



MINUTES

Wednesday, February 21, 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
 - ii. Marina Employee AssociationCity Negotiators: Layne P. Long, City Manager and Employee Relations Officer
 - c. Real Property Negotiations
 - i. Property: Marina Municipal Airport Business Park
Negotiating Party: Joby Aviation, LLC
Property Negotiator: City Manager
Terms: Price and Terms

- ii Property: Imjin Parkway/Landfill Site
APNs 031-101-039,031-101-040, 031-101-041 and 031-101-042
Negotiating Party: County of Monterey and Successor to the Redevelopment Agency of the County of Monterey
Property Negotiator: City Manager
Terms: Price and Terms

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

Assistant City Attorney Robert Rathie reported out closed session: Council met at 5:30pm as indicated and considered 3a, Labor Negotiations and 3c(ii) Real Property Negotiations. Council received information, provided direction, do reportable action was taken and will adjourn the meeting to go back into Closed Session to complete the other matter.

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

5. **SPECIAL PRESENTATIONS:**

- a Annual Report of Western Snowy Plover, Citizens for Sustainable Marina
- 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.*

- Terry Lebda – announced the Marina Chamber of Commerce is “alive and well” and doing a lot for the community. Look at our new website: www.marinachamber.com and see what’s going on in the newness of the Chamber. Sign up for our newsletter, join the Chamber or renew your membership. Noted that the Chamber will be spotlighted in the March 28th Monterey Herald’s Community Focus edition. Noted that the more articles they wish to have needs to be supported with Ads. If you’re interested in purchasing ad space you can go to info@marinachamber.com we can direct you in the right place.
- Paul Grothe, Commissioner for Marina Junior Giants – each year with the Junior Giants the Giants do a study through Cal-Poly based on questions asked through the parents to the players and to the coaches. The study indicates how we’re doing as a program and compares us to other programs throughout the area. talked about the program growing and being recognized by the Giant’s organization and have been given the Gold Standard. There are some negatives in there but that shows us what we need to work on and we take that very seriously. Junior Giants is a non-competitive, free program to all Marina kids. Encourage council to read the packet presented to them this evening. Thanked the Marina Police Officers for coming out and participating with the children.

- Scott Clegg, newly elected Public Safety Officers Association President – Excited to see that the PSOA negotiations were on the Closed Session portion of the agenda, it's been two months since it was last discussed and anxious to get back to the negotiating table to hear what the city has to offer or say. We understand that it's a tricky balance between budgeting and available funds and keeping your department competitive without having people jump ship and go to other agencies. Hoping to get a contract in place so we can get back to doing police business and not concentrate on contract negotiations. Happy to see on the agenda tonight that council will be discussing sources of revenue generation.
- Mike Owen – Commented that five weeks ago that Mayor asked the City Manager to check up on the nomination of large Monterey Cypress Tree (Fort Companion Tree) for landmark status. Sometime in January I received a response from staff indirectly when they cancelled the Tree Committee meeting which was supposed to review this and refer it to the Planning Commission. Staff also indicated that they needed documentation to indicate how well the Army took care of this tree and others. Self-evident that the Army took really good care of these trees as you can see by its growth. Was also informed that Arborist reports were needed for the trees. Commented on the revisions to the Tree Ordinance back in 1996 but in the landmark area of the ordinance there are no requirements for arborist reports for landmark tree nominations. Would be interested in the reason's staff has for, in effect rejecting this nomination.
- Seth Smith, Santa Cruz Veterans Alliance – Cannabis organization license buy the state for cannabis cultivation, manufacturing and retail sales. Interested in bringing our model to additional cities. Since January 1st there is a 7% increase in the number of customers we see a day for adult use recreational cannabis. With the addition of the new regulations and taxes we're seeing a price spike which is driving a lot of customers back to the black market. Understand that one of the concerns of having a cannabis business and one way to combat that being fully integrated where we operate in every aspect of the supply chain. This affords us the opportunity to not only maintain a high quality of product but to also provide at a very low cost to the end consumer. Noted that 10% of everything we grow is donated back to the veteran community each month, including Marina. About 100-150 veterans receive medicinal medicine for free. City of San Francisco in their ordinance has put in place some language that provides some guidance on compassion program. Compassion Program language should be added to any ordinance should Marina choose to adopt one. Invited council and staff to tour their facility in Santa Cruz.
- Sam Rashkin – talked about cannabis being legal for two months and now have data for analyst and policy makers. In terms of private sectors, economic is now very regulation intensive business, on a retail level the prices have spiked, doubled, tripled and in many cases very small margins and a lot of the small businesses are not going to make it through. Growing in Monterey County has been active and can follow that data, prices have dropped almost in half and costs have gone up. Small businesses, small farmers, small retail are being priced and regulated out of the market. Customers are price sensitive, that's the one thing we didn't expect when this was approved. In terms of policy making, it's not a source of unlimited tax revenue. This is not a problematic industry to regulate. There is no data now suggesting social problems with legal cannabis, intoxicating driving or problems outside the business itself. Cannabis has a lot of positive uses. Urges council to support Seth and his models, it's impressive and suited for a city like this.
- Jeff Uchida, Los Arboles Middle School – LAM finished it basketball season with 3 out of 4 teams were champions in our league. Great cooperation with the city. Basketball in Marina is alive.
- Council Member Amadeo – Marina in Motion Community Forum with City Staff on Tuesday, March 27, 2018 at 6:00 PM in the Council Chambers. Event will not be televised or recorded. Commented on the Open House Materials Recovery Center as being the best in the country and added that Marina does more variety of recycling materials than any place she's ever seen.

Encouraging that we lead the way on such an important issue of recycling those items that would otherwise end up in the landfill.

- Council Member O’Connell – is the question of landmark trees something the Tree Committee should be addressing? If so, could we reasonably look at a meeting for the Tree Committee on this particular issue?
- Mayor Delgado – thanked the Friends of Marina Parks for making a big impact to our city in organizing cleanup of our city parks every three weeks; February 24th last of the seasons Live Music Volunteer Native Planting Restoration Events at the Fort Ord National Monument from 10:00-1:00; February 25th Adopt-A-Road Litter Pick-up on Lapis Road from 10:00-12:00; February 26th is the Marina Ad-Hoc Safe Parking Program Committee meeting starting at 6:30pm in the Council Chambers; March 10-11 and 24-25 final Eagle Scout Projects from 9:00-3:00. Thanked the public works for pothole repairs throughout the city.

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 84081-84201, totaling \$237,603.99

b. MINUTES:

- (1) February 6, 2018, 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. 2018-11**, approving a Caltrans Sustainable Communities planning grant application for funding of a planning study for the Del Monte Boulevard/2nd Avenue extension and Patton Parkway connection project.
- (2) City Council consider adopting findings waiving City’s formal bid process because competitive bidding would be unavailing, would not produce an advantage, would not be in the public interest and that undertaking the competitive bidding process would increase the cost and not allow for the

necessary construction to be completed in a timeframe to meet Pacific Gas & Electric's scheduled install of the new 480 volt transformer; and adopting **Resolution No. 2018-12**, approving agreement between the City of Marina and Lee Wilson Electric Company, Inc. of Arroyo Grande, California for electrical power upgrade at 3240 Imjin Rd., Building 510, at the Marina Municipal Airport; and authorizing the Finance Director to make necessary accounting and budgetary entries, and; authorizing City Manager to execute agreement on behalf of the City subject to final review and approval by the City Attorney.

- g. APPROVAL OF AGREEMENTS:
- 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:

(1) City Council consider appointing to Recreation and Cultural Services Commission: Darlena Ridler Jeffrey Uchida. 2 Seats expiring February 2020.

