



MINUTES

Tuesday, September 19, 2017

5:00 P.M. Closed Session

6:00 P.M. Recess

7:00 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: Three potential cases.

6:00-6:50 PM – Fort Ord Exhibit Reception – City Hall Lobby

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 in closed session this evening on the first item on the agenda, Labor Negotiations. Council received information from the negotiators for the city, provided direction, no reportable action was taken. The Council is expected to meet on the second item 3b, Conference with Legal Counsel that will probably be after this meeting.

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

5. **SPECIAL PRESENTATIONS:**

a **Introduction of Police Chief Tina Nieto**

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.*

- Amy Tackett – Friends of the Marina Parks – September 23, 2017 from 9:00am-12:00pm Marina Library Cleanup.
- Marilyn Lidyoff – Provided Council and public updated information on the Monterey County Convention Visitors Bureau
- Nancy Amadeo – Announced that she would not be seeking re-election next November. Encourage Marina citizens to run for public office next November and provided her perspective on what means to be a city council member.
- Rebecca McCallon – Thanked Council for the improvements on Crescent Avenue, unfortunately our speeding has not improved. Was almost hit three times backing out of her driveway within a month time. The traffic circles were a huge improvement but doesn't seem to make a difference. Mayor Delgado was probably right with the speedbump idea. Can something else be done about the speeding cars?
- Mike Owen – Announced today at 3:00 pm at the Board of Supervisors meeting item 17 came up under the health department, which included 17.1 a 2-year lease agreement for a year-round homeless shelter and request for approval for Community Homeless Solutions to operate a temporary shelter. City of Salinas Mayor announced that the full council approved these resolutions. Commented on Lapis Road tow-away, port-a-potty's; trash bins and the dramatic trash

cleanup. Hopes Council and City Manager can express some support for allowing the temporary solution to come to a positive conclusion.

- Paula Pelot, Preston & Abrams Park Tenant Association – Shout-out to persons interested MPC is still its 5th year of negotiations for its faculty. Hoping those interested will come to the administration building tomorrow to help support the faculty as they enter into labor negotiations with board of trustees; attended Sunday’s council meeting preparing to speak but noticed a page missing from her document, when out to the car and notice phone was missing. Remembers that she heard a loud thud on the car... long story short Office Aiello received a call from Seaside PD about my phone and returned my cell phone at my phone. Thanked Marina PD and Seaside PD for the return of her phone.
- Dawn Alva – Expressed concerns about speeding along Lake and Paddon. What is the process for city streets that are becoming very reckless? Loves living in Marina for its walkability but finding continually the corner of Lake and Reservation, the major intersection, when you’re walking across from Jack-In-The Box to the lake side there is a blind corner for small car. The greenery is either too high and the actual fence is too close to the street. How is this area being addressed?
- Council Member Morton – I have asked that on the October 3, 2017 City Council meeting we have a discussion on the status of FORA and the Transition Plan. The FORA Board will be discussing this item at its October 13th Board meeting.
- Mayor Delgado – Made further comments on the Marina Library Cleanup on September 23rd. Also, litter cleanup along the bike path at the junction of Lapid Road and Del Monte Blvd from 10:00am-Noon. On December 9th from 9:00am-3:00pm is the annual winter volunteer service day at the Oak Woodland Restoration site at the Marina Library. Announced that on August 6th Jim Sptiz passed away. Jim was an active member of the American Legion, strong supporter and organizer of the Marina Labor Day Parade and was the lead in bring together the Maggie 101st Airborne. Jim will be buried with full military services at the Central Coast Veterans Cemetery this Friday at 2:00pm and celebration of life to be held at the American Legion Post 694.

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 82867-82967, totaling \$198,196.83

b. MINUTES:

(1) September 6, 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. 2017-84**, approving a joint Caltrans Planning Grant Application, for a Safe Routes to School Master Plan for schools within the City of Marina and City of Seaside, by the Transportation Agency of Monterey County (TAMC) on behalf of TAMC, the City of Marina, the City of Seaside, and the Monterey County Health Department.

(2) ~~City Council and Corporation Board consider adopting Resolution No. 2017- and Resolution No. 2017 (PPSC NPC), approving the Preston Park Sustainable Community Non-Profit Corporation Preston Park Housing Area Budget for FY 2017-18, and; authorizing the Finance Director to make appropriate accounting and budgetary entries. *Pulled by Council Member O'Connell, becomes agenda item 11b*~~

g. APPROVAL OF AGREEMENTS:

(1) ~~City Council consider adopting Resolution No. 2017, approve the Memorandum of Understanding for the designation of lead agency for the environmental review of the Fort Ord Regional Trail and Greenway (FORTAG) by and among the Transportation Agency for Monterey County (TAMC), the City of Marina, the City of Seaside, the County of Monterey, the City of Monterey, the City of Del Rey Oaks, and; authorize the City Manager to execute the memorandum of understanding on behalf of the City of Marina subject to final review and approval by the City Attorney. *Pulled by Council Member Morton, becomes agenda item 11c*~~

(2) City Council consider adopting **Resolution No. 2017-85**, approving a Fee Agreement between the City of Marina and the Monterey Bay Education, Science and Technology Center of the University of California Santa Cruz (UC MBEST) Center, of Marina, California, for cost sharing for consultant services to complete the Marina Municipal Airport Business and Industrial Park/UC MBEST Center Campus Specific Plan, and for provision of planning, engineering and City Attorney services related to the project; authorizing the Finance Director to make appropriate accounting and budgetary entries, and; authorizing the City Manager to execute the Fee Agreement on behalf of 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

1. APPROVE ORDINANCES (WAIVE SECOND READING):

- (1) City Council approve **Ordinance No. 2017-06**, (read by title only) of the City of Marina amending Article I of Title 5 of the Marina Municipal Code relating to the business license tax.

m. APPROVE APPOINTMENTS:

- (1) City Council consider appointment to Planning Commission: Thomas Mann Seat expiring February 2019.

Paula Pelot had a couple of comments for agenda item 8f(2)

Council Member O’Connell requested to pull agenda item 8f(2)

Council Member Morton had corrections the agenda item 8b(1) – Motion on page five should include the words “no sooner than” in front of September 19, 2017; and requested to pull agenda item 8g(1) for a separate vote.

Mayor Delgado requested to pull agenda item 8l(1) for a separate motion and Roll Call Vote

MORTON/DELGADO: TO APPROVE THE CONSENT AGENDA MINUS AGENDA ITEM 8f(2), 8g(1) AND 8l(1). 5-0-0-0 Motion Passes

DELGADO/ : TO APPROVE AGENDA ITEM 8l(1). 3-2(Morton, O’Connell)-0-0 Motion Passes by Roll Call Vote

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. 2017-86**, authorizing the Downtown Street Banner Branding Program; authorizing staff to pursue a Request for Proposal for the purchase/maintenance of banners, hardware along with seasonal rotation; and, authorizing City Manager to implement the Downtown Street Banner Program.

Staff report presented by Marilyn Lidyoff

Council Questions: will Public Works change them periodically; we have a choice between order all of them in the Sumbrella format or all in vinyl; are the Sumbrella more durable; are Sumbrella more colorful vs. vinyl; does the city own the banners or renting them; is that a cypress tree or oak on a couple of the banners; “Sea” banner, ca we eliminate the seashells; “Season’s Greeting” can we have it say “Marina wishes you” or something to that effect; can we add City of Marina to all the banners;

need consistency with the fonts; can we pick another format for the Season's Greeting banner; placement of banners at entry areas of Marina; can we put one closer to Wild Thyme; ordering deadlines?

MORTON/DELGADO: TO ADOPT RESOLUTION NO. 2017-86, AUTHORIZING THE DOWNTOWN STREET BANNER BRANDING PROGRAM; AND THAT THE STAFF WITH OTHER MEMBERS OF COMMISSIONS, COUNCIL, PUBLIC WORK ON THE BANNER CONTENT AND BRING THAT BACK OCTOBER 3RD. 5-0-0-0 Motion Passes

Public Comments:

- Paula Pelot – Agrees with a lot of the comments. The Season's Greetings one... you know we're a diverse community here of many religions and practices, does not think it's welcoming to people in our community and outside this community, thinks that banner really should say "Joy" or whatever. Asked if there was anyone on your team who was a graphic artist? I would suggest you include somebody, we have great people in this community. The "Sea" in Marina, is one of the better ones, it has the balance and outline, they're a little out of scale but altogether all three are good. Agrees with Mayor Pro-Tem Brown's suggestion to make the tree gold in the Welcome banner. Surprised to see that there is no place for these banners at Reservation and Imjin Parkway. That is a great thru-put and that is sort like a place where people could be drawn in perhaps by that.
- Rebecca McCallon – I love our logo it says "City of Marina" have we thought about bringing that in somewhere into our Welcome to City of Marina with the sun and the water and the sand dunes. I don't know, I just like it... just an idea. Thinking outside the box
 - b. City Council and Corporation Board consider adopting **Resolution No. 2017-87** and **Resolution No. 2017-03 (PPSC-NPC)**, approving the Preston Park Sustainable Community Non-Profit Corporation Preston Park Housing Area Budget for FY 2017-18, and; authorizing the Finance Director to make appropriate accounting and budgetary entries. *Pulled by Council Member O'Connell, was agenda item 8f(2)*

Council Member Morton: on page 25, city's distribution of \$1.8 million, when does the distribution take place? Will we have somebody starting this work in this budget?

Council Member O'Connell: page 81, Net Operating Income-Debt Service for 2018 is \$1.5 million but Debt Service for 2017 is \$1.7 million. My understanding is the Debit Service consists of interest only payments, why is there a difference of \$252,798? On page 138, same column relating to Debt Service, your payments start on July 2017 through June 2018 but there are several payments that are inconsistent, why are there inconsistent amounts? On page 261, variance of minus 188.1% and I was told that that percentage should be zero, correct? On page 260, right hand side there is paragraph that says "this category represents the \$6,350 payment annually for external property audit in conjunction with an annual city audit", are there two different audits done each year? Is the Regulatory Agreement that we're bring back under Abrams different than the one from Preston or is it just one document related to both?

DELGADO/BROWN: TO APPROVE RESOLUTION NO. 2017-87 AND RESOLUTION NO. 2017-03 (PPSC-NPC), APPROVING THE PRESTON PARK SUSTAINABLE COMMUNITY NON-PROFIT CORPORATION PRESTON PARK HOUSING AREA BUDGET FOR FY 2017-18, AND; AUTHORIZING THE FINANCE DIRECTOR TO MAKE APPROPRIATE ACCOUNTING AND BUDGETARY ENTRIES; AND THE REGULATORY AGREEMENT FOR PRESTON PARK BE ADDRESSED AS SOON AS POSSIBLE, OCTOBER OR NOVEMBER. 5-0-0-0 Motion Passes

Public Comments:

- Paula Pelot – Thanked Council Members Morton, O’Connell, the City Manager, Denise Turley and Cory for all their work; Comments about the Management Agreement with Alliance and all the work that was put into the review sheets for the management contract and we’re at the end of the year and haven’t discussed the contract. There are major problems out at Preston and Abrams Park. We did not go through the Capital Improvements budget. Parking is a serious issue and some tough decisions are going to have to be made. There is an ongoing problem with rodents both inside and outside the units. We have a lot of hard work ahead of us in this next year to figure out how to deal with parking and develop a comprehensive plan to deal with the rodents.
- Denise Turley – Agrees with previous speaker; commented on the management agreement with Alliance and the fact that FORA had Alliance ghost write the contract; and that this should be coming back before council in October.

Council Member O’Connell: Is the Regulatory Agreement that we’re bring back under Abrams different than the one from Preston or is it just one document related to both? I would ask for a friendly amendment to the motion that the Regulatory Agreement for Preston Park be addressed as soon as possible, October or November since we’re talking about this 80% as compared to 60%.

- c. City Council consider adopting **Resolution No. 2017-88**, approve the Memorandum of Understanding for the designation of lead agency for the environmental review of the Fort Ord Regional Trail and Greenway (FORTAG) by and among the Transportation Agency for Monterey County (TAMC), the City of Marina, the City of Seaside, the County of Monterey, the City of Monterey, the City of Del Rey Oaks, and; authorize the City Manager to execute the memorandum of understanding on behalf of the City of Marina subject to final review and approval by the City Attorney. ***Pulled by Council Member Morton, was agenda item 8g(1)***

Council Member Morton pulled this because there is a paragraph appearing in the resolution that states “*The City of Marina determined an environmental study that analyzes the environmental impact of the proposed FORTAG project is exempt from CEQA Guidelines, no physical changes are proposed at this time*”. Thinks this is ambiguous, spoke with City Manager prior to the meeting and thinks the intension was that the fact that we’re talking action today to name TAMC as the lead agency, that our staff was trying to say that that was not a CEQA action, it’s not approval of the project, it’s simply a designation of TAMC.

MORTON/DELGADO: THAT WE ADOPT THE RESOLUTION BY STRIKING THAT PARAGRAPH “THE CITY OF MARINA DETERMINED AN ENVIRONMENTAL STUDY THAT ANALYZES THE ENVIRONMENTAL IMPACT OF THE PROPOSED FORTAG PROJECT IS EXEMPT FROM CEQA GUIDELINES, NO PHYSICAL CHANGES ARE PROPOSED AT THIS TIME” BE STRUCK FROM THE RESOLUTION. 5-0-0-0 Motion Passes

Public Comments: None received

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

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

Mayor Delgado: the mayor meet the first week of the month

- 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: provided update of street medians, staff is in contact with MCWD about drought tolerant ideas.

Mayor Delgado: complaints about the open construction pit at Taco Bell on Reservation Road, what the status of this? What is the status the roundabout at Del Monte & Beach landscaping plan? Will we get a new tree or center piece? Why are the lights on 24 hours around the roundabout and who's responsibility is it? Getting complaints about hours long Drone noise out by the airport. Not sure if its drones or autocross/go-carts.

Fire Chief McCoun: when that building was built the sprinkler system design was for pressure and volumes that were available at the time. Since that time the water pressure in that area of the city has been reduced. The sprinkler system doesn't operate quite up to today's standards. They were going to redesign their sprinkler system but that has not been completed yet and have not come up with an approved plan. The system works right now but MCWD wants to replace the double backflow preventer in that system but they need to redesign the sprinkler system as they do the whole project.

Brian McMinn: There will be a smaller tree coming back and sheltered from the wind. We had the soil tested to make sure there are no problems with soil and get recommendation for the soil. For the lights on the roundabout, PG&E has not set the meter. We've had the application in and paid for it for a few months now before the project even closed out. There was a change in the people assigned to it by PG&E and in the middle of that transition there was some coordination was lost. The team we have on board now has reviewed and said that they've approved the design. We're working with PG&E to try to expedite it.

Council Member O'Connell: I would like council to consider at the next retreat in the possibility of the following: "if there is a situation where a council member is not in attendance, is not calling in, give the city manager authority to ask a member of the public or a member of the commission to sit in open session of that person's seat, not to vote but to participate in the process". The reason I ask that is because last election council member Morton and I ran unopposed and I think as council member Amadeo said we need to get people more involved. To think that we could invite someone from the Planning Commission or someone from the public to just sit here, look at the agenda and talk about it... just a thought.

13. ADJOURNMENT: The meeting adjourned at 9:10 pm back into Closed Session

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor