums and cultural attractions.
- Engage with federal agencies to ensure that tourism regulations align with Seaside's unique needs.

Land Development Issues

- Advocate for federal grants and resources to support sustainable land development, affordable housing, and brownfield redevelopment projects in Seaside.
- Support federal programs that address housing affordability issues and provide incentives for environmentally responsible land development.
- Work with federal agencies to streamline permitting and regulatory processes for development projects, encouraging responsible growth.
- **Support federal funding for implementing broadband infrastructure, particularly the last-mile infrastructure.**

Fort Ord Reuse Property

- Collaborate with federal authorities to expedite the redevelopment of the Fort Ord property, creating job opportunities and economic growth in Seaside.
- Advocate for federal grants and resources to support infrastructure improvements and historical preservation within the Fort Ord area.
- Ensure that federal policies align with the interests of the local community and prioritize the long-term sustainability of the Fort Ord redevelopment.
- **Support federal advocacy efforts and funding to build a Visitors Center and expand access to the Fort Ord National Monument.**

This legislative platform should serve as a foundation for Seaside's engagement with state and federal legislators, guiding the city's efforts to address crucial issues related to water, tourism, land development, and the Fort Ord reuse property. Adaptations and specific policies may be required as new issues emerge and legislative priorities evolve.