AMADEO/O'CONNELL: TO APPROVE THE CONSENT AGENDA. 4-0-1(Brown)-0 Motion Passes

9. PUBLIC HEARINGS:

- a. City Council consider approving the first reading of an ordinance approving the First Amendment to the Development Agreement between the City and Cypress Marina Heights LLC.; adopting Resolution No. 2018-, approving the Third Amendment to the Option Agreement by and among the City, the Successor Agency to the Marina Redevelopment Agency and Cypress Marina Heights LLC; adopting Resolution No. 2018-, approving the Termination of the Memorandum of Agreement by and among the City, the Successor Agency and Cypress Marina Heights LLC related to the Funding of Phase 1 of the Strategic Development Center; AND Marina City Council, acting as the Governing Board of the Successor Agency to the Marina Redevelopment Agency adopting Resolution No. 2018- (SA-MRA), approving the Third Amendment to the Option Agreement by and among the City, the Successor Agency to the Marina Redevelopment Agency and Cypress Marina Heights, LLC; and adopting Resolution No. 2018- (SA-MRA), approving the Termination of the Memorandum of Agreement by and among the City, the Successor Agency and Cypress Marina Heights, LLC related to the Funding of Phase 1 of the Strategic Development Center. ***Continued to March 6, 2018***

Karen Tiedemann, Goldfarb & Lipman:

City Council Action Requested: Approve First Reading of Ordinance approving the First Amendment to the Development Agreement; Approve the Third Amendment to the Option Agreement; Approve Termination of Memorandum of Agreement Related to the Funding of the Strategic Development Center

Successor Agency Action Requested: Approve Third Amendment to Option Agreement; Approve Termination of Memorandum of Agreement related to funding of the Strategic Development Center

Project Description: Sea Haven (formerly Marina Heights) is a 248-acre site approved by the City Council in 2004 for 1,050 for-sale residential units in the City of Marina located in Monterey County

The Project Approvals included: General Plan Amendments; The Marina Heights Specific Plan; Zone Map and Text Amendments; Tentative Tract Map; Development Agreement - No changes to the Project are proposed

The Project includes open space and recreation opportunities: 5.9 acres of neighborhood pocket parks, 8.5-acre oak grove preserve, 12.9-acre native green belt/linear park, and 8.3 acres of additional green belt linkages. In addition, a \$1.5 million contribution will be made toward the design and construction of a City park adjacent to the Project (this contribution is in addition to building permit park fees).

840 market rate units and 210 below market rate units (102 Townhome units; 85 “Bridge” Cottage and 23 workforce Cottages)

948 homes are single-family detached and 102 units are attached townhome units

Various housing options at a wide range of price points will be spread throughout the project (not individual neighborhoods) that create a diverse residential environment: 102 BMR townhomes (up to 6-plex buildings on 17 separate lots); 188 market and BMR Cottages on 2,650 sf lots; 336 market rate homes on 5,000 sf lots; 339 market rate homes on 6,000 sf lots; 85 market rate Estates on 10,000 sf lots.

Affordable Housing – 20% of the units are below market = 51 town homes affordable to moderate income households (120% of median income); 74 of the homes affordable to workforce households (incomes between 120% to 150% of median income); 85 “Bridge Homes” to be sold at approximately \$364,267 subject to CPI inflator; Below Market Rate homes dispersed throughout the Project.

Project History: City, Former Redevelopment Agency and Cypress Marina Heights entered into an Option Agreement in 2002; Developer granted option to acquire site for purchase price of \$10,620,000; Purchase Price was based on a fair market valuation of the property assuming that the affordable housing obligations imposed by the Redevelopment Law were met by the Agency offsite; Developer acquired the property in 2006.

After the housing collapse/recession onset, the Project was “mothballed” in late-2007 after substantial infrastructure was installed; The Project consists of five phases: the first phase consists of infrastructure improvements and there are four residential phases; Phase 1: substantially complete and consists primarily of main streets, wet and dry utilities, community landscape improvements; Phase 2: the first phase of residential homes, consisting of a total of 300 units, is currently under construction. 24 of these units will be sold at below market rate prices.

Development Agreement: Entered into in March 2004; Term of 14 years –expires November 2018; Grants Developer vested rights to develop the project in accordance with the land uses and zoning in effect at time entered into; Freezes impact and processing fees at 2004 level and prohibits the City from imposing any new fees; Development Agreements authorized by Government Code Section 65864 et seq.; City of Marina Municipal Code Chapter 4 sets out procedures for City approval of Development Agreement; Development Agreement and Amendment must be approved by Ordinance.

