



MINUTES

Tuesday, March 21, 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)

Nancy Amadeo, Gail Morton, Frank O'Connell, Mayor Pro-Tem/Vice Chair, David W. Brown, Mayor/Chair Bruce C. Delgado
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
 - b. Real Property Negotiations
 - a. Property: 2660 5th Avenue, Marina, CA 93933
Negotiating Party: California State University Monterey Bay
Property Negotiator: City Manager
Terms: All terms and conditions

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

7:00 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 pm on the matter listed on the agenda which was a matter of potential litigation, during the closed session Council received information and provided direction, no reportable action was taken.

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

5. SPECIAL PRESENTATIONS:

a Monterey County Convention and Visitor Bureau Mid-Year Update

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.*

- Juli Hoffmann – Marina Tree & Garden Club Cutting and Seed Exchange on Sunday, March 26th from 10:00am-2:00pm at the Farmer's Market; commented on the MPWSP/Cal-Am Slant Wells and the DEIR offers no historical data for any successful operation of subsurface intact for a Desal. Urged Council to not approve the issuance of any permits and asked the community to come sign the petitions at Rooster Wheels and Marina Beach Real Estate.
- Dean Walker – Expressed the need to increase the population of African American's in the City of Marina and asked that Council do more to support African-American culture in the city. There is not enough support systems, resources or opportunities. Asked council to commit to supporting the African-American with their events.
- Margaret-Anne Coppernoll – Commented on the MPWSP/Cal-Am Slant Wells DEIR and asked the citizens to sign the petitions, which can be located at Rooster Wheels and Marina Beach Real Estate. Noted that Cal-Am has no legal rights to the water and asked council to not give further approval or certification of the DIER or future permitting for the Cal-Am project. MCWD has the water rights.
- Elizabeth Billingsley – Cal-Am has no water right in the Salinas Valley Water Basin. Asked council to not approve further permitting or certification of the DEIR. Please sign the petitions that are going around to fight for our water rights.
- Karyn Wolfe – Marina Tree & Garden Club Cutting and Seed Exchange at the Farmers Market on Sunday, March 26th; Commented on the social media site Next Door.com, it's a great site for finding out more about your community; commented on the MPWSP and urged council to not give any further approval, certification or the DEIR or future permitting of this project. Urged fellow citizens to sign the petition either at Rooster Wheels or Marina Beach Real Estate or you can send letters.

- Joel – commented on the MPWSP and asked council to not approve any future permitting or certification of the DEIR; more pumping from the Basin is irresponsible and is not reversible. DEIR does not provide adequate scientific proof of its benefits; asked council to not give further approval, certification of the DEIR or future permitting for this project and urged the community to sign the petition or send a letter.
- Rebecca McCallon – Commented on the Cal-Am water project, Cal-Am has no right to Marina's water. Asked council to not approve any further permitting for this project or certification of the DEIR and asked the community to come and sign the petitions to save Marina's water supply.
- David Burnett – Asked if the Council could prepare a resolution in recognizing and supporting the activities of the Citizen's for Just Water. This group has spent about 400 hours of time collecting, advocating, advancing proposals that are in the interest of the City of Marina.
- Harvey Biala – Commented on the DEIR and noted that Cal-Am has not proven with any high level of certainty that their project will not damage or cause injury to the Salinas Groundwater Basin. They have failed to establish meaningful baseline information as required by law. Urged council to not approve any future permitting for the project or certify the DEIR. Asked the public to sign the petitions going around.
- Wesley – many faces to this issue. Monterey County Water Resource Agency has charged taxpayers over the years to manage the quality and quantity of water within its jurisdiction. Millions of dollars have been assessed and invested in projects intended to ensure our basin provides a long-term sustainable water supply for the basin users. Cal-Am has contributed nothing for the protection of this groundwater resource. We urge the city council to not give further approval, certification of the DEIR or future permitting for this project. Urge fellow citizens to sign the petition.
- Kathy Biala – Indicated that Citizens for Just Water just submitted their response to the DEIR to the CPUC and the Monterey Bay National Marine Sanctuary today, have been submitted to you and the major points are echoed in our citizen's public comments tonight. Citizens for Just was has 791 signed letter were sent off to 9 public agencies at the end of February, since then we have 302 petition signatures, 119 additional signed letters giving a final total of 1,212 from mostly Marina and the Ord Community. Just Water hosted 4 informational forums that were well attended. Community is saying this is a serious issue that has a dire consequence to our water supply. Urged council to not give further approval for this project and urge citizens to sign our petition.
- Commander Bob Nolan and Brian Arbor, Police Records Tech – Marina Police Department announced that it will now accept unused/old prescription drugs for proper disposal. The prescriptions collected will be shipped to a secured facility for destruction in an incinerator. Asked that persons dropping off prescriptions remove their personal information from the containers, or place them in a zip lock bag and drop them off in the Police Department Lobby in the prescription drop box. Noted empty/used syringes need to be taken to the Monterey Regional Waste Management District directly, they have a special collection box.
- Council Member Amadeo – Comment on the social media Next Door.com is a great way to stay informed about your neighborhood. Great way to communicate with community leaders use the site and will respond to your questions. Great to go to post and receive information.
- Mayor Delgado – Thanked two dedicated volunteers who spent the last three weeks here in Marina restoring the Oak Woodland Restoration Program at the Marina Library site. Doug & Tara came from Washington State. Thanks to Karyn Wolfe for securing a \$3000 grant from the Monterey Regional Parks District for supplies for this project. Thanks to the Silva-Santella for putting on another free movie night at the Library. Announced Monterey Regional Waste Management District 65th Anniversary on March 18th. March 31, 2017 is a Planting Event at BLM;

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: 81291-81430, totaling \$587,955.41
 - b. MINUTES:
 - (1) February 22, 2017, Regular City Council Meeting
 - (2) March 7, 2016, 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. 2017-24**, preliminarily approving the fiscal year 2017-18 Engineer's report for the Cypress Cove II Landscape Maintenance Assessment District; declaring its intention to levy an assessment in fiscal year 2017-18 in that district; and calling a public hearing for April 4, 2017.
 - (2) City Council consider adopting **Resolution No. 2017-25**, preliminarily approving the fiscal year 2017-18 Engineer's Report for the Monterey Bay Estates Lighting & Landscape Maintenance Assessment District; declaring its intention to levy an assessment in fiscal year 2017-18 in that district; and calling a public hearing for April 4, 2017.
 - (3) City Council consider adopting **Resolution No. 2017-26**, preliminarily approving the fiscal YEAR 2017-18 Engineer's Report for The Seabreeze Landscape Maintenance Assessment District; declaring its intention to levy an assessment in fiscal year 2017-18 in that district; and calling a public hearing for April 4, 2017.

g. APPROVAL OF AGREEMENTS:

(1) ~~City Council consider adopting Resolution No. 2017, approving Lease Agreement between City of Marina and Annie Hobbs dba A Taste of Elegance, a California LLC, for the building located at 771 Imjin Road (Airport Restaurant Building) at the Marina Municipal Airport; and authorizing Finance Director to make necessary accounting and budgetary entries; and authorizing City Manager to execute Lease Agreement on behalf of the City, subject to final review and approval by City Attorney. *Item removed from the agenda.*~~

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE): None

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING):

(1) City Council consider reading by title only and adopting **Ordinance No. 2017-02**, amending chapter 5 of the Marina Municipal Code regarding business taxes, licenses and regulations.

m. APPROVE APPOINTMENTS: None

Mayor Delgado announced that item 8g(1) is being pulled from the agenda and will not be discussed.

Council Member O’Connell indicated that he submitted questions for 8f(2) and 8f(3) but was not pulling these items, will wait for response

Mayor Pro-Temp Brown requested to pull agenda item 8b(1) to be voted on separately and to note after his name “excused” as he was sick.

Council Member Morton question on 8l(1) the language that was to be changed in Section 5.16.080 the insertion is in the wrong place and should be placed at the end of the paragraph but otherwise is fine. Also pulled 8f(2) so that she could abstain

Council Member Amadeo pulled agenda item 8f(1) so that she could abstain.

MORTON/DELGADO: TO APPROVE THE CONSENT AGENDA MINUS AGENDA ITEMS 8b(1), 8f(1), 8f(2) and 8l(1), WHICH ARE TO BE VOTED ON SEPARATELY. 5-0-0-0 Motion Passes

MORTON/AMADEO: TO APPROVE THE MINUTES FOR THE FEBRUARY 22, 2017 REGULAR CITY COUNCIL MEETING 8b(1), WITH THE CORRECTION NOTED BY MAYOR PRO-TEMP BROWN AS BEING EXCUSED. 4-0-0-1(Brown) Motion Passes

MORTON/DELGADO: TO APPROVE AGENDA ITEM 8l(1) WITH THE CHANGE TO THE LANGUAGE IN SECTION 5.16.080, WHICH IS TO BE PLACED AT THE END OF THE PARAGRAPH. 5-0-0-0 Motion Passes by Roll Call Vote

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

DELGADO/BROWN: TO APPROVE AGENDA ITEM 8f(2). 4-0-0-1(Morton) 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. 2017-27**, authorizing the Downtown Street Banner Program for FY 2016-17; authorizing increasing appropriations in the Economic Development Division Fund 100-440 in the amount of \$25,000; authoring the Finance Director to make necessary accounting and budgetary entries, and; authorizing City Manager to implement the Downtown Street Banner Program.

Council Questions: Summarize the RFP of the solitary bid received; warranty of the product, cleaning and storage of the banners; solar lighting on banner poles; what would a rough estimate be if it included 5-year warranty and would it be more expensive because of the suppliers and employees coming out and putting them up and taking them down; why look at solar if banners are being placed on light poles; is there a current budget for this proposed project; have we asked the MCCVB to pay for these banners; height limits for hanging banners; are we looking at discussion of wording for banners tonight; branding for the community; pricing of installation, how many time are we paying tax and shipping; RFP process.

DELGADO/BROWN: TO APPROVE RESOLUTION NO. 2017-27, AUTHORIZING THE DOWNTOWN STREET BANNER PROGRAM FOR FY 2016-17; AUTHORIZING APPROPRIATIONS IN THE ECONOMIC DEVELOPMENT DIVISION FUND 100-440 IN THE AMOUNT OF \$25,000; AUTHORIZING THE FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES, AND; AUTHORIZING CITY MANAGER TO IMPLEMENT THE DOWNTOWN STREET BANNER PROGRAM. 3-2(Morton, O’Connell)-0-0 Motion Passes

Public Comments:

- Dusan Tatomirovic – commented on the locations of the banners and suggested that the hanging of the banners be extend to Reindollar Avenue. This is a very popular section of Del Monte vs. the other direction towards Beach. Noted that there are no lights on the Westside of Del Monte.
- Paula Pelot – When selecting the banners please do not get the ones where the wording is sideways, it makes it difficult to ready and it could be a hazard, should be oriented in a portrait fashion.
- Denise Turley – make sure you purchase to proper brackets; if they don’t look good they project a negative impact.

- b. City Council receiving for discussion an outline on future management arrangements relating to Preston and Abrams Parks; and provide staff with any further direction on the matter.

Presented by Council Member O’Connell – In December the Council decided to look into possibilities as to what kind of arrangements would be relating to future agreements on Preston and Abrams and Councilwoman Morton and I were appointed as a committee to put together an outline and to bring it back to the Council for consideration and possibly further direction. The Tenants Association President Paula Pelot was vital to this effort and the coordination that she had with Corey Williams from Alliance was greatly needed and appreciated. What the committee put together is four (4) possible ways of going on this. (1) is to seek a Request for Qualifications or Request for Proposal; (2) is to consider renegotiating the terms of the existing agreements with Alliance; (3) to maintain the existing agreement with Alliance; and (4) is to terminate the agreements with Alliance and manage the properties internally. We made an outline basically put in some questions for the council to consider and none of which are complete as far as possible decisions to be made. Then with the assistance of Ms. Pelot and with Corey Williams you will see various attachments broken down as to various expenses and salaries and possible considerations to be given to those numbers. Would like to direct council attention to page 120 of the staff report, the job title and salary range breakdown was prepared by Ms. Pelot as well as Ms. Williams and below that is the salary benefits vs. existing compensation. The salary and benefits portion, what I mean by that is if in fact the city were to take over these properties we would have to look into the salaries and benefits that’s going to cost the city vs. what exactly it’s costing the city in the form of revenue being used to pay Alliance.

Council Questions: on page 120 are the salaries fully burdened or based salary; what kind of timeframe, if we went with number 4 and did it in-house, what kind of timeframe would we be looking at to do the new hires necessary to take the place of Alliance; what is listed here, is that the same jobs that current number of employees that Alliance has working here on both properties or do they have other employees or outside contractors that they bring in for specific work; which of these four (4) options do you think result in the best condition of the Preston Park facilities, quality of life; process of RFP timeline?

O’CONNELL/MORTON: THAT THIS MATTER BE PLACED ON THE AGENDA FOR THE SECOND MEETING IN MAY 2017, FOR THE PURPOSE OF DECIDING THE TERMS OF A REQUEST FOR PROPOSAL, OR MODIFICATION OF THE TERMS OF THE EXISTING AGREEMENTS; AND THAT THE CITY COUNCIL MEMBERS, ON THEIR OWN TIME, REVIEW THE PROPERTY MANAGEMENT AGREEMENTS EXISTING WITH ALLIANCE PROPERTY MANAGEMENT AND THE AMENDMENTS THERETO. THAT THE COUNCIL MEMBERS SUBMIT THEIR COMMENTS, RECOMMENDATION AND OPINIONS TO THE CITY MANAGER ON OR BEFORE APRIL 30, 2017; AND THAT STAFF PREPARE AND SUBMIT FOR CONSIDERATION BY THE CITY COUNCIL, AT THE SECOND MEETING IN MAY, A REQUEST FOR PROPOSAL AS TO THE MANAGEMENT OF THE TWO PROPERTIES. 5-0-0-0 Motion Passes

Public Comments:

- Paula Pelot – more than happy to provide a table of both agreements for council to make comments to.
- Denise Turley – Thanked council for taking the time to look at this item. Very important that we look over the agreements and see if there is some fairness to everyone. This is in the city’s best interest and supports council in their decision.

- c. City Council consider adopting **Resolution No. 2017-28**, approving the adoption and implementation of the Program of Utilization for the Marina Equestrian Center Park, submitted to the National Park Service in September 2013 and approved by the National Park Service on January 12, 2017; direct staff to prepare and issue a Request for Proposal (RFP) for a concessionaire to operate an equestrian facility at the Marina Equestrian Center Park consistent with the Program of Utilization and direction from NPS; and provide staff with any further direction.

Presented by Council Member Morton – in 2013 the council approved a Program of Utilization (POU) for the Marina Equestrian Center Park and thereafter submitted it to the National Parks Service, they took it under submission and after some time listed as exhibit B is the approval of the Program of Utilization and it allows us to now go forward with what was the direction of council in 2013 after an AdHoc committee formed, prepared a POU is to send it out for a Request for Proposal. What’s before you tonight is to approve the adoption and implementation of the POU but also to have staff prepare a RFP for a concessionaire of the portion of the park that is now occupied by horses. It’s not the 35 acres it’s approximately 15 acres. The City would still, in the POU that was approved, we still need to go forward as the city in how we’re going to transform the property into the Public Park we’re required to do. This is the first step. At this point in time if we’re going to have a concessionaire that does horses, which I think is our intension, what we’re trying to get out there is that people would be able to go to the Equestrian Center, bring a horse with them, stable the horse at any time, transient horse stabling, we would want people to come to the horse park and rent a horse be able to ride in any direction on the multiple trails and or have the concessionaire would have horse trail rides that that they lead and or give lesson, do everything related to horses. Included in that would be that there would be someone offering therapy with horses to meet the needs of veterans, children and adults. Concessionaire would operate out what is now called the Kennel.

Council Questions: Would concessionaire include the main meeting building; does it include the Star Rider area; what about the shortwave Radio building; private long-term/short-term boarding definition; Christine Marie Start Riders to be included as one of the groups to continue; specifics of an RFP; timeline of RFP and notices to current tenant to find new places to board their horses; concessionaire agreement be included with the RFP to the National Parks Service;

MORTON/BROWN: TO APPROVE RESOLUTION NO. 2017-28, APPROVING THE ADOPTION AND IMPLEMENTATION OF THE PROGRAM OF UTILIZATION FOR THE MARINA EQUESTRIAN CENTER PARK, SUBMITTED TO THE NATIONAL PARK SERVICE IN SEPTEMBER 2013 AND APPROVED BY THE NATIONAL PARK SERVICE ON JANUARY 12, 2017; DIRECT STAFF TO PREPARE AND ISSUE A REQUEST FOR PROPOSAL (RFP) FOR A CONCESSIONAIRE TO OPERATE AN EQUESTRIAN FACILITY AT THE MARINA EQUESTRIAN CENTER PARK (EQUESTRIAN ARENAS, TURNOUTS, STABLES AND THE KENNEL BUILDING) CONSISTENT WITH THE PROGRAM OF UTILIZATION AND DIRECTION FROM NATIONAL PARKS SERVICE; AND COME BACK IN THREE MONTHS. 5-0-0 Motion Passes

Public Comments: None received

12. COUNCIL & STAFF INFORMATIONAL REPORTS:

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

13. ADJOURNMENT: The meeting adjourned at 10:03 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor