



AMENDED AGENDA

CITY OF SEASIDE
CITY COUNCIL/SUCCESSOR
AGENCY TO THE
REDEVELOPMENT AGENCY
/PARKING AUTHORITY

JOINT SPECIAL MEETING
Oldemeyer Center
986 Hilby Ave
Thursday, March 19, 2020
6:00 PM

This meeting has been moved to the Oldemeyer Center to follow new social distancing guidelines, while providing the opportunity for the public to register opinions regarding matters on the City Council agenda. Pursuant to County Public Health Officer Shelter in Place order effective March 18, 2020, you are discouraged from attending this meeting.

This meeting will be limited to 18 members of the public.

Virtual options for participation include:

- Emailed comments to cityclerk@ci.seaside.ca.us received up to that agenda item, will be read into the record for up to three minutes.
- Watch and comment on the live broadcast live via YouTube video stream <https://youtu.be/IhVfB8NDD8w>;
- Audio only participation via Zoom Meeting link:
<https://zoom.us/j/177248350> Meeting ID: 177 248 350
or by calling 1-669-900-9128.

1. CALL TO ORDER

2. CITY COUNCIL/SUCCESSOR AGENCY TO REDEVELOPMENT AGENCY OF THE CITY OF SEASIDE

Ian N. Oglesby
David R. Pacheco
Jason Campbell
Jon Wizard
Alissa Kispersky

Mayor/Chair
Mayor Pro Tem/Vice Chair
Council/Agency Member
Council/Agency Member
Council/Agency Member

3. PLEDGE OF ALLEGIANCE

4. 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 minutes. Public Comments on specific agenda items are heard under that item. For the public record, please state your name.

5. CONSENT AGENDA

A. APPROVE MINUTES FROM MARCH 5, 2020

RECOMMENDATION: That the minutes be reviewed and approved.

B. APPROVE AND FILE SUCCESSOR AGENCY CHECKS

RECOMMENDATION: Approve and file the accounts payable and wired payments made during the period of February 22, 2020 through March 6, 2020 including the payroll and benefits checks, direct deposits and wired payments related to the pay period ending February 28, 2020. Total Accounts Payable and Payroll for the above referenced period is \$495.15.

C. APPROVE USE AGREEMENT TO ALLOW THE CASTROVILLE ARTICHOKE FESTIVAL TO USE A PORTION OF THE LAGUNA GRANDE SHOPPING CENTER PARKING LOT AS OVERFLOW PARKING FOR THE "ARTICHOKE FUN RUN 5K BEACH RUN AT MONTEREY TIDES".

RECOMMENDATION: Approve a use agreement to allow for the temporary use of a portion of the Laguna Grande Shopping Center on May 2, 2020 for parking needs for the 2nd annual "Castroville Artichoke Festival 5K Beach Run".

D. ADOPT A RESOLUTION APPROVING THE CREATION OF A PUBLIC UTILITY EASEMENT ON ASSESSORS PARCEL NUMBER 031-031-018 IN SUPPORT OF THE FORT ORD DUNES STATE PARK

RECOMMENDATION: Approve a non-exclusive blanket public utility easement on a portion of city property with assessors parcel number 031-031-018 and authorize the City Clerk to record a certified copy of the resolution in the Monterey County Office of the County Recorder.

E. ADOPT A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE A FIFTH AMENDMENT TO A CONTRACT WITH TORTI-GALLAS FOR CONSULTING SERVICES FOR THE CAMPUS TOWN PROJECT

RECOMMENDATION: Authorize the City Manager to execute a fifth amendment to a contract with Torti-Gallas for consulting services associated with the Campus Town Project for an amount not to exceed \$12,000 in additional expenses.

6. PUBLIC HEARING

A. URGENCY ORDINANCE ESTABLISHING REGULATIONS PROHIBITING

COMMERCIAL AND RESIDENTIAL EVICTIONS DURING THE COVID-19 EMERGENCY

RECOMMENDATION: Approve and adopt urgency ordinance establishing emergency regulations addressing evictions of commercial and residential tenants during the COVID-19 emergency.

7. CLOSED SESSION

A. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (c) - POTENTIAL LITIGATION (1)

Conference with legal counsel regarding the potential initiation of litigation (one potential case).

8. ADJOURNMENT

Next Regularly Scheduled Meeting:

April 2, 2020
Seaside City Hall
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. The City Council chamber is equipped with a portable microphone and assisted listening devices are available at all meetings. City Council Meetings that are held in the City Council Chambers are broadcast live to all Seaside residents on Comcast Channel 25 and U-verse Channel 99. Live streamed meeting videos as well as videos of past meetings are available on the City's website 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 Government Code Section 54954.2(a) or Section 54956.



DRAFT MINUTES

CITY OF SEASIDE
CITY COUNCIL/SUCCESSOR
AGENCY TO THE REDEVELOPMENT
AGENCY

JOINT SPECIAL MEETING
Council Chamber
Thursday, March 5, 2020
5:00 PM

1. CALL TO ORDER

5:00 p.m.

2. CITY COUNCIL/SUCCESSOR AGENCY TO REDEVELOPMENT AGENCY OF THE CITY OF SEASIDE

PRESENT: Oglesby, Pacheco, Campbell, Wizard, Kispersky

ABSENT: None

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT

Helen Rucker, Dennis Volk

5. PRESENTATIONS

A. CORONA VIRUS PREPARATIONS

Presented by Roberta Greathouse, Human Resources Director/Risk Manager and Brian Dempsey, Fire Chief.

6. CONSENT AGENDA

Items C and D pulled from the Consent Agenda by Councilmember Campbell and Councilmember Kispersky respectively.

On motion by Mayor Pro Tem Pacheco and seconded by Councilmember Campbell and passed by the following vote the City Council moved to approve the Consent Agenda items A, B and E.

RESULT: 5-0-0-0

AYES: Oglesby, Pacheco, Campbell, Wizard, Kispersky

NOES: None

ABSTAIN: None

ABSENT: None

A. APPROVE MINUTES FROM FEBRUARY 20, 2020

Action: Approved

B. APPROVE AND FILE SUCCESSOR AGENCY CHECKS

Action: Approved

C. APPROVE RESOLUTION AUTHORIZING A REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF MARINA, THE CITY OF SEASIDE, AND THE MONTEREY COUNTY REGIONAL FIRE DISTRICT

Action: Approved (Resolution 20-08)

On motion by Councilmember Campbell and second by Mayor Pro Tem Pacheco and carried by the following vote, the City Council moved to approve Consent Agenda item 6C - approving a resolution authorizing a reimbursement agreement between the City of Marina, the City of Seaside, and the Monterey County Regional Fire District.

RESULT: 5-0-0-0

AYES: Oglesby, Pacheco, Campbell, Wizard, Kispersky

NOES: None

ABSTAIN: None

ABSENT: None

D. APPROVE A RESOLUTION AUTHORIZING FISCAL YEAR 2020-21 STREET REPAIR PROJECT LIST TO BE FUNDED IN PART WITH SB1: THE ROAD MAINTENANCE REPAIR AND ACCOUNTABILITY ACT OF 2017 FUNDS, AND AUTHORIZING STAFF TO SUBMIT TO THE CALIFORNIA TRANSPORTATION COMMISSION

Action: Approved (Resolution 20-09)

On motion by Councilmember Kispersky and second by Mayor Pro Tem Pacheco and carried by the following vote, the City Council moved to approve Consent Agenda item 6D - approving a resolution authorizing fiscal year 2020-21 street repair project list to be funded in part with SB1: The Road Maintenance Repair and Accountability Act of 2017 funds, and authorizing staff to submit to the California Transportation Commission.

RESULT: 5-0-0-0

AYES: Oglesby, Pacheco, Campbell, Wizard, Kispersky

NOES: None

ABSTAIN: None

ABSENT: None

E. ADOPT A RESOLUTION MODIFYING THE 2019-2020 FEE SCHEDULE TO ADD VENDOR FEES SPECIFICALLY FOR THE JULY 4TH EVENT FOR THE AMOUNT OF \$161.25 FOR RESIDENTS AND \$201.75 FOR NON-RESIDENTS

Action: Approved (Resolution 20-10)

7. BUSINESS ITEMS

A. AGREEMENT BETWEEN THE CITY OF MARINA, THE CITY OF SEASIDE,

**AND MONTEREY COUNTY REGARDING POTENTIAL FORA BUILDING
REMOVAL BOND ISSUE**

Action: Approved

On motion by Councilmember Campbell and second by Mayor Pro Tem Pacheco and carried by the following vote, the City Council moved to authorize the execution of agreement between the City of Marina, County of Monterey and City of Seaside regarding distribution of FORA building removal bonds.

RESULT: 5-0-0-0

AYES: Oglesby, Pacheco, Campbell, Wizard, Kispersky

NOES: None

ABSTAIN: None

ABSENT: None

8. CLOSED SESSION

City Attorney Sheri Damon read the items and there was no report.

**A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO
GOVERNMENT CODE SECTION 54956.8:**

KB BAKEWELL VENTURE: Campus Town

APNs: 031-151-029, 031, 032, 039, 040) and

"26 Acres" (APNs: 031-151-054, 055, 056) land sites.

Negotiator for the City: Craig Malin, City Manager. Under Negotiation: Price, terms of payment or both.

9. ADJOURNMENT

The meeting was adjourned at 6:52 p.m.

Respectfully submitted,

Lesley Milton-Rerig, City Clerk

Ian N. Oglesby, Mayor



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 5.B.

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

FROM: Craig Malin, City Manager

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

DATE: March 19, 2020

SUBJECT: APPROVE AND FILE SUCCESSOR AGENCY CHECKS

PURPOSE & RECOMMENDATION

Approve and file the accounts payable and wired payments made during the period of February 22, 2020 through March 6, 2020 including the payroll and benefits checks, direct deposits and wired payments related to the pay period ending February 28, 2020. Total Accounts Payable and Payroll for the above referenced period is \$495.15.

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:
<http://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.: 5.C.

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

FROM: Craig Malin, City Manager

BY: Dan Meewis, Recreation Director

DATE: March 19, 2020

**SUBJECT: APPROVE USE AGREEMENT TO ALLOW THE CASTROVILLE
ARTICHOKE FESTIVAL TO USE A PORTION OF THE LAGUNA
GRANDE SHOPPING CENTER PARKING LOT AS OVERFLOW
PARKING FOR THE "ARTICHOKE FUN RUN 5K BEACH RUN AT
MONTEREY TIDES".**

PURPOSE & RECOMMENDATION

Approve a use agreement to allow for the temporary use of a portion of the Laguna Grande Shopping Center on May 2, 2020 for parking needs for the 2nd annual "Castroville Artichoke Festival 5K Beach Run".

BACKGROUND

The annual Castroville Artichoke Festival will be held on June 1st and 2nd at the Monterey County Fairgrounds. This year the event organizers will be conducting the 1st annual Castroville Artichoke Festival 5K Beach Run, at 10:30 am, May 2, 2020 on the waterfront of the Monterey Tides Hotel at 2600 Sand Dunes Drive in Monterey. a link to the race details is listed below:

<https://www.active.com/monterey-ca/running/distance-running-races/castroville-artichoke-festival-5k-beach-run-at-monterey-tides-2019>

The race day registration will start at 9 am. The course closes at 12:30 pm. The event organizers will be using the parking lot on the south end of the Monterey Tides Hotel, parking within the Monterey Tides Hotel complex, and the street parking along Sand Dunes Drive as the primary source of event day parking. With this being the first year

of the Beach Fun Run event, the event organizers are also looking at the use of the Laguna Grande Parking Lot to provide for any additional overflow parking needs that may arise. An aerial photo is provided as Attachment 2 to show the primary parking areas near the event starting area and overflow parking areas in Seaside. There would be 87 spaces available on the primary parking near the race area and 88 spaces on the designated overflow area of the Laguna Grande Shopping Center. A letter signed by the business managers of Laguna Grande Shopping Center indicating their support for the interim overflow parking areas is provided as Attachment 3.

Based on the support of the businesses managers in the shopping center and the short-term interim use of the possible need for overflow parking, City staff recommends that the Parking Authority grant the request.

FISCAL IMPACT

This is no fiscal impact for this item.

ATTACHMENTS

1. Attachment 1 Letter from Businesses
2. Attachment 2 - Aerial Photo of Parking Areas
3. Attachment 1 Use Agreement

Reviewed for Submission to the
City Council by:

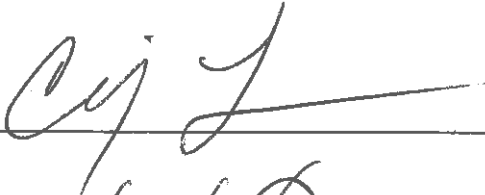


Craig Malin, City Manager

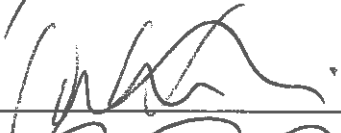
Business Owner Approval

The undersigned, acting as the designated representatives for the businesses operating in the Laguna Grande Shipping Center, have no objection with allowing the Castroville Artichoke Festival to have access to the parking spaces in the Laguna Grande Shopping Center parking lot between 8 AM and 1 PM on Saturday, May 2, 2020.

Staples



Smart and Final



Home Depot

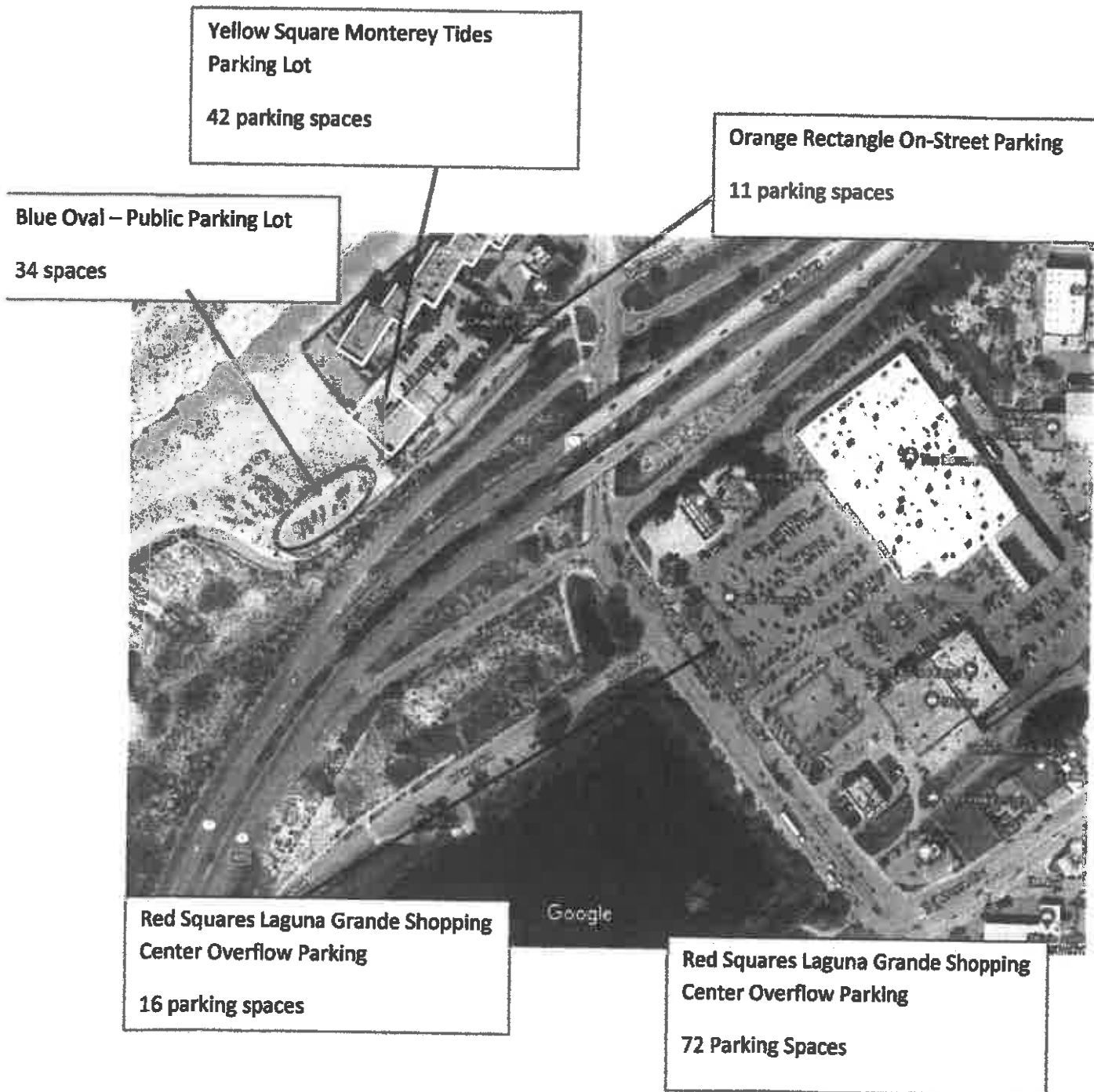


Shell Gas Station



Attachment 2

Parking Areas



Attachment 2

Parking Areas

Yellow Square Monterey Tides Parking Lot

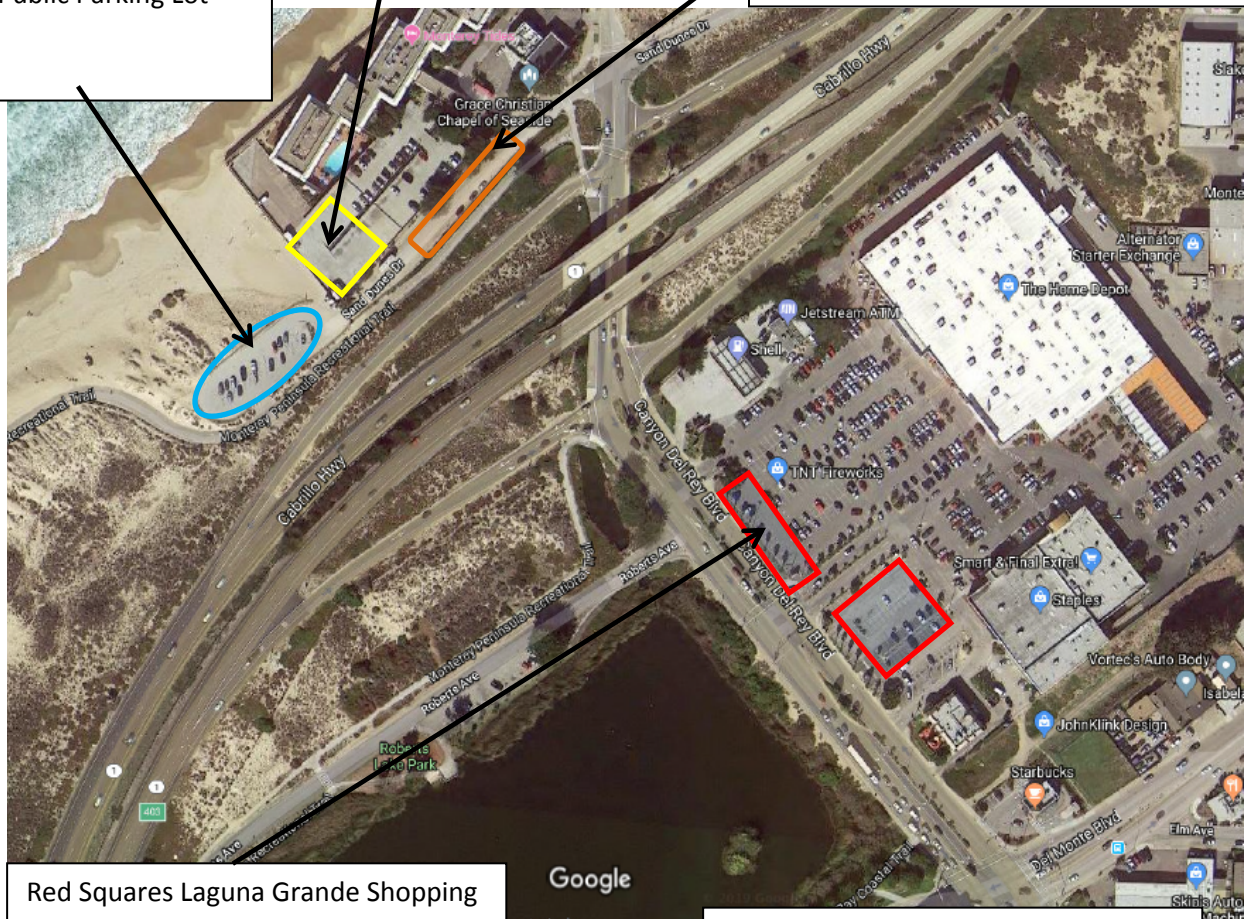
50 parking spaces

Orange Rectangle On-Street Parking

11 parking spaces

Blue Oval – Public Parking Lot

34 spaces



Red Squares Laguna Grande Shopping Center Overflow Parking

16 parking spaces

Red Squares Laguna Grande Shopping Center Overflow Parking

72 Parking Spaces

Attachment 1
Castroville Artichoke Festival
Parking Lot Use Agreement

THIS AGREEMENT made and executed this 19th day of March, 2020, by and between the “Parking Authority” of the City of Seaside and The Castroville Artichoke Festival hereinafter referred to as “Tenant” provides as follows:

1. PREMISES

The “Parking Authority” authorizes the Tenant to use portions of the parking lot on land known as Assessor’s Parcel Number 011-561-013 shown on the attached site plan in front of Laguna Grande Shopping Center (1590 Canyon del Rey Blvd.).

2. TERM OF AGREEMENT

The parties hereto agree that the Tenant shall have exclusive use of the premises herein described on May 18, 2019 for overflow parking needs associated with the Beach Fun Run event starting at 8 am and ending approximately at 1 pm.

3. INSURANCE

The Tenant shall procure and maintain, at its own cost and expense, an insurance policy acceptable to the “Successor Agency”, naming the City of Seaside and the “Parking Authority” as also insured there under, in the minimum amount of two million dollars (\$2,000,000.00) per occurrence and four million dollars (\$4,000,000.00) as an aggregate, which would insure the Tenant and the City of Seaside and “Parking Authority” against any and all liabilities arising from the use of the premises as set forth in this Agreement. The Tenant shall provide the City of Seaside with a certificate of insurance reflecting the terms of this Paragraph. The Tenant shall maintain said insurance in full force and effect throughout the entire term of this Agreement.

4. INDEMNITY

The Tenant shall conduct its activities upon the premises so as not to endanger any person lawfully thereon, and shall indemnify, save and hold harmless the City of Seaside and the “Parking Authority”, and all of its officers, agents, and employees from any and all claim for losses, injuries, damages and liabilities to persons or property occasioned wholly or in part by the acts of omissions of the Tenant, its officers, agents, employees, guests, patrons or any other person or persons admitted to said premises by the Tenant while said premises are under the use and control of the Tenant. The Tenant hereby assumes full responsibility for the character, acts and conduct of all persons admitted to the premises by consent, express or implied, of the Tenant, its officers, agents, employees or patrons.

5. CONDITIONS OF USE FOR THE PROJECT SITE

Use of said premises is subject to the following terms and conditions;

1. All temporary signs, banners, and other materials used in connection with the identification of the temporary parking accommodations for the Beach Fun Run shall be removed immediately after the closing of the event on May 2, 2020.
2. All main travel lanes to the site must be clear at all times to allow through traffic from the public right-of-way to the Fireworks Booth.
3. For purposes of compliance, the Tenant, its agents or representatives agree not to deny or impede access to the subject property by City of Seaside or "Successor Agency" employees in the performance of their duties.

6. RESPONSIBILITY FOR PREMISES

The Tenant agrees that if said premises are damaged during the terms of this Agreement, by the act, default, or negligence of the Tenant, its officers, agents, employees, guests, patrons, or any person or persons permitted onto said premises by the Tenant, the Tenant shall pay to the City of Seaside and "Successor Agency" upon demand such sum as shall be necessary to restore said premises to the condition they were in at the commencement of use pursuant to this Agreement.

7. COMPLIANCE WITH LAWS

The Tenant shall comply with all laws, statutes, ordinances, rules or regulations of the United States, the State of California, the City of Seaside and the "Parking Authority" and any department or agency thereof.

8. TERMINATION

The Agency and the Tenant specifically agree that any default by the Tenant shall be an immediate breach of the use agreement and the Agency shall have an immediate right to terminate this Agreement upon twenty-four (24) hours written notice to the Tenant.

9. LEGAL ACTION

Should either party to this Agreement bring legal action against the other, the case shall be handled in Monterey County, California, and the party prevailing in such action shall be entitled to a reasonable attorney's fees which shall be fixed by the judge hearing the case and such fee shall be included in the judgment, together with all costs.

10. ENTIRE AGREEMENT

This Agreement constitutes the entire Agreement between the Tenant and the “Parking Authority”. No term, provision or condition of this Agreement may be altered or amended, nor may any term, provision or condition be added to this Agreement, except by a written amendment be executed by both the Tenant and Agency.

IN WITNESS WHEREOF, this agreement is executed by the parties hereto on the day and year first above written.

PARKING AUTHORITY

Tenant (Non-Profit Group)

Craig Malin, EXECUTIVE DIRECTOR

Castroville Artichoke Festival
(Name of Organization)

Print Name/Title

Signature



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 5.D.

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

FROM: Craig Malin, City Manager

BY: Scott Ottmar, Senior Engineer

DATE: March 19, 2020

**SUBJECT: ADOPT A RESOLUTION APPROVING THE CREATION OF A
PUBLIC UTILITY EASEMENT ON ASSESSORS PARCEL NUMBER
031-031-018 IN SUPPORT OF THE FORT ORD DUNES STATE
PARK**

PURPOSE & RECOMMENDATION

Approve a non-exclusive blanket public utility easement on a portion of city property with assessors parcel number 031-031-018 and authorize the City Clerk to record a certified copy of the resolution in the Monterey County Office of the County Recorder.

BACKGROUND

The California Park and Recreation Department (State Parks) proposes to construct the Fort Ord Dunes State Park Campground on portions of the former Fort Ord west of State Highway 1. The project will include amenities that require utilities such as power, natural gas, water, communications and sanitary sewer infrastructure.

The utilities currently exist east of State Highway 1 and must be extended underground to the campgrounds. The optimal location to provide such extension is through a portion of city owned property with an assessors parcel number 031-031-018. A non-exclusive blanket public utility easement is necessary to provide rights to the various utility providers to install, own, operate and maintain the utilities serving the campgrounds. Installation of utilities will require an encroachment permit issued by the City of Seaside as a condition of construction.

ENVIRONMENTAL

The California Department of Parks and Recreation is responsible for compliance with federal and state environmental investigations or mitigation. A Final IS/MND was completed May of 2013 that evaluated and responded to comments received on the Draft IS/MND in accordance with CEQA Guidelines §15074 and a Notice of Determination with State Clearinghouse Number 2013031053 filed with the State of California.

FISCAL IMPACT

There is no fiscal impact. The individual utility providers will be responsible for construction of various utilities and city costs are recovered through the issuance of an encroachment permit.

ATTACHMENTS

1. Seaside Resolution - StatePark - Divarty (Parks edits) v2
 2. Exhibit A
 3. Exhibit B
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION No. 20-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

**APPROVING THE CREATION OF A BLANKET NON-EXCLUSIVE PUBLIC UTILITY EASEMENT
ON A PORTION OF CITY PROPERTY WITH MONTEREY COUNTY ASSESSOR'S PARCEL
NUMBER 031-031-018 AND AUTHORIZING THE CITY CLERK TO RECORD A CERTIFIED
COPY OF THE RESOLUTION IN THE MONTEREY COUNTY OFFICE OF THE COUNTY
RECORDER**

WHEREAS, California Department of Parks and Recreation proposes to construct the Fort Ord Dunes State Park Campgrounds ("Project") on portions of the former Fort Ord military facility west of State Highway 1; and

WHEREAS, the Project includes amenities that require utilities such as power, natural gas, water, communications and sanitary sewer ("Utilities"); and

WHEREAS, the Utilities currently exist east of State Highway 1 and must be extended underground to the Project. The optimal location to provide for such extension is through a portion of Monterey County APN 031-031-018 ("Property"); and

WHEREAS, the City of Seaside owns the Property; and

WHEREAS, an encroachment permit will be required from the City of Seaside as a condition of construction of the Utilities on the portion of Property located within the jurisdictional boundaries of the City of Seaside; and

WHEREAS, A Final IS/MND was completed May of 2013 that evaluated and responded to comments received on the Draft IS/MND in accordance with CEQA Guidelines §15074 and a Notice of Determination with State Clearinghouse Number 2013031053 filed with the State of California; and

WHEREAS, a blanket non-exclusive public utility easement ("Easement") needs to be created over and across portions of the Property. The purpose of this Easement is to provide rights to install, own, operate and maintain the Utilities for the Project.

NOW, THEREFORE BE IT RESOLVED, that by the City Council of the City of Seaside accepts the staff report, and based upon the staff report and all other evidence submitted, does hereby:

- A. Approve creation of the Easement over, under and across portions of the Property as shown on Exhibit A and B attached hereto; and
- B. Authorize the City Clerk to record a certified copy of this resolution creating the Easement in the Monterey County office of the County Recorder.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 19th day of March, 2020, by the following vote:

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

Ian Oglesby, Mayor

ATTEST:

Lesley Milton-Rerig, City Clerk

EXHIBIT A

Legal Description

All that real property located in the former Fort Ord Military Reservation, in Rancho Noche Buena, County of Monterey, being a 0.095 Acre parcel of land conveyed to the City of Seaside by Document No. 2008057080 of Official Records recorded in the Office of the Recorder of Monterey County, State of California being shown as Lot 5 as on the Record of Survey filed in Volume 30 of Surveys at Page 20 also on file in said Office of the Recorder, together with a portion of the 11.28 Acre Parcel of Land also described in said Document and shown on said Record of Survey as Lot 1, described as follows:

Beginning at a Point being the northern most corner of said Lot 5;
thence from said Point of Beginning South 01° 35' 17" West a distance of 53.30 feet to the northeast corner of said Lot 1; thence along the boundary of and across said Lot 1 the following five (5) courses and distances:

- 1.) South 01° 35' 17" West a distance of 3.98 feet,
- 2.) to the beginning of a curve to the left having a radius of 502.00 feet, a delta angle of 20° 08' 25" and a chord bearing and distance of South 70° 09' 50" West 175.55 feet,
- 3.) South 60° 05' 37" West a distance of 38.61 feet more or less to the easterly line of State Route 1 Right of Way,
- 4.) North 17° 19' 08" West a distance of 97.40 feet along said Right of Way to the west most corner of said Lot 1,
- 5.) South 88° 08' 20" East a distance of 73.01 feet more or less to the west most corner of said Lot 5;

thence along the northwest line of said Lot 5 North 73° 46' 16" East a distance of 162.70 feet to the Point of Beginning.

CONTAINING 0.31 Acres, more or less.

The basis of bearings for this description is said Record of Survey.

See the Plat attached hereto and made a part hereof.

End of description.


Stephen Guay, PLS 8277

2/18/20
Date



EXHIBIT B

PLAT TO ACCOMPANY

EDC TRANSFER PARCEL
MARINA III
VOL. 23 SURVEY PG. 98

CITY OF MARINA
(TITLE BOUNDARY)

CITY LIMITS
(SEASIDE AND MARINA
POLITICAL BOUNDARY)

POB
N CORNER LOT 5

S88°08'20"E
73.01'

N73°46'16"E 162.70'

S01°35'17"W
53.30'

LOT 5
VOL. 30 SURVEY PG. 20

0.31 ACRES

POR. LOT 1
VOL. 30 SURVEY PG. 20

S1°35'17"W
3.98'

STATE HIGHWAY 1
N17°19'08"W 97.40'

Δ=20°08'25" R=502.00' CH=S70°09'50"W 175.55'

CITY OF SEASIDE

S60°05'38"W
38.61'

POR. LOT 1
VOL. 30 SURVEY PG. 20

PARCEL 1
VOL. 23 SURVEY PG. 97



DATE
1/28/20

DRAWN
SG

CHECKED

|
OF
|

DIVARTY STREET
PUBLIC UTILITY EASEMENT
CITY OF SEASIDE



ACQUISITION &
REAL PROPERTY SERVICES
One Capitol Mall
Sacramento, CA
95814-3229



CITY OF SEASIDE STAFF REPORT

Item No.: 5.E.

TO: City Council

FROM: Craig Malin, City Manager

BY: Kurt Overmeyer, Economic Development Manager

DATE: March 19, 2020

SUBJECT: ADOPT A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE A FIFTH AMENDMENT TO A CONTRACT WITH TORTI-GALLAS FOR CONSULTING SERVICES FOR THE CAMPUS TOWN PROJECT

PURPOSE & RECOMMENDATION

Authorize the City Manager to execute a fifth amendment to a contract with Torti-Gallas for consulting services associated with the Campus Town Project for an amount not to exceed \$12,000 in additional expenses.

BACKGROUND

The City of Seaside entered into a contract with Torti-Gallas to develop a specific plan, EIR and other related tasks for the Campus Town project. The cost of this work is fully reimbursable by the project applicant. The contracted work has been completed but due to some late requests for additional information and technical analysis the amended contracted amount was exceeded by just under \$12,000.

FISCAL IMPACT

This amendment will allow payment of just under \$12,000 to the Torti-Gallas team and will be reimbursed by KB Bakewell resulting in no fiscal impact for the City.

ATTACHMENTS

1. Torti Gallas 5th amendment
 2. 5th Amendment Reso
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

FIFTH AMENDMENT TO
SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY OF THE CITY OF SEASIDE
PROFESSIONAL SERVICE AGREEMENT

THIS FIFTH AMENDMENT, hereby amends the SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SEASIDE PROFESSIONAL SERVICE AGREEMENT dated August 3, 2017 as amended on February 9th, 2019, September 19th, 2019, October 3, 2019 and October 17th, 2019 between the Successor Agency to the Redevelopment Agency of the City of Seaside, a municipal corporation (City) and Torti Gallas + Partners, a California Corporation, (Consultant), as follows:

1. Paragraph 5 entitled "PAYMENT" is hereby amended to read as follows:

PAYMENT

City agrees to make monthly payments to the Consultant in an increased amount not to exceed cumulatively \$12,000, for time expended and costs incurred, due to additional work required due to comments on the Draft Environmental Impact Report affecting the tasks which were approved in Exhibit A of the original Professional Service Agreement dated August 3, 2017. Said payments shall be made consistent with the provisions of the original paragraph entitled "PAYMENTS".

2. City and Consultant agree that all other terms and conditions set forth in the Professional Service Agreement dated August 3, 2017 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Fifth Amendment to the City of Seaside Professional Service Agreement Between the City of Seaside and Torti Gallas + Partners to be executed this 19th day of March, 2020.

CITY OF SEASIDE

Torti Gallas + Partners

By: _____
Craig T. Malin, City Manager

By: _____
Neal Payton, Principle

RESOLUTION 20-XX SA

**A RESOLUTION OF THE SUCCESSOR AGENCY OF THE FORMER
REDEVELOPMENT AGENCY OF THE CITY OF SEASIDE**

**APPROVING A FIFTH CONTRACT AMENDMENT WITH TORTI GALLAS +
PARTNERS**

WHEREAS, the City entered into a contract with Torti Gallas + Partners to complete a Specific Plan for the Campus Town project and an Environmental Impact Report for the Specific Plan; and

WHEREAS, Comments on the EIR require additional technical studies and effort; and

WHEREAS, The City and the Developer wish to complete the final EIR;

NOW, THEREFORE, the City of Seaside authorizes the City Manager or designee to execute a fifth contract amendment with Torti Gallas + Partners to provide for the additional work required in an amount not to exceed \$12,000 in additional funds to be reimbursed by the KB Bakewell via the existing reimbursement agreement.

PASSED AND ADOPTED at a regular meeting of the Successor Agency of the Former Redevelopment Agency of the City of Seaside held on the 19th day of March, 2020 by the following vote:

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

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton-Rerig, City Clerk



CITY OF SEASIDE STAFF REPORT

Item No.: 6.A.

TO: City Council

FROM: Craig Malin, City Manager

BY: Sheri Damon, City Attorney

DATE: March 19, 2020

**SUBJECT: URGENCY ORDINANCE ESTABLISHING REGULATIONS
PROHIBITING COMMERCIAL AND RESIDENTIAL EVICTIONS
DURING THE COVID-19 EMERGENCY**

PURPOSE & RECOMMENDATION

Approve and adopt urgency ordinance establishing emergency regulations addressing evictions of commercial and residential tenants during the COVID-19 emergency.

BACKGROUND

This matter comes to the Agenda in order to establish emergency regulations concerning evictions that result from impacts related to the COVID-19 pandemic emergency. The Governor's Executive Order N28-20 provides the authority for the City to establish such emergency regulations, taken together with the County of Monterey's Order to shelter in place and the City of Seaside's proclamation of local emergency. This Urgency Ordinance is intended to reduce the risk of increased homelessness and to minimize disruption to our local businesses imperiling the lives or property of the inhabitants of the City during this time of crisis.

This temporary Ordinance establishes regulations prohibiting evictions of residential and commercial tenants resulting from financial impact(s) related to COVID-19. It does not relieve a tenant from liability for the unpaid rent, but does provides a six-month grace period for repayment for residential and commercial tenants if certain conditions are met. "Financial Impact(s) related to COVID-19 are defined in the Ordinance. Finally, it sets up both civil and criminal penalties for violations of the Ordinance and

creates a defense in any unlawful detainer action filed after the date of the local emergency. A Landlord who fails to comply with the ordinance may be subject to actual and exemplary damages, treble damages, attorney's fees and costs and/or a misdemeanor as set forth in the Seaside Municipal Code Chapter 2.40.

FISCAL IMPACT

None.

ATTACHMENTS

1. Draft Urgency Ordinance
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

ORDINANCE NO.

AN URGENCY ORDINANCE OF THE CITY OF SEASIDE

**ENACTING A TEMPORARY MORATORIUM ON EVICTIONS DUE TO
NONPAYMENT OF RENT FOR RESIDENTIAL AND COMMERCIAL
TENANTS WHERE THE FAILURE TO PAY RENT RESULTS FROM
INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID-
19), AND SETTING FORTH THE FACTS CONSTITUTING SUCH
URGENCY**

WHEREAS, in late December 2019, several cases of unusual pneumonia began to emerge, and on January 7, 2020, a novel coronavirus now known as COVID-19 was identified as the likely source of that illness; and

WHEREAS, on January 30, 2020, the World Health Organization ("WHO") declared COVID-19 a Public Health Emergency of International Concern, and on January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and

WHEREAS, COVID-19 is easily transmissible from person to person and, according to the World Health Organization, has spread globally to over 157 countries, infected more than 212,000 people, and killed more than 8,700 individuals as of March 18, 2020; and

WHEREAS, on March 2, 2020, the Monterey County Operational Area Emergency Operations Center was activated to Level 3 – its lowest level – to support the Monterey County Health Department and other local health partners, and on March 18, 2020, the Monterey County Operational Area Emergency Operations Center was upgraded to Level 2; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a more significant spread of COVID-19, all in response to the rising number of positive California cases, including one official COVID-19 death; and

WHEREAS, on March 6, 2020, Monterey County Administrative Officer Charles McKee issued a proclamation declaring a local emergency related to the outbreak of COVID-19; and

WHEREAS, on March 12, 2020, California Governor Gavin Newsom issued Executive Order N-25-20 declaring, pursuant to the authority granted in the California Government Code, that the Employment Development Department shall waive the ordinary one-week waiting period for claims for disability insurance and unemployment insurance related to COVID-19; and

WHEREAS, on March 12, 2020, California Governor Gavin Newsom also declared in Executive Order N-25-20 that the Department of Tax and Fee Administration shall grant up to 60 days relief to any persons unable to timely file their taxes as a result of hardship related to COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency making available \$50 billion in federal resources to combat the spread of COVID-19; and

WHEREAS, on March 13, 2020, pursuant to California Government Code § 8630 and Seaside Municipal Code Chapter 2.40, Seaside City Manager and Director of Emergency Services Craig Malin issued a proclamation declaring a local emergency; and

WHEREAS, the Monterey County Superintendent of Schools and all district superintendents in the county have decided to close schools to students beginning Monday, March 16, 2020 until no earlier than April 8, 2020, and these school closures will cause children to remain at home, leading to many parents adjusting their work schedules to take time off work, whether paid or unpaid; and

WHEREAS, hourly wage earners are unlikely to be paid for time off, and the inability to work due to school closures will economically strain those families who cannot afford to take off time from work to stay at home; and

WHEREAS, as of March 15, 2020, the Centers for Disease Control and Prevention issued new guidance encouraging people to avoid gatherings of more than 50 people; and

WHEREAS, as of March 18, 2020, at 10 am, there were 718 positive cases and 13 deaths in California related to COVID-19; and

WHEREAS, as of March 16, 2020, there have been three confirmed cases of COVID-19 in the County of San Benito and eleven confirmed cases in the County of Santa Cruz; and

WHEREAS, as of March 17, 2020, there have been two confirmed cases of COVID-19 in the County of Monterey; and

WHEREAS, many events across the tri-county area are being canceled or postponed due to the orders and recommendations at all levels of government to stop large gatherings amid concerns over the spread of COVID-19, and these cancellations and postponements cause a loss in revenue for the event and a loss of income for the people who would have staffed that event, as well as lost revenue for surrounding local businesses that rely on such events to bring patrons to their businesses; and

WHEREAS, many of Seaside's businesses will be adversely impacted by a severe decline in tourism and severe decline in tourists due to COVID-19. Additionally, retail sales of cars and other goods will decline as residents shelter in place pursuant to the emergency orders; and

WHEREAS, the Counties of San Francisco, Santa Clara, San Mateo, Marin, Contra Costa, Alameda, Napa, Sonoma, Santa Cruz and San Benito, with populations totaling almost 8 million people, ordered all residents to shelter in place from mid-March through the first week in April; and

WHEREAS, on March 17, 2020, the County of Monterey, with a population of approximately 435,000, joined several of the Greater Bay Area counties in ordering its residents to shelter in place beginning March 18, 2020, at 12:01 am until April 8, 2020; and

WHEREAS, ON March 16, 2020, the California State Legislature appropriated \$500 million in emergency funds to combat the spread of COVID-19, with an additional \$500 million available in \$50 million increments; and

WHEREAS, on March 16, 2020, California Governor Gavin Newsom declared in Executive Order N-28-20 that the economic impacts of COVID-19 have been significant and could threaten to undermine Californians' housing security and the stability of California businesses; and

WHEREAS, on March 16, 2020, California Governor Gavin Newsom also declared in Executive Order N-28-20 that many Californians are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills; and

WHEREAS, on March 16, 2020, California Governor Gavin Newsom also declared in Executive Order N-28-20 that any preemption of local police powers related to California Civil Code § 1940 et seq. or § 1954.25 et seq.

are hereby suspended as it relates to local jurisdictions enacting moratoria on residential and commercial evictions; and

WHEREAS, homelessness can exacerbate vulnerability to COVID-19, the government must take measures to preserve and increase housing security for Californians to protect public health, especially now that many millions of people have been ordered to shelter in place; and

WHEREAS, displacement through eviction destabilizes the living situation of tenants and impacts the health of Seaside's residents by uprooting children from schools, disrupting the social ties and networks that are integral to citizens' welfare and the stability of communities within the city; and

WHEREAS, displacement through eviction creates undue hardship for tenants through additional relocation costs, stress and anxiety, and the threat of homelessness due to the lack of alternative housing; and

WHEREAS, during the COVID-19 pandemic outbreak, affected tenants who have lost income due to the impact on the economy or their employment may be at risk of homelessness if they are evicted for nonpayment, as they will have little or no income and, thus, be unable to secure other housing if evicted; and

WHEREAS, this ordinance is temporary and shall expire no later than May 31, 2020, unless the Governor of the State of California extends the period of time that Executive Order N-28-20 is valid and enforceable; and

WHEREAS, this ordinance is a temporary moratorium intended to promote stability and fairness within the residential rental market in the City of Seaside during the COVID-19 pandemic outbreak, and to prevent avoidable homelessness thereby serving the public peace, health, safety, and public welfare and to enable tenants in the city whose income and ability to work is affected due to COVID-19 to remain in their homes;

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

SECTION 1. Incorporation of Recitals. The City Council hereby finds that all of the foregoing recitals and the staff report presented herewith are true and correct and are hereby incorporated and adopted as findings of the City Council as though fully set forth herein.

SECTION 2. Findings. The City Council hereby finds, determines and

declares that this urgency ordinance adoption pursuant to Government Code section 36937 is necessary because:

- A. Housing is difficult to procure in Seaside and the Central Coast of Monterey County. This temporary moratorium promotes stability and fairness within the residential rental market in the City of Seaside during an unprecedented pandemic of COVID-19; and to prevent avoidable homelessness thereby serving the public peace, health, safety, and public welfare; and
- B. Commercial activity and businesses are essential to a vibrant and healthy community, and this temporary moratorium promotes stability and fairness within the commercial rental market as businesses have been substantially impacted by orders to shelter-in-place and limitations on operations and hours; and
- C. Without the imposition of this urgency ordinance, there is an increased risk of residential tenants becoming homeless and a substantial impact to our local businesses, causing further disruption and delay and imperils the lives or property of inhabitants of the city; and
- D. For the immediate preservation of the public peace, health, and safety, the City Council finds that it is necessary to adopt an ordinance regulating evictions, for all of the reasons set forth in the recitals above, which are incorporated herein by reference.

SECTION 3. Urgency Need. Based on the foregoing recitals and findings, all of which are deemed true and correct, this ordinance is urgently needed for the immediate preservation of the public peace, health, and safety. This urgency ordinance shall take effect immediately upon adoption in accordance with the provisions set forth in Government Code section 36937.

SECTION 4. Temporary moratorium on commercial and residential evictions. The City Council of the City of Seaside does adopt the emergency regulations relating to commercial and residential evictions where failure to pay rent results from impacts resulting from the Novel Coronavirus (COVID-19) as more specifically set forth in Exhibit A, attached hereto and incorporated herein by reference, which shall take effect immediately.

SECTION 5. Violations. This Ordinance is an Urgency Ordinance adopted pursuant to a local, state and national state of emergency and therefore shall be punishable as a misdemeanor as set forth in Section 2.40.100 of the Seaside Municipal Code. In addition, this Ordinance grants a defense in

the event that an unlawful detainer action is commenced in violation of this Ordinance.

SECTION 6. Uncodified. This Ordinance shall not be codified.

SECTION 7. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 8. Effective Date and Expiration Date. This ordinance shall take effect immediately upon its adoption and shall automatically expire at midnight on May 31, 2020, unless extended by the council following a lawful extension of Executive Order N-28-20 as may be ordered by the Governor of the State of California.

SECTION 9. Environmental Determination. The City Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)(3) in that the City Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment. The ordinance would apply commercial and residential tenant protection measures to existing units in Seaside, which is solely an administrative process resulting in no physical change to the environment.

SECTION 10. Publication. The City Clerk is directed to cause this ordinance to be published in the manner required by law.

PASSED FOR FINAL ADOPTION as an emergency ordinance this 19th day of March , 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Ian N. Oglesby, Mayor

ATTEST: _____
Lesley Milton, City Clerk

EXHIBIT A

TEMPORARY MORATORIUM ON EVICTIONS DUE TO NONPAYMENT OF RENT FOR RESIDENTIAL TENANTS WHERE THE FAILURE TO PAY RENT RESULTS FROM WAGE LOSS DUE TO THE NOVEL CORONAVIRUS (COVID-19)

1. A temporary moratorium on eviction for non-payment of rent by residential tenants impacted by the COVID-19 crisis is imposed as follows:

a. During the period of local emergency declared in response to COVID-19, no landlord shall endeavor to evict a tenant in either of the following situations: (1) for nonpayment of rent if the tenant demonstrates that the tenant is unable to pay rent due to financial impacts related to COVID-19 or (2) for a no-fault eviction unless necessary for the health and safety of tenants, neighbors, or the landlord. A landlord who knows that a tenant cannot pay some or all of the rent temporarily for the reasons set forth above shall not serve a notice pursuant to CCP § 1161(2), file or prosecute an unlawful detainer action based on a 3-day pay or quit notice, or otherwise seek to evict for nonpayment of rent. A landlord knows of a tenant's inability to pay rent within the meaning of this ordinance if the tenant, within 30 days after the date that rent is due, notifies the landlord in writing of lost income and inability to pay full rent due to financial impacts related to COVID-19, and provides documentation to support the claim. For purposes of this ordinance, "in writing" includes email or text communications to a landlord or the landlord's representative with whom the tenant has previously corresponded by email or text. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim. Nothing in this ordinance shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency and the tenant must pay within six months of the expiration of the local emergency. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this ordinance; nor may a landlord seek rent that is delayed or the reasons stated in this ordinance through the eviction process.

b. For purposes of this ordinance, "financial impacts related to COVID-19" include, but are not limited to, tenant lost household income as a result of any of the following: (1) being sick with COVID-19, or caring for a household or family member who is sick with COVID-19; (2) lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19 including for tenants who are salaried employees or self-employed; (3) compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid

congregating with others during the state of emergency; (4) extraordinary out-of-pocket medical expenses; or (5) child care needs arising from school closures related to COVID-19.

c. For purposes of this ordinance, “no-fault eviction” refers to any eviction for which the notice to terminate tenancy is not based on alleged fault by the tenant, including but not limited to eviction notices served pursuant to Code of Civil Procedure §§ 1161(1), 1161(5), or 1161c.

d. This ordinance applies to nonpayment eviction notices, no-fault eviction notices, and unlawful detainer actions based on such notices, served or filed on or after the date on which a local emergency was proclaimed.

2. A temporary moratorium on eviction for nonpayment of rent by commercial tenants impacted by the COVID-19 crisis is imposed as follows:

a. During the period of local emergency declared in response to COVID-19, no landlord shall endeavor to evict a commercial tenant in either of the following situations: (1) for nonpayment of rent if the commercial tenant demonstrates that the commercial tenant is unable to pay rent due to financial impacts related to COVID-19 or (2) for a no-fault eviction unless necessary for the health and safety of tenants, neighbors, or the landlord. A landlord who knows that a commercial tenant cannot pay some or all of the rent temporarily for the reasons set forth above shall not serve a notice or otherwise seek to evict for nonpayment of rent. A landlord knows of a commercial tenant’s inability to pay rent within the meaning of this ordinance if the commercial tenant, within 30 days after the date that rent is due, notifies the landlord in writing of lost income and inability to pay full rent due to financial impacts related to COVID-19, and provides documentation to support the claim. For purposes of this ordinance, “in writing” includes email or text communications to a landlord or the landlord’s representative with whom the commercial tenant has previously corresponded by email or text. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the commercial tenant’s claim. Nothing in this ordinance shall relieve the commercial tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency and the commercial tenant must pay within six months of the expiration of the local emergency. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this ordinance; nor may a landlord seek rent that is delayed or the reasons stated in this ordinance through the eviction process.

b. For purposes of this ordinance, “financial impacts related to COVID-19” include, but are not limited to, tenant lost income as a result of any of the

following: (1) being sick with COVID-19, or caring for a household or family member who is sick with COVID-19; (2) lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19 including for tenants who are salaried employees or self-employed; (3) compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (4) extraordinary out-of-pocket medical expenses; or (5) child care needs arising from school closures related to COVID-19.

3. Civil Remedies.

1. Any Landlord that fail(s) to comply with this ordinance may be subject to civil proceedings for displacement of either a commercial or residential tenant for actual and exemplary damages.

2. Whoever is found to have violated this ordinance shall be subject to appropriate injunctive relief and shall be liable for damages, costs, and reasonable attorneys' fees.

3. Treble damages shall be awarded for a Landlord's willful failure to comply with the obligations established under this ordinance.

4. Nothing herein shall be deemed to interfere with the right of a Landlord to file an action against a Tenant or non-Tenant third party for the damage done to said Landlord's property. Nothing herein is intended to limit the damages recoverable by any party through a private action.