Development Agreement Amendment: Substantive Amendments = *Extension of Term:* Developer is requesting a 12-year extension. Project has been delayed by litigation and economic conditions – extends term to November 2030 - *Applicability of New Fees:* Beginning November 30, 2018 City can charge updated impact and processing fees; Developer consent to new assessment district if necessary to replace FORA fee - *Development Timing:* Removes Schedule of Benchmarks; Requires

development of Below Market Rate Homes generally proportionate to development of market rate with a jump start for market rate homes - *Park Fees*: Original condition of approval – Developer to pay \$1.5 million toward park adjacent to project; Amendment requires payment when City has remaining funds for park development but no earlier than 18 months after effective date of Amendment

Other Amendments: Updates the project approvals; Removes restrictions on transfers and assignments; Allows for administrative amendments

Option Agreement: Option Agreement entered into in 2002 among the City, former Redevelopment Agency and Developer; Developer acquired property in 2006 in accordance with terms of Option Agreement and paid purchase price. 50% of the purchase price was paid to FORA as required by FORA statute; Option Agreement contains ongoing obligations related to development of the site, transfers, profit participation payments and the Bridge Homes; Successor Agency succeeded to former Redevelopment Agency rights and obligation.

Option Agreement Amendments: *Proposed Amendments to Option Agreement* = Remove provisions requiring City and Successor Agency approval of transfers; Eliminate the Successor Agency’s right to repurchase the property in the event of default – post dissolution, Successor Agency does not have rights to acquire property; Removal of the Schedule of Benchmarks; Impact fees – consistent with the Development Agreement; Administrative Amendments.

Affordable Housing: Sea Haven Project includes 210 below market rate units; California Redevelopment Law requires that 15% of all housing built in a Project Area must be affordable to very low and low-income households; At time of Option Agreement, City and Agency agreed to assume responsibility for the Redevelopment Law affordable housing requirements in order to maximize the purchase price for the property; Sea Haven is not subject to City Inclusionary Ordinance

Abrams B – City and former Redevelopment Agency agreed that the units at Abrams B would be restricted to meet the Redevelopment Law affordable housing requirements; Agency recorded regulatory agreement on Abrams B that requires that 75 of units affordable to very low-income households and 65 units affordable to low income households; Affordability requirements are phased in as Sea Haven develops

Redevelopment Law Affordable Housing Obligations

Sea Haven Project Affordable Requirements (158 affordable Units)	Units met by Sea Haven Project	Units Met by other Development in Project Areas	Units Currently Restricted At Abrams B	Total Units currently	Additional Affordable Units needed upon full build out of Sea Haven
Total Low and Moderate-Income Units required (9%) -95	51 Moderate Income Units	None	23		15 (95-5-23-6 (excess very low-income units))
Total Very Low-Income Units Required (6%) 63	None	18 - Rockrose	51	69	none

Termination of MOA Re Strategic Development Center: City/Redevelopment Agency and Developer entered into MOA Regarding Funding of Strategic Development Center in 2004; Developer agreed to fund costs associated with Strategic Development Center; Developer payments were to be credited toward City fees due when building permits were issued; Developer funded total of \$887,561 over the course of several years; Developer received a fee credit of \$82,995 for fees related to the final map for the project; Developer is currently owed \$804,566 in fee credits as a result of the advance funding of the Strategic Development Center; Termination of MOA would relieve the City of the

obligation to give the Developer the fee credit; Termination of MOA is effective when Amendments to Development Agreement and Option Agreement are final.

Council Questions: affordable units; 15 more units needed at Abrams B after full buildout; how many units is the city attempting to cover for the housing development; what is fiscal impact of the city using Abrams B to cover the number of units; what happens if there is no extension; inclusionary housing ordinance requirements vs. redevelopment law; should sales price be included in fiscal analysis; is assessment district commitment in writing; if land is sold before we seek an assessment district would it apply; why are we talking about the impacts fees not being increased until November, is it strictly because the existing document expired in November; CFD to FORA is currently \$23,800 per pulled permit; can we do contractual fee vs. FORA fee after FORA sunsets; 12-year extension benchmarks, what was the reason for those benchmarks and the staggering of how you put the houses on the market in 2004 and wouldn't those conditions for the city till apply today; does term of contract have impact on 20% to The Dunes; Bridge-home CPI put towards park; what is the percentage of the 68 permits pulled; didn't we give the developers the "jumpstart" 15-years ago; what does the agreement say about the FORTAG trail system; Planning Commission letter regarding water supply and quality, do we know what they were referring too and what are they referring to when the letter talks about "transit"; who determines the details of the assessment district; does it make sense for city to do BMR sooner before all others; does Rockrose Garden Project apply to our housing needs? Is affordable by design considered affordable and could you purchase for rent at any one of those income brackets;

Developers Presentation by: Chuck Lande, Watt/Chadmar, Sonja Ransom, Glen Yamamoto, Emily Murry, Jim Roberts, Josh Petersen, Jeff Cooks, and Nema

Request: *We respectfully request that you adopt the staff recommendation and approve the following agreements: First Amendment to the Development Agreement (extending the term for 12 years); Third Amendment to the Option Agreement; and Termination of the Memorandum of Agreement related to the funding of Phase 1 of the Strategic Development Center. These actions will facilitate building on the momentum of having three communities under construction and will enable us to proceed as quickly as possible to project completion.*

Project Status & Phasing: The Project consists of five phases: the first phase consists of infrastructure improvements and there are four residential phases; Phase 1: substantially complete and consists primarily of main streets, wet and dry utilities, community landscape improvements; Phase 2: the first phase of residential homes, consisting of a total of 300 units, is currently under construction. 24 of these units will be sold at below market rate prices.

Housing Options by Phase

Type - # of Units	Lot Size	Phase I	Phase II	Phase III	Phase IV	Total
Cottage	2,625	63	10	4	3	80
Market Rate: 5,000 SF Lots	5,000	89	75	129	43	336
Market Rate: 6,000 SF Lots	6,000	105	55	83	96	339
Estate	10,000	19	66	0	0	85
Total Market Units		276	206	216	142	840
Townhome - mod inc & workforce	6-plex	24	36	36	6	102
Cottage - workforce & bridge	2,625	0	53	36	19	108
Total BMR Units		24	89	72	25	210
Total Project		300	295	288	167	1,050

Current Project Communities: *During 2017, three new neighborhood communities completed model complexes and commenced construction and sales: 5,000 SF lots – 89 lots in Phase 1: 47 lots are released for sale plus 4 model homes (Layia community) and as of February 13, 2018, 33 homes are sold or closed; 6,000 SF lots – 105 lots in Phase 1: 43 lots are released for sale plus 4 model homes (Villosa community) and 34 homes are sold or closed; Cottage lots – 63 lots in Phase 1: 27 lots are released for sale plus 3 model homes (Larkspur community) and 22 homes are sold or closed.*

Future Residential Phases: Phase 3 (the second residential phase) includes 295 homes, 89 of which are contemplated to be sold at below market prices; Phase 4 (the third residential phase) consists of 288 homes, 72 of which are contemplated to be sold at below market prices; Phase 5 (the fourth residential phase) consists of 167 homes, 25 of which are contemplated to be sold at below market prices

Project Benefits: Thoughtful design with high quality homes, diverse housing options at a range of price points, substantial open space and parks, very strong market acceptance (with 89 sales to date over the course of eight months); Attracts new residents and creates critical mass in spurring the revitalization of downtown Marina to support full service grocery, restaurant and other commercial opportunities; 210 Below Market Rate Homes that are planned to benefit City residents and workers; A \$1.5 million commitment to assist the City in planning and improving a future City park (in addition to park fees paid at building permit).

Benefits of Development Agreement Extension and Amendment: Project will be subject to market rate Developer Impact Fees and processing fees after November 2018; The Development is willing to pay its fair share of future fees that replace the existing FORA fees. If the City elects to form a community facilities district, the Developer has agreed to vote in favor of the formation of this district as documented in the Development Agreement Amendment); A \$1.5 million commitment to assist the City in planning and improving a future City park (in addition to park fees paid at building permit). The Developer has agreed to make the \$1.5 million park improvement payment when the City has the funds to complete and maintain the Park (but not earlier than 18 months after the expiration of the Original Term). Previously, the Developer had the right to decide when to make the Park Improvement Payment; The Developer is willing to forgive approximately \$804,000 in fee credits accrued under the prior Memorandum of Agreement for the Strategic Development Center.

City of Marina Development Fee Revenues: *Over the course of its completion, the Project will generate significant revenues for the City:* To date, total Development Impact Fees (“DIF”) paid to the City aggregates to \$1.7 million (based on 85 building permits and contributions to the Strategic Development Center); Through the end of the Project, a total of \$20.5 million in developer fees is estimated to be generated for the City. This amount is based on current fee rates; Included in the total projected development fees is a total of \$7.2 million in estimated park fees over the life of the Project. The \$1.5 million park fee contribution is in addition to these park fees.

Request: *We respectfully request that you adopt the staff recommendation and approve the following agreements:* First Amendment to the Development Agreement (extending the term for 12 years); Third Amendment to the Option Agreement; and Termination of the Memorandum of Agreement related to the funding of Phase 1 of the Strategic Development Center. *These actions will facilitate building on the momentum of having three communities under construction and will enable us to proceed as quickly as possible to project completion.*

9:50 PM

Delgado/Morton: that we close open session at 10:15 or sooner if we can 4-0-1(Brown)-0

Council Questions: of 90 sold, 25 are beyond escrow; are home build prior to being sold; affordable housing costs; park costs of 2005 vs. 2018 is there a big difference in costs; can based reuse/impact fee

commitment language be placed in agreement; TAMC fees; are FORA fees paid in advance of when they're supposed to be paid?

Mayor Delgado opened the Public Hearing for public comments:

- Paula Pelot – the number of 158 is wrong, it's 186 between Abrams and Preston. If you look at the regulatory agreements, which we have done, it's 135 of Abrams of the 194 units and 51 in Preston. The reality is there's only about 30 or 40 of them actually rented in Abrams and 51 are rented at Preston. You are not meeting your regulatory agreements now. You already have a problem and this doesn't really impact this development, it's the agreements you made are a separate problem that you have to be real about those numbers because to your point Mr. Mayor you have a lot that you're not meeting out there already under regulatory agreements.

Mayor Delgado closed public comments period.

MORTON/AMADEO: TO CONTINUE THE PUBLIC HEARING TO MARCH 6, 2018. 4-0-1(Brown)-0 Motion Passes

Public Comments on Motion: 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 waive full reading and adopt, by four-fifths vote, **Urgency Ordinance No. 2018-01**, reauthorizing the public, educational, and governmental fee on state video franchisees operating with the City; and give first reading to Ordinance No. 2018-, to be ready by title only, reauthorizing the public, educational, and governmental fee on state video franchisees operating within the City.

DELGADO/AMADEO: TO ADOPT URGENCY ORDINANCE NO. 2018-01, REAUTHORIZING THE PUBLIC, EDUCATIONAL, AND GOVERNMENTAL FEE ON STATE VIDEO FRANCHISEES OPERATING WITH THE CITY. 4-0-1(Brown)-0 Motion Passes by Roll Call Vote

Public Comments: None

DELGADO/AMADEO: TO APPROVE FIRST READING TO ORDINANCE NO. 2018-, TO BE READY BY TITLE ONLY, ADDING CHAPTER 5.56.090 TO THE MARINA MUNICIPAL CODE REAUTHORIZING THE COLLECTION OF A FEE TO SUPPORT PUBLIC, EDUCATIONAL, AND GOVERNMENTAL (“PEG”) CHANNEL FACILITIES WITHIN THE CITY. 4-0-1(Brown)-0 Motion Passes by Roll Call Vote

Public Comments: None

- b. City Council Providing direction to staff regarding revenue options to address key unfunded city services as a follow up to the Strategic Planning Meeting on February 2-3, 2018. *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 10:05 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor