



MINUTES

Tuesday, October 17, 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. 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.
 - b. 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

6:30 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 as noted on the agenda with regard to the item listed having to deal with Anticipated Litigation and Labor Negotiations. With regard to agenda item 3a, Council received information, no reportable action was taken. With regard to agenda item 3b, Council received information, no action take and the council will continue closed session after adjourning the open session.

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

5. SPECIAL PRESENTATIONS:

a Certificate of Adjournment – Austin Meyer

b Proclamations

i. Red Ribbon Week

ii. Restorative Justice Week

c Beacon Project Update

d 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 – Commented on planning staff cancelling a regularly scheduled Tree Committee meeting; website cancellation notices and some meetings were cancelled without posting a cancellation notice. Spoke about 2006 annual council retreat where pervious council members turned down staff's recommendation to eliminate the Tree Committee. Is it reasonable to ask for some sort or council direction regarding a Tree Committee in Marina? With your next annual retreat be an appropriate time to determine such direction for staff? Has any of the council members received my June resignation letter after I submitted it to the city clerk? She said she forwarded it to the appropriate persons.
- Dawn Alva – Was unable to attend the FORA Board meeting and was hoping Council Members Morton or O'Connell could provide a brief summary and what our next steps are, and how best to that they would suggest that we could rally our community around our position for FORA.
- Council Member Amadeo – Introduced Christine Winge as the new director of Access Monterey Peninsula (AMP)
- Mayor Delgado – Shout-out to The Friends of the Marina Library who last weekend had another successful book sale but also it was special because they helped out on the music event that was in the Community Room next to the book sale. Thanked Fire Chief McCoun for a wonderful Fire Safety Night; October 21st Marina Equestrian Center from 10:00-2:00pm is their Harvest Festival; also from 9:00-12:00 chapter two of the Library Parking lot and Oak Woodland Restoration clean

up; announced that Ken Leetch had passed away and a memorial service will be held on Saturday, October 21st at the Marina Grange from 1:00-4:00pm; October 28th from 9:00-12:00 is Fort Ord Public Lands Day, and Shoreline/Goodwill Garden Fund Raiser Celebration from 4:00-6:00pm; Lapis Road update - County Environmental Cleanup Department will begin cleaning up the dirt shoulder of Lapis Road, vehicles not in compliance with agreed upon rules will be towed away, Dumpsters and Port-a-potty's have been place on site;

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 83093-83209, totaling \$338,887.14
Wire transfers from Checking and Payroll for August 2017 totaling \$832,052.54

 - b. MINUTES:
 - (1) October 3, 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-, designating the second Monday of October of each year henceforth to be recognized as Indigenous Peoples' Day. *Pulled by Council Member O'Connell, becomes agenda item 11b*~~

 - (2) City Council consider adopting **Resolution No. 2017-90**, authorizing change in signatories on the City General, Payroll, Revolving Loan, Checking, Money Market and Certificate of Deposit Accounts with Rabobank and City Local Agency Investment Fund (LAIF) accounts.

 - (3) City Council consider adopting **Resolution No. 2017-91**, approving the purchase agreement with Citizen-Serve for new permit tracking software, and; authorizing the City Manager to execute all contract documents and agreements on behalf of the City subject to final review and approval by the City Attorney.

- g. APPROVAL OF AGREEMENTS: None
- h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None
- i. MAPS: None
- j. REPORTS: (RECEIVE AND FILE):
 - (1) Monterey Peninsula Waste Management District September 22, 2017 Highlights
 - (2) Consider receiving Investment Reports for the City of Marina and City of Marina as Successor Agency to the Former Marina Redevelopment Agency for months ended July 31, August 31, and September 30, 2017.
- k. FUNDING & BUDGET MATTERS: None
- l. APPROVE ORDINANCES (WAIVE SECOND READING): None
- m. APPROVE APPOINTMENTS: None

Council Member Morton had a correction to agenda item 8b(1), under the motion for item 11a the word “warranty” should be replaced with “Quality”.

Council Member O’Connell requested to pull agenda item 8f(1) for discussion and separate vote.

Mayor Pro-Tem Brown requested to pull agenda item 8b(1) to be voted on separately so that he can abstain as he was not present at this meeting.

MORTON/DELGADO: TO APPROVE ITEM 8b(1), THE MINUTES OF OCTOBER 3, 2017 WITH THE CORRECTION AS NOTED. 4-0-1(Brown)-0 Motion Passes

DELGADO/MORTON: TO APPROVE THE CONSENT AGENDA MINUS 8f(1). 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 consider adopting **Resolution No. 2017-92**, approving the establishment of the Downtown Vitalization Specific Plan Ad Hoc Committee; appointing members to the Committee, and; directing Staff to establish meeting dates, time, and location at the first Committee meeting.

Fred Aegerter, Community Development Director – Before you, is an Ad-Hoc Committee for the Downtown Vitalization Specific Plan, which began some years ago. Through a series of events the document was never completed and what we’re proposing is an establishment of an Ad-Hoc Committee to assist staff in the preparation of this plan and to move it forward. Staff and council members identified 21 different people who may be interested in terms of participating. We had 11 of 21 people but we have one other person to include on the committee whose name is not listed and that

is Safwat Malek who is an architect working with some of the developers in this area. We anticipate this group being very involved and identifying issues, working to solve issues and resolve them as we move along.

Council Questions: Would Safwat Malek be representing anybody or just listed as citizen; had Horace Mercurio from Coffee Mia been invited to participate?

BROWN/DELGADO: TO ADOPT RESOLUTION NO. 2017-92, APPROVING THE ESTABLISHMENT OF THE DOWNTOWN VITALIZATION SPECIFIC PLAN AD HOC COMMITTEE; APPOINTING MEMBERS TO THE COMMITTEE, AND; DIRECTING STAFF TO ESTABLISH MEETING DATES, TIME, AND LOCATION AT THE FIRST COMMITTEE MEETING; AND TO ADD SAFWAT MALEK, ARCHITECT AND HORACE MERCURIO OF COFFEE MIA, BUSINESS OWNER TO THE LIST OF AD-HOC MEMBERS. 5-0-0-0 Motion Passes

Public Comments: None received

- b. City Council consider adopting **Resolution No. 2017-90**, designating the second Monday of October of each year henceforth to be recognized as Indigenous Peoples' Day. *Pulled by Council Member O'Connell, was agenda item 8f(1)*

Council Member O'Connell: Pulled to go on record that he would be opposing this and voting against it because it is replacing the holiday known as Columbus Day. The State of California, since 1998 has had a Native American Day, which is the fourth Friday of September and does not see any reason to change Columbus Day to a new name.

Council discussed past history on Columbus's arrival and what took place after then.

Morton/O'Connell: that a resolution of the City Council of the City of Marina designating the fourth Friday of September as Indigenous People's Day.

Substitute Motion

AMADEO/DELGADO: TO ADOPT RESOLUTION NO. 2017-90, DESIGNATING THE SECOND MONDAY OF OCTOBER OF EACH YEAR HENCEFORTH TO BE RECOGNIZED AS INDIGENOUS PEOPLES' DAY. 3-2(Morton, O'Connell)-0-0 Motion Passes

Public Comments: None received.

Council Member O'Connell called for the Question.

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

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

Mayor submitted a two-page report of the last Mayor's Association meeting, held in King City.

- 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 – noted that the item approved tonight on the Software System has the capability to do a permit system for RV Parking. We've double checked that with the vendor and once we get the system implemented in a few months we'll be bringing that item back to council for further discussion.

Mayor Delgado asked if there was any update on the progress of the landscaping on Del Monte/Reservation especially Del Monte and holiday lighting. Also inquired if there was any update on the cannabis issues that might be coming to our agenda anytime.

City Manager Long – No updated information on the Del Monte/Reservation landscaping or holiday lighting. The cannabis issues, we have a deadline by December of this year to make any changes regarding recreational use of marijuana or we lose any ability to do any regulation. The Planning Commission will be considering this item next Thursday, October 26th. The item will be a consideration of a ban on the sales of recreational marijuana only that will then come to the city council. We have met with a firm called Pinnacle Strategy on developing some policy regarding all the other uses of marijuana from cultivation, manufacturing, sale of medical marijuana and we're finalizing a contract with that firm right now. When this recreational item comes to council we'll also be able to give you an update on the timeline.

13. ADJOURNMENT: the meeting adjourned back into Closed Session at 7:55 PM and adjourned in memory of Austin Meyer.

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor