



## MINUTES

Tuesday, May 2, 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:**<sup>1</sup>

UCSF Medical Center at Parnassus  
505 Parnassus Avenue, San Francisco, CA 94122

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 – Anticipated Litigation Significant exposure to litigation pursuant to paragraph (2) or 3) of subdivision (d) of Section 54956.9: One case
  - b. Real Property Negotiations
    - a. Property: 3271 Imjin Road, Marina, CA – APN: 031-112-035-000  
Negotiating Party: Frank T. & Linda Lewis  
Property Negotiator: City Manager  
Terms: All terms and conditions

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

6:35 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION

Assistant City Attorney Robert Rathie reported out Closed Session: Council met on the two matters listed on the agenda in closed session. Information was received, direction was provided and no reportable action was taken.

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

5. SPECIAL PRESENTATIONS:

a Proclamations

(1) Poppy Month – Postponed to May 16, 2017

b Marina High School Early College and Career Program

c 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.*

- Debby Draper – Marina is a diamond in the rough and going in a good direction. Asked if Marina has a beautification project because Del Monte Blvd, Reservation Rd & Imjin Pkwy are in a disarray. Investors will not invest if nothing is done. Existing businesses are falling apart and business owners should be held responsible for the upkeep. Suggested doing something with the small casino and make it bigger; city is growing and hopes the police department has everything they need to continue their job; all street in Marina need to be redone/repaved; need to cater to the collage students as well; suggested council travel to Denver to get educated on the pros and cons of marijuana; hoping the Promenade is a mini Pier 39; city needs to be networking with other cities.
- Paula Pelot – Commented on the stoplight at Abrams & Imjin was out for 3-days and a bag of trash on Imjin Pkwy and asked if there was a number to call or email so that the public can notify Public Works; noticed that the weeds are over 2-3 feet high on median strip along Imjin Pkwy from The Dunes and volunteered to help remove them if city would loan her a weed-eater.
- Commander Bob Nolan – 23<sup>rd</sup> annual Monterey County Peace Officers Association Memorial on May 10, 2017. Precession starts at the Marina Airport at 5:30 pm and arrives at St. Jude's Church on Hillcrest Avenue at 6:00pm; this is the 25<sup>th</sup> anniversary of the passing of one of our own officers. Provided update on the Unused Prescription Drop Off Bin; there was an open house on Saturday it was the DEA Take Back and we took in over 150 lbs. of prescription drugs and taken to San Jose for disposal.
- Anna Munos – Announced that on May 21, 2017 from 10:00-3:00 is the Los Arboles Garden Tour where we also had three Eagle Scout Projects. Thank you to Sustainable Marina, the NOAA Ocean Guardian Grant, the Marina Rotary, Monterey Peninsula Foundation Grant, Monterey Regional Parks District for all your help. Loves the Disc Golf; commented on the need for a

covered arena at the Marina Equestrian Center for the not so sunny days the Star Rider Program is offered.

- Jessica Lucido – saddened to see trash and shopping carts on the corners of our streets; less excited about yet another Starbucks across the street from the Target Starbucks and stated that Marina should have higher standards since the new higher priced homes are being constructed.
- Council Member Morton provided an update on the Marina Equestrian Center Program of Utilization.
- Council Member O’Connell – announced Town Hall meeting on May 23<sup>rd</sup> at 6:30 PM at the Marina Library Community Room, presentation by city staff relating to improvements to the roads and the approach going to be taken by the city.
- Council Member Amadeo – Provided an update on the Banner Program and how that would work; stated that residents should attend the budget meetings to help understand how the budget works and where the money is going. It’s based on Council priorities. Budget meetings set tone for whole year.
- Mayor Delgado – Commented on the Don’t Rush to Flush flyers related to unused prescription drugs asked residents to take them to our local police department who has a disposal receptacle; on Sunday, May 7<sup>th</sup> from 12:30-2:30pm at the Epiphany Church Citizens for Sustainable Marina is having a Native Garden Volunteer Clean-Up; May 20<sup>th</sup> Citizens for Sustainable Marina Beach Clean-up from 1:30-2:30pm we’re meeting at the end of Reservation Road; June 10<sup>th</sup> Volunteer workday at the Marina Library Oak Woodland Restoration Project from 9:00am-3:00pm; thanked Tammy and Bill Jako for their help in mowing the recreation trail between Beach Road and Paul Davis Drive; Marina High School Softball team won their Pink Game, which happens once a year at Los Arboles filed to help raise awareness for Breast Cancer.

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 81651-81755, totaling \$331,263.97  
Wire Transfers from Checking and Payroll for March 2017 totaling:  
\$1,109,182.20

b. MINUTES:

- (1) April 4, 2018, Regular City Council Meeting
- (2) ~~April 18, 2017, Regular City Council Meeting~~ —Pulled by Mayor Pro Temp Brown for grammar corrections. *Pulled by Mayor Pro-Temp Brown, becomes agenda item 11e*

c. CLAIMS AGAINST THE CITY:

- (1) City Council deny claim filed by Bacchus Defalco on April 14, 2017 for a Limited Civil case and forward to Monterey Bay Area Self Insurance Authority for investigation and processing. *Pulled by Mayor Pro-Temp Brown, becomes agenda item 11d*

d. AWARD OF BID:

- (1) City Council consider adopting **Resolution No. 2017-41**, awarding the landscape maintenance services contract to Leonard Anthony Valenti Incorporated dba Commercial Environmental Landscape as the lowest responsive and responsible bidder; authorizing the Finance Director to make necessary accounting and budgetary entries; and authorizing the City Manager to execute contract documents on behalf of city subject to final review and approval by the City Attorney.

e. CALL FOR BIDS: None

f. ADOPTION OF RESOLUTIONS:

- (1) ~~City Council consider adopting Resolution No. 2017~~, approving estimated cost for service for calendar year 2017, Fourth of July activities and; setting cost recovery surcharge at seven (7) percent for calendar year 2017 pursuant to Marina Municipal Code Section 15.32.094. *Pulled by Council Member, becomes agenda item 11a*

g. APPROVAL OF AGREEMENTS:

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): None

m. APPROVE APPOINTMENTS: None

Mayor Pro-Temp Brown had a correction to item 8b(1) under public comments from Mayor Delgado the change should reflect “car” not cay. Requested to pull agenda 8b(2) for grammar edits and item 8c(1) for discussion.

Council Member O’Connell requested to pull agenda item 8f(1) for short comment and motion. Asked that a correction be made to 8b(1) where he make comment to the Marriott Springhill Suites - to remove the word “debate” and replace with “discussed the existence of the”.

**DELGADO/MORTON: TO APPROVE THE CONSENT AGENDA MINUS 8b(2), 8c(1), 8f(1) AND CORRECTIONS TO 8b(1) AS SUGGESTED. 5-0-0-0 Motion Passes**

- 9. PUBLIC HEARINGS:
- 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. 2017-42**, approving estimated cost for service for calendar year 2017, Fourth of July activities and; setting cost recovery surcharge at seven (7) percent for calendar year 2017 pursuant to Marina Municipal Code Section 15.32.091. *Pulled by Council Member O’Connell, was agenda item 8f(1)*

Council Member O’Connell requested from city staff a breakdown of expenses and revenues that came in over the previous years for this matter and based on what was provided I would like to make a motion that instead of it being 5.8% that it be 6.5% for this coming year. It can be a maximum of 7% and in the past it has been 7% so I’m basically asking that it be reduced to 6.5% although the staff report is say 5.8%.

**O’CONNELL/BROWN: TO ADOPT RESOLUTION NO. 2017-42, APPROVING ESTIMATED COST FOR SERVICE FOR CALENDAR YEAR 2017, FOURTH OF JULY ACTIVITIES; AND THAT INSTEAD OF IT BEING 5.8% THAT IT BE 6.5% FOR THIS COMING YEAR.**

Council Member Morton asked the motion maker to add direction: *to have staff look at the 2014-2015 after the completion of 2017 to come back with next year’s recommendation as a longer term request at a specific percentage that meets our anticipated costs with costs of living increases etc.. over the next few years*

**Amended Motion:**

**O’CONNELL/BROWN: TO ADOPT RESOLUTION NO. 2017-42, APPROVING ESTIMATED COST FOR SERVICE FOR CALENDAR YEAR 2017, FOURTH OF JULY ACTIVITIES; AND THAT INSTEAD OF IT BEING 5.8% THAT IT BE 6.5% FOR THIS COMING YEAR; AND DIRECT STAFF, AFTER THE SALES ARE COMPLETED AND WE HAVE A REPORT ON 2017 REVENUES GENERATED TO DO AN ANALYSIS OF THE 2014-2015 AND 2017 TO IDENTIFY THE RECOMMENDED PERCENTAGE FOR FUTURE YEARS THAT WILL COVER OUR COSTS.** 5-0-0-0 Motion Passes

Public Comments: None received

- b. City Council consider adopting **Resolution No. 2017-43**, approving a Second Amendment to Lease between the City and Light & Motion Industries, Inc. (“Second Amendment”) for Building 535 at the Marina Municipal Airport, and Memorandum of Amendment of Lease and Estoppel Certificate, subject to final review and approval by the City Attorney; and authorizing the City Manager to execute the Second Amendment and a Memorandum of Amendment of Lease and Estoppel Certificate on behalf of the City.

Council questioned: the risk to the city, if any; what is the risk, if any, if this is not approved; what is the fiscal impact to the city if not approved.

**DELGADO/BROWN: TO ADOPT RESOLUTION NO. 2017-43, APPROVING A SECOND AMENDMENT TO LEASE BETWEEN THE CITY AND LIGHT & MOTION INDUSTRIES, INC. (“SECOND AMENDMENT”) FOR BUILDING 535 AT THE MARINA MUNICIPAL AIRPORT, AND MEMORANDUM OF AMENDMENT OF LEASE AND ESTOPPEL CERTIFICATE, SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SECOND AMENDMENT AND A MEMORANDUM OF AMENDMENT OF LEASE AND ESTOPPEL CERTIFICATE ON BEHALF OF THE CITY.**

Public Comments: None received

- c. City Council consider request for contribution of \$3,000-\$5,000 towards the Homeless Warming Shelter at the Salinas Train Station, currently funded by the City of Salinas and Monterey County.

Mayor Delgado requested this item, at the Mayor Association meeting the homeless issue was discussed. TAMC purchased a building for demolition and to turn into a parking lot when the Salinas Train Station is upgraded into a multimodal transit hub, so owning this building that’s now vacant and waiting for its demolition the County of Monterey and Salinas approached TAMC to rent this building for \$1/month. The six-month lease ends on April 30<sup>th</sup>. TAMC voted 8-7 to extend the lease for no more than 30-days. It was brought to our attention that some Marina residents/former residents are spending their nights in the Warming Shelter. This is a regional issue, not an issue of any particular city, however the City of Salinas has been paying \$15,000/month towards this service, this Warming Shelter and the County has been spending equally the same amount.

Council Members discussed the reasoning for contributing to the Salinas Warming Shelter.

Council Member O’Connell stated in favor of helping the regional homeless but not in favor of writing a check to the County or City of Salinas when there are such situations here in Marina where food pantries need filling and homeless in this city and children living in conditions that are not in the best interest of the children. When budget time comes, we should look at the possibly of making donations to facilities and organization in this city of the non-profit nature that would help Marina residents.

**DELGADO/AMADEO: THAT WE CONTRIBUTE \$5,000 TO THE COMMUNITY HOMELESS SOLUTIONS TOWARDS THE OPERATION OF THE SALINAS WARMING SHELTER LOCATED AT 20 WEST MARKET STREET. 4-1(O’Connell)-0-0 Motion Passes**

Public Comments:

- Paula Pelot – Noted that when you donate to a non-profit you can restrict the use of the donation. Suggested you put some language in there that restricts so that it is directed to that shelter.

- d. City Council deny claim filed by Bacchus Defalco on April 14, 2017 for a Limited Civil case and forward to Monterey Bay Area Self Insurance Authority for investigation and processing. *Pulled by Mayor Pro-Temp Brown, becomes agenda item 11c*

Mayor Pro-Temp concerned about the nature of this item, inappropriate to discuss in open session because it involves potentially pending litigation,

**Brown/Morton: to take this off calendar and have this heard during the closed session of the next meeting, which should be May 16<sup>th</sup>**

Council Member Morton asked what process we do go by. Are we asked to receive and deny the claim? Asked if this can be heard in closed and open session to take official action to deny or accept the claim. Asked the maker of the motion to include putting this item on the open session as well.

Mayor Pro-Temp accepted and restated his motion:

**Brown/Morton: to move this item to both Closed Session and Open Session for the May 16<sup>th</sup> Council Meeting.**

Council Member O’Connell asked City Manager and City Attorney if our normal procedure is for city council to reject the claim so that it can go to the insurance carrier who in turn addresses the various issues and make a decision of the validity of the claim?

**Substitute Motion**

**O’CONNELL/AMADEO: THE CITY DENY THE CLAIM THAT’S BEEN FILED AND FORWARD TO MONTEREY BAY AREA SELF INSURANCE AUTHORITY FOR INVESTIGATION AND PROCESSING. 3-2(Brown, Delgado)-0-0 Substitute Motion Passes**

- e. April 18, 2017, Regular City Council Meeting – *Pulled by Mayor Pro-Temp Brown for grammar corrections, was agenda item 8b(2)*

Mayor Pro-Temp Brown indicated that there are several grammar edits that need to be made and stated that he will provide his grammar edits to staff.

**BROWN/AMADEO: TO BRING BACK AT THE MAY 16<sup>TH</sup> COUNCIL MEETING WITH GRAMMAR EDITS AS PROVIDED TO STAFF BY MAYOR PRO-TEMP BROWN. 5-0-0-0 Motion Passes**

12. **COUNCIL & STAFF INFORMATIONAL REPORTS:**

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

Mayor Delgado – Monterey Council Mayor’s Association meets in Marina next week, will provide update to that meeting in writing at the next council meeting. Will ask the Mayors to consider sending letters from their respective cities to the California Coastal Commission regarding the Cemex Sand Plant, similar to what the City of Monterey Council has already done confirming their opinion of the problem that Cemex is causing to all our coastal cities here in southern Monterey Bay.

- 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.

Mayor Delgado – Announced that tomorrow will be the first meeting of the new Monterey Bay Community Power Joint Powers Association (JPA) at the Marina Library at 9:30 am and indicated that he is the representative for the four (4) coastal cities, which include Marina, Sand City, Seaside and Del Rey Oaks. City Manager Long will be serving on the Operations Board. Also, thanks Brian

McMinn, Public Works Director for his work on the Beach Rd/Del Monte Blvd Roundabout, very positive ribbon cutting ceremony; thanks to Frank O’Connell and his wife Linda, Gail Morton.

Council Member Amadeo – On May 8<sup>th</sup> the League of California Cities, Monterey Bay Division is holding their meeting in Watsonville and discussion will be on closing the pension gap, which is a concern to most agencies throughout California and to our citizens. Asked City Manager is we could have a link on our website on the Home Page to a video that teaches how to use the roundabout.

Council Member Morton – Instructed at the last meeting the use of the signals in the roundabout, there are very helpful. Announced the Fort Ord Reuse Authority meeting is May 12<sup>th</sup> at 2:00pm at the Carpenter’s Hall, important that we pay attention what is happening at FORA right now we are into the budget time, which is the expenditures on its operating costs and what it spends its money on and what affects the city in our development and what happens here is the CIP is going to be discussed and looked at and it impacts us tremendously.

Mayor Pro-Temp Brown – announced that he did not forget about the ribbon cutting ceremony, he was on a deadline for his personal job.

c. Update on Marriott Springhill Suites Hotel

City Manager Long – Currently as of today there has been no Certificate of Occupancy issued. They keep getting closer. When they are ready our building inspector will issue that.

Public Comments:

- Paula Pelot – been making regular visits daily and noticed within the last few days that there is a lot of shoddy work being done on the outside. A lot of the panels are covered in pain spray and looks sloppy. Does not think the Marriott would be happy with the quality of work that is going on. There is a sequence and they can’t open until they get the Certificate of Occupancy. Opening and getting the Certificate are not the same thing. Does not know where this is going to lead too. It does not look good, looks like a building being rehabilitate not new construction.

13. ADJOURNMENT: The meeting adjourned at 8:55 PM

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Anita Sharp, Deputy City Clerk

ATTEST:

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Bruce C. Delgado, Mayor