



MINUTES

Tuesday, May 16, 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

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 paragraph (4) of subdivision d) of Section 54956.9: One potential case
 - b. Conference with Legal Counsel, Anticipated Litigation Significant exposure to litigation pursuant to paragraph (2) or 3) of subdivision (d) of Section 54956.9: One potential case
 - c. Real Property Negotiations
 - i. Property: 3271 Imjin Road, Marina, CA – APN: 031-112-035-000
Negotiating Party: Frank T. Lewis & Linda Lewis
Property Negotiator: City Manager
Terms: All terms and conditions

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

City Attorney Rob Wellington reported out Closed Session: Council met at 5:30 PM as indicated, with regard to items 3a and 3b, the Council received information from legal counsel, , no action was taken. With regards to item 3c, Council received information from its negotiators, gave direction, no reportable action was taken.

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

5. SPECIAL PRESENTATIONS:

a Proclamations

i. Poppy Month

ii. Public Works Week

b Recreation Quarterly Sports Wards

i. 2016-17 Elks National Hoop Shoot

- | | |
|--------------------|--------------------|
| 1. Annabella Brown | 2. Isabella Brown |
| 3. Luis Alvarado | 4. Isarel Johnson |
| 5. Khalik Kennedy | 6. Adina Rufferman |
| 7. Anisa Rufferman | 8. Abbigail Metz |

ii. 2017 Elks Hotshot Contest

- | | |
|-----------------------|-------------------|
| 1. Willa Olalia | 2. Arissa Moore |
| 3. Isaac Heitzenrater | 4. Israel Johnson |
| 5. Ahsani Collins | 6. Miguel Cano |
| 7. Wilson Olalia | 8. Edson Ortiz |

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.*

- Steve Eckland – Spoke about “Make a Difference Week Program” is needed in Marina, Glad to see that Marina has after school programs for the children, which in turn keeps them occupied and out of trouble.
- Council Member O’Connell – Announced Town Hall Meeting set for May 23, 2017 at the Marina Library Community Room at 6:30 PM, guest speaker is Brian McMinn, Marina Public Works Director to have a discussion on Marina Street Pavement Program.
- Council Member Amadeo – Commented on the Marina High School 10th Anniversary, it was an amazing event. 30-40 Alumni attended.
- Mayor Delgado – Beach Clean Up event on Saturday, May 20, 2017 from 1:30-2:30 PM; Oak Woodland Restoration Project next to the Marina Library on June 10, 2017 from 9:00am-3:00pm; commented on Teacher Appreciation Day at the American Legion.

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 81756-81893, totaling \$496,703.43

 - b. MINUTES:
 - (1) April 18, 2017, Regular City Council Meeting
 - (2) May 2, 2017, Regular City Council Meeting

 - c. CLAIMS AGAINST THE CITY:
 - (1) City Council deny claim filed by Nicole Eldridge on April 17, 2017 for a Limited Civil case and forward to Monterey Bay Area Self Insurance Authority for investigation and processing.

 - d. AWARD OF BID: None

 - e. CALL FOR BIDS: None

 - f. ADOPTION OF RESOLUTIONS:
 - (1) City Council consider adopting **Resolution No. 2017-44**, fixing and levying a special tax for principal and interest payments and administrative costs on the 2015 General Obligation Refunding Bonds for fiscal year 2017-18; and consider adopting **Resolution No. 2017-45**, certifying compliance with State Law (Proposition 218) with respect to special taxes for the 2015 General Obligation Refunding Bonds Levy for Fiscal Year 2017-18.

 - g. APPROVAL OF AGREEMENTS:
 - (1) City Council consider adopting **Resolution No. 2017-46**, approving work plan and budget for Access Monterey Peninsula (AMP) for public, education and government (PEG) broadcasting services for FY 2017-18, and; authorizing the Finance Director to make the necessary budgetary and accounting entries and appropriate payments to Access Monterey Peninsula.

 - (2) City Council consider adopting **Resolution No. 2017-47**, approving agreement with Parking Management Bureau, of Turlock, California, for use of their parking citation processing services, and; authorize Finance Director to make necessary accounting and budgetary entries, and; authorize City Manager to execute the agreement on behalf of City subject to final review by the City Attorney.

- (3) City Council consider adopting **Resolution No. 2017-48**, approving an agreement between the City of Marina and the Transportation Agency of Monterey County (TAMC) for the 2017 Regional Surface Transportation Program (RSTP) allocation of funding, and; approving the RSTP competitive funding grant application, and; authorizing the Finance Director to make the 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.

- 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

Council Member Amadeo requested that the resolution for agenda item 8g(3) be modified, the fifth Whereas, third line it states “Del Monte Boulevard (from Patton Parkway to Reservation Road).” Right now, Patton Parkway does not run to Reservation Road and indicated that a change should be made.

Brian McMinn, Public Works Director suggested the change to state “*Del Monte Boulevard (from the extension of Patton Parkway to the west to Reservation Road)*”

DELGADO/AMADEO: TO APPROVE THE CONSENT AGENDA WITH MODIFICATION TO 8g(3) RESOLUTION AS INDICATED TO STATE “ DEL MONTE BOULEVARD (FROM THE EXTENSION OF PATTON PARKWAY TO THE WEST TO RESERVATION ROAD)”. 5-0-0-0 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 to receive updated report on going out for Request for Proposals for the Management of Preston and Abrams Park Housing.

City Manager Long indicated that council gave direction to have this item back on this agenda to report back on the RFP for Preston & Abrams Park. We are not at the point to putting together the RFP but have received comments on the existing management contract. I would like to spend some time with Council Members O’Connell and Morton who are the council liaisons to Preston and

Abrams Park and review that and then decide that if you want to come back and proceed with the RFP or proceed with action to amend the current contract.

Council Member O’Connell – requested that City Manager forward to us the comments from the various council members so that we can review them in advance prior to meeting with the city manager.

O’CONNELL/DELGADO: GIVING THE FOUR (4) COUNCIL MEMBERS WHO HAVEN’T SUBMITTED THEIR COMMENTS, IF THEY HAVE ANY COMMENTS TO GET THE SAME TO THE CITY MANAGER BY 5:00 PM ON THE 21ST OF MAY. 5-0-0-0 Motion Passes

- b. City Council consider placing on a future agenda discussion of Marina becoming a Sanctuary City. Step one of two step process [Delgado]

Mayor Delgado recapped that this item was brought to the council by a member of the public, Howard Scherr, which he provided a packet of information to the council at that meeting. Indicated that instead of directing staff to dig into this issue to first find out if it’s true or not that the city council would like the staff to spend some effort on this issue of our city becoming a sanctuary city.

Council member Amadeo – thinks it’s important that we at least go to the second step so that we have adequate information both from our legal counsel, from our police department and that way we can make an informed decision.

AMADEO/BROWN: that we at least go to the second step so that we have adequate information both from our legal counsel, from our police department and that way we can make an informed decision.

Council Member O’Connell – not in favor of placing this on a future agenda, city staff has more than enough to do presently and in the future. Thinks that this item should be placed on the 2018 election ballot for the citizen of Marina to vote on.

Mayor Delgado asked if the motion could be amended to: *invite staff to send the Council Members the link to the City of Seaside’s council meeting where this was talked about and provide council with all the documents that the Seaside City Council had before them, should this item come back to us.*

Council Member Amadeo – that get it before the council but not before the public. We’re using someone else’s information and not dealing with our public and our city as an individual city with all its members. We are different from Seaside. I would not support amending my motion.

Substitute Motion

Brown/Delgado: that we proceed by having staff refer in an email, refer us to the specific website for Seaside City Council that addresses that issue; and include in the agenda packet those documents that Seaside had considered and consider making Howard Scherr’s information available.

Mayor Delgado – expectation is that city staff would include in the agenda packet those documents that Seaside had considered and consider making Howard Scherr’s information available. Asked if that be part of the motion

Modified Substitute Motion

Brown/Delgado: that we proceed by having staff refer in an email, refer us to the specific website for Seaside City Council that addresses that issue; and include in the agenda packet those documents that Seaside had considered and consider making Howard Scherr’s information available. 2-3(Amadeo, Morton, O’Connell)-0-0 Substitute Motion Fails

Public Comments:

- Miriam Smith – Supports Marina becoming a sanctuary city and should move forward.
- Audra Walton – Support placing this issue on a future agenda.
- Howard Scherr – Supports and encourages Council to move forward with this item.
- Debby Draper – Not in favor of bring this back, no supporting documentation showing deportation in the U.S., more information is needed, should be a public vote on this matter.
- Steve Eckland – Fears people will be afraid to go to a police department if there is a serious problem and worry about being deported, we should think about it.
- Virgil Piper – Not in favor of staff spending time on this item to bring it back.
- Dawn Alva – believes this is an important subject and council should move forward in bring this back

Council Member Morton – Asked why we chose Seaside as a model city, not sure how thorough their research was. Wants our staff to answer questions about how they believe Marina might be impacted. Concerned about the motion being too simplified in our analysis. Thinks this is something we need to discuss but will require more information for us to be educated about it. Cannot support the substitute motion, staff need to be more educated than we are because they have more information on how we're dependent on the ramifications. Does not want council doing this before we finish the budget, before anything else that's been prioritized. Not against it coming back but needs more time and research and need to come back when we have a time possibly in October.

Council Member Amadeo – wanted to make it clear that her motion did not have a timeframe involved and didn't forbid our staff from looking at what other cities have done. This would be about gathering information so council can make an informed decision.

Council Member Morton asked the motion maker for a friendly amendment, that this not be prioritized over budget and other staff priorities.

Council Member Amadeo accepted friendly amendment and Mayor Pro-Temp Brown's Second still holds.

Mayor Delgado asked Council Member Amadeo to repeat her motion.

Restated Motion

AMADEO/BROWN: THAT WE DIRECT STAFF TO GATHER INFORMATION AS IT RELATES SPECIFICALLY TO THE CITY OF MARINA AND HOW IT RELATES TO US BECOMING A SANCTUARY CITY THE NEXT TIME WE DISCUSS THIS ISSUE BUT NO DATE CERTAIN. 4-1(O'Connell)-0-0 Motion Passes

12. COUNCIL & STAFF INFORMATIONAL REPORTS:

a. Monterey County Mayor's Association [Mayor Bruce Delgado]

Mayor Delgado – on the agenda for this meeting was the appointment of members to the Monterey Bay Community Power and the Cities that share the peninsula vote appointed a primary and alternate. I motioned that we appoint myself as the primary and Gail Morton as the alternate and that was not accepted. What was accepted was me as the primary and Ralph Rubio, the Mayor of Seaside as the alternate. We attended the first meeting of the JPA, it was a very well attended meeting.

Council Member Morton stated that the City Manager remains on the Operating Board for the City Marina and will still have a representative there with Mayor at the Policy Board. Asked for the courtesy that she receive meeting notices.

City Manager Long provided update on the Operations Board. The City Manager from Gonzales is interested in being the Chair of this group. They have a big windmill in their city and strong about sustainable energy and we will be making that decision next week on that appointment. The City of Marina will represent the Peninsula Cities.

- 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 Attorney Rob Wellington – We are hoping to have the Cemex matter at your June 6, 2017 meeting.

Mayor Delgado – asked questions about the new roundabout. Indicated that there have been a few incidents where someone has driven through the middle, can we put something like boulders in the middle area? What is the status of the cross-walk lights? Cypress Tree replacement, can it be replaced with something native to Marina? VA Clinic opening August 3rd.

Brian McMinn, PW Director – The Cypress Tree will not be replaced with another Cypress. We are going to start out with something smaller and establish itself there. We do have a change order to the contractor for the some additional advance signing on all the lanes approaching the roundabout as a measure for warning motorist of the approach to the roundabout itself; reflectors will be placed on the curve at the center of the roundabout and as the vehicles are coming though it give them a little bit of runoff time through the landscaping itself as opposed to the crosswalk lights are on back order; trip hazard curbs have been painted to highlighted.

- 13. ADJOURNMENT: The meeting adjourned at 8:05 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor