



## MINUTES

Tuesday, February 6, 2018

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, anticipated litigation – initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9 – one potential case.
  - b. Labor Negotiations
    - i. Marina Public Safety Officers Association  
  
City Negotiators: Layne P. Long, City Manager and Employee Relations Officer
  - c. Real Property Negotiations
    - i. Property: Cypress Knolls Project Area, Marina, CA  
Negotiating Party: Ashraf Al Moustafa & Safwat Malek  
Property Negotiator: City Manager  
Terms: All terms and conditions

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

Assistant City Attorney Deborah Mall reported out Closed Session: Council went into closed session at 5:30, they heard one item which was 3a, Conference with Legal Counsel-Anticipated Litigation and direction was given to legal counsel. Council concluded closed session at 6:50 and will go back in to closed session to hear the final items on the agenda, labor negotiations and real property negotiations.

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

5. **SPECIAL PRESENTATIONS:**

a **Proclamations**

i. Selai Lesu, 2017 Monterey County Fire Chiefs Support Person of the Year

b **Thomas Fire Presentation**

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.*

- Paula Pelot – Announced Preston and Abrams Park Tenant Association to hold a meeting on February 10<sup>th</sup> at 11:30 am to discuss the MCWD Rate Increase Public Hearing taking place on March 12, 2018 at 7:00PM. Hoping the City will trot out its parcel list and enter a protest again because they still have not substantiated their cost to the Ord Community. This meeting is open to ALL residents in Marina who wish to learn more about how to do the protest the increase and how to fill out the protest form. Noted that residents at Preston and Abrams Park have not received any notice from MCWD on this.
- David Burnett – inquired about the history for closing City Hall on Wednesdays and asked if the City had plans on opening back up on Wednesdays.
- Kathy Biala – March 16, 2018 is when the CPUC is due to inform us on the final decision on the EIR on the Am Water Slant Well project. Showed pictures of what the actual pipeline (slant well) looks like for the project. The pipes are sitting in our aquifers, the Salinas Groundwater Aquifers.
- Brandon – Commented on Recreational Cannabis within the City of Marina. Noted a public poll/survey on Next-Door asking is the city should allow recreational cannabis sales? 117 people voted yes, that 64% said they would like to see it happen.
- Brian McMinn – Announced the Monterey Bay Chapter of the American Public Works Association recognized 2 of Marina projects that completed last year. The Del Monte/Beach Roundabout and the Imjin Parkway/Hwy 1 interchange. There was a lot of competition this year, 11 projects submitted.

- Mike Owen – Commented on the closing of city hall on Wednesdays was due to the defeat of the utility users tax. Since then city revenue have increased. Thinks it’s time to open the doors on Wednesday and if not explain why. Commented on the Lapis Road trash and debris left by the homeless and stated that Bruce Delgado takes it into his own hands to clear away the leftover trash. Didn’t see anything about the County’s Safe Parking Program on the agenda for the Feb 12<sup>th</sup> Ad-hoc meeting and wondered if that was an oversight? Applied for the Tree Commission and asked if interviews were going to be held?
- Council Member O’Connell – Reminded the public that recreational marijuana is against federal law. We still have that issue to address and the city attorney’s office is looking into that to report back to the council.
- Mayor Delgado – Updated public on Lapis Road cleanup and the next cleanup is scheduled for February 25<sup>th</sup> from 10:00am-Noon at Lapis/del Monte; Friends of Marina Parks holds an event every third Saturday of the month from 9:00am-Noon and Gloyria Jean-Tate Park is the next area to meet; Eagle Scout projects at Los Arboles Sports Complex on from 9:00am-3:00pm March 10-11 and March 24-25.
- Council Member Amadeo – Marina Rotary Club Fundraiser of the year – Cars in the Park on March 17<sup>th</sup> all-day at Vince DiMaggio Park.
- Council Member Morton – FORA Board meeting this Friday, February 9<sup>th</sup> starting at 2:00pm, the issues that are decided there that impact our city greatly and thanked everybody for sending their comments to the FORA Board. This week there are 2 big issues affecting Marina are on the agenda. The transition planning will be addressed and our traffic circulation pattern. TAMC will be addressing traffic circulation issue regionally and whether or not the eastside parkway has any impact on that.

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 83917-84080, totaling \$1,157,116.97  
Wire transfers from Checking and Payroll for December 2017 totaling:  
\$655,145.18

b. MINUTES:

- (1) January 17, 2018, Regular City Council Meeting

c. CLAIMS AGAINST THE CITY: None

d. AWARD OF BID: None

e. CALL FOR BIDS:

- (1) City Council consider adopting **Resolution No. 2018-07**, authorizing advertising and call for bids to provide janitorial services for the Public Safety Building, Community Center, City Hall, and Council Chambers located at 211 Hillcrest Avenue, Marina Municipal Airport Buildings located at 721, 761, 781 Neeson Road and 3260 Imjin Road, Annex Building located at 209 Cypress Avenue, Corporation Yard located at 2660 5<sup>th</sup> Avenue, Teen Center located at 304 Hillcrest Avenue, Los Arboles Sports Complex Building located at 327 Reindollar Avenue, Vince DiMaggio Park building located at 3200 Del Monte Boulevard, Preston Park Restrooms located at 3100 Preston Drive, and Locke Paddon Park Restrooms.

f. ADOPTION OF RESOLUTIONS:

- (1) City Council consider adopting **Resolution No. 2018-08**, authorizing the Marina Fire Departments participation in Monterey City's Regional grant application to the US Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Assistance to Firefighters Grant program (AFG), for the purchase of mobile and portable radios.
- (2) City Council consider adopting **Resolution No. 2018-09**, approving Fiscal Year 2018-19 Budget meeting calendar.

g. APPROVAL OF AGREEMENTS: None

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE): None

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING): None

m. APPROVE APPOINTMENTS:

- (1) City Council consider appointment to Planning Commission: David Bielsker and David Burnett. 2 Seats expiring February 2020.
- (2) City Council consider appointing to Public Works Commission: Michael Owen and Demetrius Flewellen. 2 Seats expiring 2020.

**DELGADO/BROWN: TO APPROVE THE CONSENT AGENDA. 5-0-0-0 Motion Passes**

9. PUBLIC HEARINGS:

- a. City Council consider an amendment to the zoning ordinance to include 17.06.160 entitled “short-term rentals” which establishes a permitting process and appropriate standards for whole dwelling units or portions of the same for a period of 30 consecutive days or less, along with associated regulations to mitigate negative impacts such as noise and overparking.

Fred Aegerter, Community Development Director provided overview of staff report

Staff looked at a variety of ordinance across the nation in terms of sizes of cities and felt it important to understand what the issues were related to short-term rental. Clarified that item A and B in the staff report, which is the recommended language from the planning commission staff came back with the proposed draft ordinance. Explained the permitting process, fines and violations and noted exclusions would be Time-Shares.

Council questions: local contact person availability for 45-minute response time; room for non-onsite exceptions; responsible person age limit; day-time hours in definition need to be clearer; multiple home-owner limit to 1 STR; single-family dwelling in definition; how is STR permit approved with block homes; would we reconsider revocation of license vs. fine; can fines be applied to homeowner and STR tenant together; permit requirements on advertisements; how is city to determine accurate TOT without seeing copy of STR Agreement; can ordinance state how many STR per street/district; difference between STR and AirBnB; what are the pros and cons for owner occupied STR; could city require that brochure be handed out at STR; staff enforcement percentage; how did we come up with 3 strikes and violation fees; length of residency of owner STR; parking requirements; concerns with empty homes; percentage of owner STR listing on Craig’s List; is business license needed for STR; Would failure to pay TOT be a basis for revocation of permit; don’t we want the fine to be steep enough to cover the cost of the staff; percentage of leakage?

Public Comments:

- Dawn Alva – Asked if on the first strike of the three strikes includes the understanding of you’re on AirBnB now and you might not know that you’re in violation of the city? If we do enter into a contract with AirBnB, they do provide that detailed email that is the legalities around that property. Is there some language that maybe we can include in that language that is automatically going out to the individual renting that property? Understands why we want to limit it but as a resident of Marina this seems extremely complicated and taxing on staff.
- David Burnett – one of the points of emphasis of the 5 meetings we had on this was the desperate need for affordable housing in the city not the economic benefit for the owners of the house. If you have a house and rent it short-term you’re going to make a ton of money and that’s going to drive the long-term rental prices up. It’s going to be more difficult to rent in Marina. We wanted to limit the amount of short-term rentals in any given block and in any given location because the impact of short-term rentals on affordable housing is devastating. Encouraged council to keep the arrangement as it’s set, limited to Marina residents and keep ordinance as it was presented.
- Paula Pelot – noted that when identifying those 50 properties she looked at the other websites: Home-Away, RBO and others on Craig’s List and found the most people were listed on multiple sites for the same property. If you could pursue those contracts that would be helpful, but to note they don’t do a lot of enforcement, they have their own agreement with people who sign up with them that the TOT is paid right there and AirBnB then sends it to where it needs to go. Interested is seeing a contract because some do not include revealing to the jurisdiction who the property is and who is renting it out, which would be important in enforcement. We do have a TOT ordinance, we

are collecting TOT from a majority of those listed on the list I provided. So those who have not paid are in violation of our code.

- Kathy Biala – if we have short-term rentals and allow non-Marina residents to have that essentially outsiders buy residential properties solely for the purpose of business or profit. Short-term rental already have earned a distinct reputation for eroding neighborhoods with the influx of strangers and non-accountability for rules of conduct in the neighborhood. Noted she located an online ad from someone looking for a place to purchase solely for an AirBnB but would not be around the property. Expressed concerns about homeowners not being around for their rentals. Thinks “owner-occupied” is the way to go for short-term rentals. Restrictions on short-terms rentals will maybe convert some of them to long-term rentals, which we desperately need in Marina.
- Lisa Berkeley – noted we have over 6000 permits to be pulled so the size of Marina is going to increase. Who is going to purchase those? Do we want to keep it local or do we want outsiders coming in? Noted that she has have a lot of problems with homes that are AirBnB on her street. With the issue of stress on staff, when it comes to a lot of the fees and permit the agencies we contract with will be taking care of a lot of that.
- Grace Silva-Santella – attended two of the planning commission meetings and wanted to complement the staff and planning commissioner who put a lot of time into this. Prefers that there be no STR’s in Marina, as she is surrounded by rentals. Staff and commission has spent a tremendous amount of time to address a lot of the issues. Clarified that Carmel and Monterey do not allow STR’s and spent a lot of money hiring contractor to come in and track down the STR’s and start enforcement. Pacific Grove is proposing an initiative to limit STR’s to room rentals in resident-occupied homes.

**O’CONNELL/BROWN: MATTER BE REFERRED BACK TO THE PLANNING COMMISSION WITH DIRECTION THAT THEY CONSIDER THE FOLLOWING:**

1. **REDUCE THE CONTENT OF THE PERMIT THAT IS TO BE DISPLAYED IN THE UNIT.**
2. **THE APPLICATION PROCESS REQUIRE A WRITTEN EXECUTED STATEMENT FROM THE PERMIT HOLDER AS TO THE ANTICIPATED RENT TO BE RECEIVED.**
3. **THE PERMIT STATE THE TRANSIENT OCCUPANCY TAX REQUIREMENTS.**
4. **PRECINCTS BE CONSIDERED INSTEAD OF BLOCKS AND PERCENTAGE OF STR UNITS.**
5. **REVISE THE GOOD NEIGHBOR BROCHURE BY REDUCING ITS CONTENT.**
6. **EXPAND THE TYPE OF ACTS TO BE CONSIDERED VIOLATIONS:**
  - a. **FINES BE INCREASED IF APPROPRIATE TO DO SO.**
  - b. **RIGHT TO REVOKE PERMIT FOR A VIOLATION WITH CONSIDERATION OF THE DUE PROCESS RIGHTS OF THE PERMIT HOLDER.**
7. **CLARIFY THE MEANING OF DAYTIME OCCUPANTS.**
8. **KEEP AS A PRIORITY THE IMPORTANCE OF AFFORDABLE HOUSING IN THE PROCESS.**
9. **CONSIDER A LIMITATION AS TO OWNER OCCUPIED UNITS ONLY.**
10. **REFERENCE THE RECYCLING POLICY IN THE GOOD NEIGHBOR BROCHURE.**

**5-0-0-0 Motion Passes**

Public Comment on Motion:

- Paula Pelot – Doing by precinct is not the best way. Thinks the planning commission described this at length that precincts change, streets don't. It really needs to be tied to streets. There is an over concern about enforcement. Most of the enforcement comes from the neighbors complaining. As for the fines, believes that they need to go back up to the level the planning commission recommended.
- Kathy Biala – the planning commission spent five (5) sessions on this topic and hearing two things here tonight that I would think that the staff could just put in the next draft and you vote on it again. The direction of whether the larger issue of does this council want owner-occupied only. That would give a lot of substance and direction as opposed to sending it all back to the planning commission again only to have the same dialogs. We were looking forward to some sort of guidance from the council and now feels frustrated.

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. 2018-10**, approving agreement between City of Marina and Monterey Peninsula Unified School District (MPUSD) for City of Marina Police Department to provide School Resource Officer (SRO) services for Monterey Peninsula Unified School District (MPUSD) schools located in City of Marina; authorize Finance Director to make appropriate accounting and budgetary entries, and; authorize City Manager to execute agreement on behalf of City subject to final review and approval by the City Attorney.

Tina Nieto, Police Chief – this was table from the last city council meeting. The school board had voted to move from the 12-months to 10-months, so this is just closing the loop. We're already into the school year on okaying the 10-month contract vs. the 12-month contract. School board did meet on the 23<sup>rd</sup> to discuss getting rid of the SRO and they moved it into the fiscal stabilization plan and it was phase II, under 6c and that's where they voted to get rid of the SRO going into the new year. Recommends signing the new contract and cover the rest of the school year. The SRO Program is a very valuable program in the City of Marina. Going forward we can discuss is it important to the community to continue this program with the City Council budgeting as we move into the new fiscal year.

Council Questions: what choices do we have; when we budget from July 1<sup>st</sup>-June 30<sup>th</sup> did we budget for 50% of a police officer for the fiscal budget year; if voted down tonight could they terminate the contract; program costs for 10-months; what was the severance terms of the signed contract; could it be cancelled at any time by either party; did they give a 60-days' notice if we don't sign this contract/new contract;

10:00 PM

**Morton/Brown: to continue the meeting until we finish this item. 4-1(O’Connell)-0-0**

Council Questions Continued: if we sign this contract we eat a little bit more of the cost than the school would because they’re changing it in their favor financially, does the logic PK used at last meeting (funding an officer during the 3-months not in session) make sense, does that make this a fair request or modification;

**MORTON/BROWN: TO APPROVE THE CONTRACT AS WRITTEN WITH DIRECTION TO STAFF TO VERIFY WE GOT PAID FULLY FOR THE 2017 YEAR CONTRACT AND TO MAKE SURE THERE IS NO AUTOMATIC RENEWAL OR EXTENSION OF THE TERMS OF THE SCHOOL RESOURCE OFFICER IN THE SCHOOL UNDER AN EXTENSION WITHOUT A NEW CONTRACT. 5-0-0-0 Motion Passes**

Public Comment: None

- b. ~~City Council consider adopting Resolution No. 2018 , receiving the General Fund Fiscal Year 2017-18 Mid-Year Fiscal Report; authorizing Finance Director to make appropriate accounting and budgetary entries, and; provide staff with any further direction in the matter. *Continued to March 6, 2018*~~

12. COUNCIL & STAFF INFORMATIONAL REPORTS:

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

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

\_\_\_\_\_  
Anita Sharp, Deputy City Clerk

ATTEST:

\_\_\_\_\_  
Bruce C. Delgado, Mayor