



MINUTES

Tuesday, March 7, 2017

5:30 P.M. Closed Session
6:30 P.M. Open Session

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

Council Chambers
211 Hillcrest Avenue
Marina, California

TELECONFERENCE LOCATION:¹

566 Bella Donna Lane
Lincoln, CA 95648

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

MEMBERS PRESENT: Gail Morton, Frank O’Connell, Mayor Pro-Tem/Vice Chair, David W. Brown, Mayor/Chair Bruce C. Delgado

MEMBERS ABSENT: Nancy Amadeo (Excused)
3. CLOSED SESSION: *As permitted by Government Code Section 54956 et seq., the (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, and Redevelopment Agency Members) may adjourn to a Closed or Executive Session to consider specific matters dealing with litigation, certain personnel matters, property negotiations or to confer with the City’s Meyers-Milias-Brown Act representative.*
 - a. Conference with Legal Counsel – Initiation of litigation pursuant to Govt. Code section 54956.9(d)(4) – One potential case

¹ Note: Pursuant to Government Code Section 54953(b), this meeting will include teleconference participation by Council Member Nancy Amadeo from the address above. This Notice and Agenda will be posted at the teleconference location

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

Assistant City Attorney Robert Rathie reported out Closed Session: Council met at 5:30 as indicated with regard to the one item list, Council received information and no reportable action was taken.

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

5. **SPECIAL PRESENTATIONS:**

a **Introduction of New Police Officer - Carolyn Peliova**

b **Recreation Announcements**

6. **SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR:** *Any member of the Public or the City Council may make an announcement of special events or meetings of interest as information to Council and Public. Any member of the public may comment on any matter within the City Council's jurisdiction which is not on the agenda. Please state your name for the record. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on a future agenda. City Council members or City staff may briefly respond to statements made or questions posed as permitted by Government Code Section 54954.2. In order that all interested parties have an opportunity to speak, please limit comments to a maximum of four (4) minutes. Any member of the public may comment on any matter listed on this agenda at the time the matter is being considered by the City Council.*

- Doug McCoun – Spoke on the process for the recruitment for a new Division Fire Chief to replace Brad Hinckley. Had many qualified applicants. Announced that John Lundgren was selected as the new Division Fire Chief.
- Kevin P. Saunders – Commented on his business now being incorporated and selected board members, and announced that Kitty Merchant is now the CEO of Coasterdam Inc. Stated that he will be working behind the scenes in the industry. Believes the city is ready to legalize medical marijuana dispensaries. Issues are, do you continue to ban cultivation and other businesses? Not good to ban recreational. Only difference between allowing medicinal and recreation dispensaries is on how to tax them.

7. **CONSENT AGENDA FOR THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY:** *Background information has been provided to the Successor Agency of the former Redevelopment Agency on all matters listed under the Consent Agenda, and these items are considered to be routine. All items under the Consent Agenda are normally approved by one motion. Prior to such a motion being made, any member of the public or the City Council may ask a question or make a comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda for Successor Agency to the former Marina Redevelopment Agency and placed at the end of Other Action Items Successor Agency to the former Marina Redevelopment Agency.*

8. **CONSENT AGENDA:** *Background information has been provided to the City Council, Airport Commission, Marina Abrams B Non-Profit Corporation, and Redevelopment Agency on all matters listed under the Consent Agenda, and these items are considered to be routine. All items under the Consent Agenda are normally approved by one motion. Prior to such a motion being made, any member of the public or the City Council may ask a question or make a comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda and placed at the end of Other Action Items.*

- a. ACCOUNTS PAYABLE:
 - (1) Accounts Payable Check Numbers 81190-81290, totaling \$943,742.77
Wire transfers from Checking & Payroll for January 2017 totaling: \$468,413.30
- b. MINUTES:
 - (1) February 7, 2017, Regular City Council Meeting
- c. CLAIMS AGAINST THE CITY: None
- d. AWARD OF BID: None
- e. CALL FOR BIDS: None
- f. ADOPTION OF RESOLUTIONS:
 - (1) ~~City Council consider adopting Resolution No. 2017-, approving Fiscal Year 2017-18 Budget meeting calendar.~~ *Pulled by Council Member Morton, becomes agenda item 11d*
- g. APPROVAL OF AGREEMENTS: None
- h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None
- i. MAPS: None
- j. REPORTS: (RECEIVE AND FILE):
- k. FUNDING & BUDGET MATTERS: None
- l. APPROVE ORDINANCES (WAIVE SECOND READING):
 - (1) City Council consider reading by title only and adopting Ordinance No. 2017-, authorizing Implementation of a Community Choice Aggregation Program.
- m. APPROVE APPOINTMENTS: None

Council Member Morton requested to pulled agenda item 8f(1) for modification to the schedule.

DELGADO/BROWN: TO APPROVE THE CONSENT AGENDA MINUS 8f(1). 4-0-1(Amadeo)-0 Motion Passes

- 9. PUBLIC HEARINGS: None
- 10. OTHER ACTIONS ITEMS OF THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY: *Action listed for each Agenda item is that which is requested by staff. The Successor Agency may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*
- 11. OTHER ACTION ITEMS: *Action listed for each Agenda item is that which is requested by staff. The City Council may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*

Note: No additional major projects or programs should be undertaken without review of the impacts on existing priorities (Resolution No. 2006-79 – April 4, 2006).

- a. City Council consider adopting **Resolution No., 2017-21**, approving an agreement between the City of Marina and Save the Whales of Seaside, California, to provide professional services for the City of Marina’s Storm Water Permit Program, and; authorizing the Finance Director to make necessary accounting and budgetary entries, and; authorizing the City Manager to execute the agreement on behalf of the City subject to final review and approval by the City Attorney.

Council Questions: how is any of this different compared to what it would have been if we would have stayed with the rest of the peninsula cities in this MPDES process; litigation of Total Maximum Daily Load (TMDL) Trash Requirement by State, does it lift the burden on the other cities; cost per fiscal years.

DELGADO/BROWN: TO ADOPT RESOLUTION NO., 2017-21, APPROVING AN AGREEMENT BETWEEN THE CITY OF MARINA AND SAVE THE WHALES OF SEASIDE, CALIFORNIA, TO PROVIDE PROFESSIONAL SERVICES FOR THE CITY OF MARINA’S STORM WATER PERMIT PROGRAM, AND; AUTHORIZING THE FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES, AND; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY.4-0-1(Amadeo)-0 Motion Passes

Public Comments: None

- b. City Council consider adopting **Resolution No. 2017-22**, receiving the General Fund Fiscal Year 2016-17 Mid-Year Fiscal Report; authorizing Finance Director to make appropriate accounting and budgetary entries, and; provide staff with any further direction in the matter. *Continued from February 22, 2017*

City of Marina FY16-17 Mid-Year Report

FY16-17 Mid-Year – Overview = Staying the Course with the Adopted FY16-17 Budget; Use fund balance for one-time expenditure; Council adopt resolution

FY16-17 Mid-Year – General Fund = Balanced Budget; Use 117k fund balance for one-time expenditure; Tax revenue slight adjustment; Grants & matching expenditures; Est. Ending Fund Balance \$7.2 million, net

General Fund	Estimated FY16/17
Revenues	\$ 19,180,900
Expenditures	\$ 19,298,000
Net Incr/(Decr) to Fund Bal	\$ (117,100)
Est. Fund Balance, Net	
General Fund	\$ 8,798,800
Development Act Fund 50	\$ (1,585,211)
Est Gen Fund, net	\$ 7,213,589

Gen Fund FY15-16 Recap = Beginning Fund Bal 7/1/2016 = \$7.3 million (*Improvement over final budget estimates*); FY15/16 Revenues 4% (\$0.7 million) higher than budget (+2% (\$0.3M) tax revenues, +14% (\$0.2M) charges for services (i.e. license, permits)); FY15/16 Expenditures 1% (\$0.3M) lower than budget (*Primarily due to positions budgeted but not filled. Difficulty recruiting multiple concurrent vacant positions.*)

Gen Fund FY16-17 Est. Revenues = FY16-17 – Staying the Course

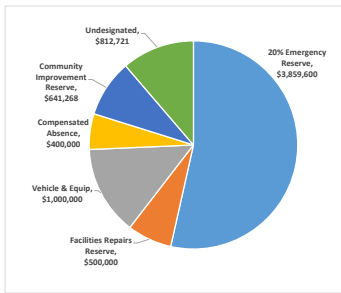
FY16-17 Est. Revenues = \$19.2 million (*Mid-Year Adjustment = increase \$398k; Mostly grants or fire mutual aid revenues with matching expenditures (\$300k); Slight adjustment to tax revenues (+ increase for property & sales tax estimate, - decrease for TOT/Hotel tax (5% growth assumption, actual 4%); Includes partial year revenues for Marriott and new restaurants*

Gen Fund FY16-17 Est. Expenditures =

FY16-17 – Staying the Course

FY16-17 Est. Expenditures = \$19.3 million (*Mid-Year Adjustment = increase \$515k; Mostly grants or fire mutual aid expenditures with matching revenues (\$300k); New expenditures \$150k due to CalAM Water Project EIR (Professional services to review and address the EIR; One-time expenditure and appropriate use of fund balance.); Increase NPDES expenditures = increase \$22k (Professional Service contract scheduled in March for Council; On-going program obligation and needs to be built into the operating budget.)*

FY16-17 Est Fund Balance \$7.2M = Unmet Service Needs \$\$\$; Current Service Level



FY16-17 Mid-Year Conclusion = Maintain fiscal discipline and stewardship; City Council & Public questions/comments; City Council adopt resolution.

Council Questions: Development Fund 50 amount is the same as when budget was adopted, why; isn't Fund 50 related to developers owing funds to the city; do we owe money to the developers; revenues less that expenditures; 20% emergency reserve addition each year the expenditures go up, is increase not considered part of the reoccurring expenditures; when was the last time the city has had to rely on the emergency reserve?

DELGADO/BROW: TO ADOPT RESOLUTION NO. 2017-22, RECEIVING THE GENERAL FUND FISCAL YEAR 2016-17 MID-YEAR FISCAL REPORT; AUTHORIZING FINANCE DIRECTOR TO MAKE APPROPRIATE ACCOUNTING AND BUDGETARY ENTRIES. 4-0-1(Amadeo)-0 Motion Passes

Public Comment: None

- c. City Council consider introducing Ordinance No. 2017-, amending chapter 5 of the Marina Municipal Code regarding business taxes, licenses and regulations.

Presentation by Stephen Green

Business License Tax Ordinance

“DEFINITIONS” - **Gross Payroll** – Only change within definitions = Removed since not applicable under voter approved Measure U; the bases for tax calculation is on gross receipts

“LICENSING PROCEDURES” - **Processing of application** = Update language to streamline administration for referring an application to other city departments for inspection - **Issuance of license** = Update language to streamline administration, no need for date of expiration when there is listed Term of License - **Error In Terms Voids License** = CHANGE – “**Nature of License**”; Update language to streamline administration, payment of tax does not allow a business to operate illegally - **Duplicate License** = Update language to streamline administration, does not limit how much city can charge for duplicate license - **License Nontransferable** = Summarize language to streamline administration, license cannot transfer to any other location than stated on the face of the license - **Payment and Terms of License** = Update language to streamline administration since there is only one type of license tax .02% on gross receipts as indicated in the voter approved Measure U - **Penalties For Delinquency** = Update language to streamline administration procedures for replacing the time of delinquency from the 15th to the 1st of the month - **Food Handling Business** = Removed, not applicable under voter approved Measure U, all businesses have the same tax calculation .02% of gross receipts - **Business Requiring Certificate of Occupancy** = Removed an requirement from the City’s law that would require the City to consult with any other agency before taking payment from a business owner – **Refunds** = Updated language to streamline administration procedures

CONCLUSION - Amendment to Chapter 5 Business License Tax ordinance; Adoption March 21, 2017

Council Questions: Nontransferable License – can the business owner transfer the license if moving the business to a new location with Marina “change of address”; Refunds – what are we trying to accomplish.

City Manager Long provided a brief comment on Council Member Amadeo’s behalf since she could not be here this evening – Council Member Amadeo had some homeowners complain and feel that our business license will double tax homeowners that are renting their homes. Their concerned is that if somebody is renting their home they will pay it based on gross receipt but the homeowner may also hire a property manager to manage the property and the property manager will have to have a business license and believes that is a double tax of that person.

MORTON/DELGADO: THAT WE INTRODUCE THE ORDINANCE AMENDING CHAPTER 5 OF THE MARINA MUNICIPAL CODE REGARDING BUSINESS TAXES, LICENSES AND REGULATIONS WITH THE DIRECTION THAT THE PARAGRAPH 5.16.080 SHALL BE MODIFIED TO READ: “EACH LICENSE GRANTED OR ISSUED UNDER ANY PROVISION OF THIS ARTICLE IS ISSUED WITH RESPECT TO THE LICENSEE AND LOCATION STATED ON THE FACE OF THE LICENSE. THE LICENSE SHALL NOT BE ASSIGNABLE OR TRANSFERABLE, NOR SHALL IT BE CONSTRUED AS APPLICABLE TO ANY LOCATION EXCEPT FOR A CHANGE OF ADDRESS BY THE SAME BUSINESS OPERATOR WHICH CHANGE SHALL BE MADE ON THE FACE OF THE LICENSE OTHER THAN THE LOCATION INDICATED ON THE FACE OF THE LICENSE”.
4-0-1(Amadeo)-0 Motion Passes by Roll Call Vote

Public Comment: None

- d. City Council consider adopting **Resolution No. 2017-23**, approving Fiscal Year 2017-18 Budget meeting calendar. *Pulled by Council Member Morton, was agenda item 8f(1)*

Council Member Morton requested that the first budget meeting scheduled for May 31, 2017 be changed to May 24, 2017.

DELGADO/MORTON: TO APPROVE RESOLUTION NO. 2017-23, APPROVING FISCAL YEAR 2017-18 BUDGET MEETING CALENDAR WITH THE FIRST BUDGET MEETING SCHEDULED FOR MAY 31, 2017 BE CHANGED TO MAY 24, 2017. 4-0-1(Amadeo)-0 Motion Passes

Public Comments: None

12. COUNCIL & STAFF INFORMATIONAL REPORTS:

- a. Monterey County Mayor’s Association [Mayor Bruce Delgado]

Mayor’s Association met in Sand City, which was the last lunch to be hosted by Mayor David Pendergrass who is resigning effective May 1st and they will have a new mayor Maryann Carbones. New mayor from City of Greenfield, Jesus Olivero Guzman. Joe Lefler from former Kula Ranch was catering the event.

- b. Council and staff opportunity to ask a question for clarification or make a brief report on his or her own activities as permitted by Government Code Section 54954.2.

City Manager Long, reminded Council of the Closed Session meeting tomorrow evening being held at the Marina Municipal Airport Conference Room.

Mayor Delgado commented on the 2-day strategic planning session. Friday night was focused on our street maintenance program. It was determined that the \$775,000 we have to spend this year on street maintenance is proposed that is all go toward what are effectively the best streets in Marina, to keep them in good shape so they don’t fall into that category of streets needing a lot of money to repair them. Asked City Manager when a summary of the 2-day strategic planning session would be present to the public?

Council Member Morton – FORA meeting on Friday, March 10th at 2:00pm.

Council Member O’Connell – follow up to comments related to street improvements, that will be the focus of the May 23rd Town Hall meeting.

- 13. ADJOURNMENT: The meeting adjourned at 8:00 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor