



MINUTES

Wednesday, September 6, 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)

MEMBERS PRESENT: 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. Labor Negotiations
 - i. Marina Employee Association
 - ii. Marina Management Employees Association
 - iii. Marina Public Safety Officers Association
 - iv. Marina Public Safety Manager’s Association
 - v. Marina Professional Firefighters Association
 - vi. Department Directors
 - a. Community Development Director
 - b. Finance Director
 - c. Fire Chief
 - d. Police Chief
 - e. Recreation & Cultural Services Director

City Negotiators: Layne P. Long, City Manager and Employee Relations Officer

- b. Conference with Legal Counsel Anticipated Litigation - Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: Two potential cases.

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

City Attorney reported out Closed Session: Council met at 5:30 PM as indicated with regard to the item listed above having to deal with Labor Negotiations. Council received information, provided direction and no reportable action was taken.

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

5. **SPECIAL PRESENTATIONS:**

a **Proclamations**

i. Jacobs Heart Pediatric Cancer Awareness Month

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.*

- Mike Owen – Spoke about Monterey Bay Estates holding their annual Labor Day Parade Pot Luck/Neighborhood Watch; appreciated the Mayor and City Manager for making the Council Chambers available to Supervisor Parker's office to use for public discussion about the homeless on Lapis Road. Asked council if they think they could identify locations and talk about concerns that they city may have and propose solutions; spoke about President Trump's extension/reprieve to the DACA dreamers who are in the country illegally and how it relates to the Lapis Road issue.
- Brian McMinn – Announced Public Outreach Meeting on Monday, September 12, 2017 at Vince DiMaggio Park from 6:30-8:00 p.m. discussion will be on the Imjin Parkway Widening Project.
- David Burnett – commented on the initial 45-day moratorium that council approved and asked council to reconsider allowing a longer time for the Downtown Moratorium for planning staff to allow them to do the necessary work for the city. Planning is crucial for the development of any city and appreciation for your staff go hand in hand with that.
- Kevin McCallon – commented on Lapis Road and the Board of Supervisors voted to extend the time out there for these folks with restrictions. If you go down that road right now you can see that even with restrictions in place they are not being followed. If the city was even to consider bringing them into the city, in to a parking lot thinks that something well open for discussion to the public because if they can't follow the rules as they are now and their previous actions had been detrimental to the environment out there thinks this raises a real concern. Labor Day Parade was great.
- Jack Stewart, Veterans Information Advisory Committee – Commented on the lack of signage for the new VA/DoD Clinic and asked if council or staff could assist in placing signage along Freeway and Second Avenue to help those looking for the new clinic; also, commented on the Veterans Cemetery is in need of volunteers for performing maintenance and clean-up. Noted The Marina

Foundation has requested to be notified if there is any unmet needs that can't be satisfied through the normal budget process in The Marina Foundation Veterans Fund.

- Nancy Amadeo, Community Human Services Board Member – provided the public with statistical information from the 2017 Monterey County Homeless Census & Survey. January the Homeless Census for Monterey County was conducted over a 10-day period. 10-years ago, the homeless population was 1,402 and today it's 2,837. 74% is unsheltered. There are a lot of reasons why people become homeless. There seems to be a misconception that people are homeless because they are substance abusers or they are mentally ill. In today's numbers that about 36% of the population the rest of them are homeless for other reasons. This summary is a good snapshot to use as we make decisions going forward.
- Seth Morton, Marina Public Safety Officers Association – we have entered into negotiations and wanted to address you directly to bring some issue to light. Not including our commanders and our chief we have a total of 24 sworn police officers and 4 of the 24 have applied to neighboring police agencies. That's 1/6th of the department that is seeking employment elsewhere. We have been operating at minimum staffing levels for quite some time. We've had 2 vacant police officer positions for over a year and very few applicants for these positions. We are competing with neighboring agencies who are offering better salaries and benefits. In order to attract more applicants and retain the officers that we do have we have to make the idea of working here for the City of Marina more desirable.
- Rebecca McCallon – We haven't had a permanent Chief of Police since Chief Rodriguez left, curious as why the city currently does not have a new Chief and one that would be brought up within our system. Do we promote within ourselves to advance up? We have officer very dedicated to our city and would like to see if we promote up and why we haven't filled this position. Have we filled this position?
- Paula Pelot – Announced this Saturday, September 9th from 9:00am-2:00pm is the Annual Community Garage Sale at Preston & Abrams Park. Commented on the social media site Nextdoor and requested that people please do the research/homework on a subject before posting; asked Council if they could prepare a short report that say what our contributed to FORA has been, dollars and cents in terms of development fees, what we've gotten back from that, what we expect to get in the future and whether or not to help citizens as well as people on FORA who are fully engaged with that make some educated decisions about whether or not we support the continuation of FORA and the extension of it.
- Carissa Montez-Alarura – brought some concerns to the council regarding rental properties in her neighborhood. What is the capacity of a single-family residential home? Right now, there are 10 individuals living in one home and that number rotates based on the collage class schedules. We battle for parking, peaceful/quiet living. Safety is a concern when raising children in this neighborhood due to the extra vehicles, some going at excessive speeds. Can something be done?
- Mayor Delgado – The Labor Day Parade and Festival was very well attended, a lot of volunteer hours went into the event and reflected well on our city, mark your calendar for September 1, 2018 for the 43rd Annual Labor Day Parade & Festival for next year. Thank you to city staff for your participation.
- Mayor Pro-Tem Brown – gave a shout-out to Rebecca and Kevin McCallon. On Saturday, September 2nd for the Labor Day Parade the McCallon's park their truck at the end of Crescent and Reservation with two giant fans and a cooler full of water for the anybody. It was a very hot day.

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 82714-82866, totaling \$954,641.97
Wire transfers for Checking and Payroll for July 2017 totaling \$1,574,650.16
 - b. MINUTES:
 - (1) August 15, 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: None
 - g. APPROVAL OF AGREEMENTS:
 - (1) City Council consider adopting **Resolution No. 2017-81**, authorizing the City Manager to enter into a Memorandum of Understanding for the Designation of Lead Agency by and among the Cities of Monterey, Marina, Sand City and Seaside for the Sand Compatibility and Opportunistic Use Program (SCOUP) Environmental Review.
 - (2) City Council consider adopting **Resolution No. 2017-82**, approving an agreement between the City of Marina and Revenue and Cost Specialists (RCS) to conduct a comprehensive fee study and fully burdened hourly staff labor rates cost allocation plan 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):
 - (1) City Council consider adopting **Resolution No. 2017-83**, approving Recreation & Cultural Services 2016 Annual Report
 - k. FUNDING & BUDGET MATTERS: None
 - l. APPROVE ORDINANCES (WAIVE SECOND READING): None

m. APPROVE APPOINTMENTS: None

Council Member Morton had questions for agenda item 8g(1) – Are we obligating any sand from Marina our City or harvesting of sand in this organizational report? Noted that paragraph 11 and 14 of the agreement are repetitive although worded exactly. Fiscal impact area – are we to put in matching staff time?

Mayor Pro-Tem Brown requested to pull agenda item 8b(1) for the purpose of abstaining.

DELGADO/BROWN: TO APPROVE THE CONSENT AGENDA MINUS 8b(1), WHICH IS TO BE VOTED ON SEPARATELY. 5-0-0-0 Motion Passes

DELGADO/AMADEO: TO APPROVE AGENDA ITEM 8b(1). 4-0-0-1(Brown)

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.*

- a. Agency Board consider adopting Resolution No. 2017- (SA-MRA), that approves certain documents for a property tax increment bond issue for the Marina Dunes project, pursuant to pre-existing enforceable obligations, and take various other actions related thereto, and direct the City Manager to return to the Board with the balance of the documents required to complete this transaction, including a preliminary official statement and a bond purchase agreement. *Continued from August 18, 2017 - Continued to September 19, 2017.*

City Manager Long we are still in closed session discussions with council and we are asking that this item be continued to the September 19 City Council meeting.

Public Comments:

- Doug Yount – Marina Community Partners and Shae Homes desire that you move forward with the approval of moving forward with the issuance of bond process tonight. Really important that we keep this moving forward, lot of uncertainties in the world and would take a while to go through the Oversight Board, Department of Finance, back to the Council for a final and then the issuance. There’s lots of details in there and things that will be forthcoming as those documents are developed. It’s important as part of the partnership that exists between the City and Marina Community Partners and Shae Homes as the developer, has had a strong partnership over the years as evidence in the success of the project and we want to continue that partnership on that strong basis and it’s always a show of good faith, a show of good partnership when obligations are met in a timely and a good faith method. Issuance of the bonds, the discussions have been ongoing for quite a while now. September 19th would be the 3rd meeting which this would come before the City Council. Thinks it would be very important to move forward tonight. If you’re moving forward in discussions on closed sessions or other portions or discussions on the project it would be well received and thinks those discussions would go much better and much more productively if the approval of the resolution in front of you related to starting the process of the bonds would go tonight. That would be very helpful and a good partnership.

MORTON/BROWN: THAT THIS ITEM BE CONTINUED TO NO SOONER THAN SEPTEMBER 19, 2017. 5-0-0-0 Motion Passes

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 introducing Ordinance No. 2017-, amending Article I of Title 5 of the Marina Municipal Code relating to the business license tax. ***Continued from August 18, 2017.***

Lauren Lai, Finance Director recapped the last three council meetings

Council Questions: Section 5.12.070 Residential Rentals – wording makes reference to “*it would not require a business license if an occupant rents our rooms*” is it your understanding based on the working that exists that in fact if the occupant is not the owner, the owner would have to get a business license for that residence; Section 5.12.080 Real Estate Sales Persons – are you aware that MMC Section 5.04.060 clearly states already and has stated since 1978 “*that a person who is considered to be an employee does not have to get a business license*”, finance director authorized to refund such tax if found to be collected and shouldn’t have, you already have that authority; Existing Section 5.16.110 – Penalties was not in the ballot language at all, correct; retro-active of penalties; when were billings sent out for the July 1st filing deadline; did the new ordinance approved by the votes change all of the existing business license sections, were they eliminated or are they still in there; Real Estate Business and Professional Code;

AMADEO/BROWN: TO APPROVE THE INTRODUCTION OF ORDINANCE NO. 2017-, AMENDING ARTICLE I OF TITLE 5 OF THE MARINA MUNICIPAL CODE RELATING TO THE BUSINESS LICENSE TAX. 3-2(Morton, O’Connell)-0-0 Motion Passes by Roll Call Vote

Substitute Motion

O’Connell/Morton: to table this matter to the second meeting of May 2018. 2-3(Amadeo, Brown, Delgado)-0-0 Substitute Motion Fails by Roll Call Vote

Public Comments:

- Jeff Davi, Real Estate Broker – Support first motion, very appropriate to have a carveout for sales people when it comes to real estate matters in a business license tax. You have to be associated with a broker in order to do any business in California, so automatically your broker is covered in those activities; and there is a specific carveout in the business and professions code that states real estate sale people are independent contractors, so you cannot rely on some prior ordinance where all employees are exempt. You simply need a carveout for sales people so there’s no confusion.
- Rebecca McCallon – commented that real estate agents cannot collect commissions on sales, commission are collected by the Broker and then paid out to the agents. The Broker pays the taxes on the sales. Encourages council to adopt this ordinance amendment.
- Dawn Alva – Support motion to approve “as is”. Explained to council that the October 1st deadline is perfect because that give her time to do the math and correctly calculate what needs to be paid for her business license as she has already underpaid.
- Paula Pelot – Confused on when a Broker pays is paying their business license, when they are collecting a commission are they paying taxes on that? If 7-11’s are conducting business individually and they are a part of a larger organization and they’re paying this tax not clear where the lines are on this matter.

Substitute Motion

Morton/O’Connell: An ordinance approval of 5.12.080 Real Estate Sales People exemption, making that retro-active to July 1, 2017; and, acceptance of the ordinance language Section 6, which is the delay of penalties until October 1, 2017. 1-4(Amadeo, O’Connell, Brown, Delgado)-0-0 Substitute Motion Fails by Roll Call Vote

12. COUNCIL & STAFF INFORMATIONAL REPORTS:

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

Mayor Delgado – did not attend last Mayor’s Association meeting, nothing to report out

- 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 announced that there will be a Special City Council meeting scheduled for Sunday, September 17, 2017 at 4:00 pm to discuss the possible extension of the Downtown Moratorium.

Council Member Amadeo – Will be attending the League of California Cities annual conference and noted that this will be her last League of California Conference as she will not be running for council in 2018. Suggested that council member think about participating in these conferences. It is a wonderful opportunity to network and learn what other communities are doing with similar problems.

13. ADJOURNMENT: The meeting adjourned back into closed session at 8:50 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor