

RESOLUTION NO. 2020-145

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
RECEIVING AND FILING THE 2021 INFORMATION REPORT ON THE ADJUSTMENT
OF THE MITIGATION FEES FOR NEW DEVELOPMENT.

WHEREAS, on August 7, 2007, the City Council adopted Ordinance No. 2007-10, increasing the City's Public Facilities Impact Fees and adding a provision for indexing the fees each January 1, and;

WHEREAS, the Engineering News Record ("ENR") Construction Cost Index Value for November 2019 was 11380.88 and the Value for November 2020 was 11579.02 which is an increase of 1.74 percent, and;

WHEREAS, the attached "Exhibit A" shows the new Public Facilities Impact Fees effective January 1, 2021, and;

WHEREAS, Impact mitigation fees for the Dunes (formerly referred to as "University Villages") were established per the Development Agreement between the City of Marina and Marina Community Partners, LLC approved on May 31, 2005 by Resolution 2005-135 and executed on July 8, 2005, and;

WHEREAS, the Development Agreement provides for the adjustment of impact fees per the Construction Cost Index, and;

WHEREAS, the same Engineering News Record ("ENR") Construction Cost Index increase of 1.74 percent will be applied to the impact mitigation fees for the Dunes, and;

WHEREAS, the attached "Exhibit B" shows the new Dunes Impact Fees effective January 1, 2021, and;

WHEREAS, the indexed Public Facilities Impact Fees will result in increased revenues to the City's Public Facilities Impact Fees Fund.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Marina does hereby receive and file the 2021 City of Marina Public Facilities Impact Fees Adjustment Index Report.

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

AYES, COUNCIL MEMBERS: Medina Dirksen, Biala, Burnett, Berkley, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

November 5, 2020

Item No: **8f(3)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of December 1, 2020

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2020-,
RECEIVING AND FILING THE 2021 INFORMATION REPORT ON THE
ADJUSTMENT OF THE MITIGATION FEES FOR NEW DEVELOPMENT**

REQUEST:

It is requested that City Council consider:

1. Adopting Resolution No. 2020-, receiving and filing the 2021 Information Report on the adjustment of mitigation fees for new development.

BACKGROUND:

At the regular meeting of August 7, 2007, the City Council passed and adopted Ordinance No. 2007-10, amending Chapter 3.26 of the Marina Municipal Code allowing the mitigation fees for new development to be increased/decrease on January 1 of each calendar year based on the percentage change in the Construction Cost Index (CCI) estimate approach that is typically used by public agencies as an estimated measure of the costs of construction of public infrastructure. The added provision states:

Section 3.26.055 Indexing.

“The City Council directs that the fee levels established by Section 3.26.050 shall be reviewed prior to January 1 of each year by the director. The fee levels shall be compared to the Engineering News Record (“ENR”) Construction Cost Index. The fee levels may be changed in accordance with the percentage change in the ENR index from November 1 to November 1 of each preceding year, but in no case shall the indexing percentage increase or decrease in fees allowed by this section exceed that shown in the ENR index. When calculating the fee level to be charged for the coming calendar year, increments of less than one dollar shall be rounded to the nearest dollar. Before January 1 of each year, the director shall prepare an informational report to the city council containing the calculations required by this section. If any index adjustments and fee changes are appropriate, the same shall be effective on January 1.”

At the regular City Council meeting of July 19, 2016, the City Council passed and adopted Ordinance No. 2016-04, amending Chapter 3.26 of the Marina Municipal Code updating developer impact mitigation fees which are charged for new development. This update was a major update of all the capital improvement master plans and a major update of impact fees.

At the regular City Council meeting of November 20, 2018, the City Council adopted Resolution No. 2018-128, receiving and filing the 2019 informational report on the adjustment of mitigation fees for new development.

At the regular City Council meeting of November 5, 2019, the City Council adopted Resolution No. 2019-116, receiving and filing the 2020 informational report on the adjustment of mitigation fees for new development.

ANALYSIS:

Staff has completed the review of the Engineering News Record (“ENR”) Construction Cost Index Value for November 2019 through November 2020. The November 2019 value was 11380.88 and the value for November 2020 was 11579.02 which is an increase of 1.74 percent. The Municipal Code requires that this informational report be provided to the City Council before January 1 which shows the new fee calculations. Unless directed otherwise by the City Council, these indexed adjustments and fee changes become effective January 1, 2021. The attached (“**EXHIBIT A**”) shows the current and proposed new Development Public Facilities Impact Fees effective January 1, 2021. These fees are applied to all new development, unless there is a previously approved Development Agreement.

The Dunes (formerly University Villages) Development Agreement

The Dunes Development Agreement approved in 2005 established city impact and other development fees and monetary exactions specific for their development. Exhibit D of this agreement states these fees are, “**subject to increase only for escalation in accordance with the construction cost index, identified in the City’s fee adoption ordinances**”.

The development impact fees for the Dunes Development are also being adjusted by the same Construction Cost Index percentage increase calculated above. The attached (“**EXHIBIT B**”) shows the current impact mitigation fees and the new impact mitigation fees for The Dunes development effective January 1, 2021.

FISCAL IMPACT:

The increased development Public Facilities Impact Fees will result in increased revenues for the various development impact fee fund accounts. These will be used for development of new parks, public facilities, public safety facilities, and transportation system improvements to mitigate the demands of an increasing population.

CONCLUSION:

This report is submitted to City Council for information.

Respectfully submitted,

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

REVIEWED/CONCUR:

Layne P. Long
City Manager
City of Marina