



## MINUTES

Tuesday, May 15, 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)  
  
MEMBERS PRESENT: Nancy Amadeo, Gail Morton, Frank O'Connell, Mayor Pro-Tem/Vice Chair, David W. Brown  
  
MEMBERS ABSENT: Mayor/Chair Bruce C. Delgado (Excused)
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 Public Safety Officers Association  
  
City Negotiators: Layne P. Long, City Manager and Employee Relations Officer
  - b. Real Property Negotiations
    - i. Property: 3271 Imjin Road, Marina, Marina Municipal Airport Bldg. 554  
Negotiating Party: Frank T. Lewis  
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 Robert Rathie reported out Closed Session: Council met at 5:30 as indicated on the agenda with regard to the two items listed having to do with Labor Negotiations and Real Property Negotiations, Council received information, gave direction and no reportable action was taken.

4. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)
5. SPECIAL PRESENTATIONS:
  - a. Introduction of New Police Officer – Nancy Bruno
  - b. Recreation Quarterly Sports Awards
    - i. 2017 Scotts MLB Pitch Hit & Run Marina Champions
    - ii. Marina Track Club – 2017 Norther California State Meet Winners
    - iii. 2017 Elk’s Punt, Pass & Kick Marina Winners
    - iv. 2017 Hoopshoot Marina Winners
    - v. 2018 HotShot Marina Winners
  - c. National Public Works Week Proclamation
  - d. Bike to Work Day & Month Proclamation
  - e. 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.*
  - Kevin Saunders – Announced that he filed a lawsuit against Bruce Delgado for slander, liable, intension of infliction of emotional distress, negligent affliction of emotional distress, violation of my right to fair political association, business interference, economic advantage. Mayor plagiarized the medical marijuana initiative. Demands that Mr. Delgado go on record immediately as to the progeny of this initiative. Why would he write an initiative that favors out of city monopolies? Why would he write an initiative that doesn’t allow Marina resident, especially one who spent the last 3-years at a tremendous cost to my health, reputation, and finances. Why would he write an initiative that would essentially freeze me out? Mr. Delgado is on tape where he is instructing his paid signature gatherers to inform people that I am a felon and thus ineligible for one the coveted and lucrative medical marijuana licenses that will be before this city. Finds it really hurtful that Bruce would choose to not contact Kitty Merchant or myself to be a partner in his initiative. Asking Bruce to withdraw his initiative.
  - Mark Stevenson – Built Springhill Suites and informed council that Mr. Dadwal intends to bypass the Prevailing Wage requirement by purchasing pre-built/modular walls for his new hotel project adjacent to the Springhill Suites. By doing this the building will be coming in from Oregon. The modular are completely constructed out of state, thus alleviating the requirement for prevailing wage and the only people getting the prevailing wage are the people who basically drywall the hallways and build the parking lot.
  - Chief Nieto – Reminded people that today is National Peace Officers Memorial Day. National Peace Officers week pays special recognition to law enforcement officers who lost their lives in the line of duty for the safety and protection of others. Thanked all those who came out last week for our Police Memorial Day here in the City of Marina.

- Kitty Merchant – Here to discuss Bruce Delgado and Adam Urrutia. We received multiple phone calls over the last week that not only discouraged me but hurt my feelings and it angered me that a person running for city council is blatantly lying to people and telling people that Kevin is a felon. But worse off that the initiative was written to specifically exclude Kevin, Coasterdam and myself. Been here for over two years, work hard here, shop here and have friends here. I ran a really good campaign for Kevin, which was honest and fair. Still getting backlash from the statement the was put on Next Door by Bruce Delgado that Kevin was responsible for stealing and destroying his campaign signs and that was another lie. Doesn't understand why anybody even Bruce would want to keep us down. We're not doing anything wrong. Discouraged that the Mayor or somebody running for city council would actually go out into the public and talk bad about their residents and lie about them.

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 84771-84880, totaling \$278,311.48  
Wire transfers from Checking and Payroll for March 2018 totaling: \$500,710.86

b. MINUTES:

- (1) April 17, 2018, Regular City Council Meeting – Corrected
- (2) May 1, 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. 2018-47**, approving advertising and call for bids for the 2018 Citywide Street Repair Project for digouts and chip seals.

f. ADOPTION OF RESOLUTIONS:

- (1) City Council consider adopting **Resolution No. 2018-48**, certifying City of Marina compliance with State law (Proposition 218) with respect to special assessment for Cypress Cove II Landscape Maintenance Assessment District for FY 2018-19.

- (2) City Council consider adopting **Resolution No. 2018-49**, certifying City of Marina compliance with State law (Proposition 218) with respect to special assessment for Monterey Bay Estates Landscape Maintenance Assessment District for FY 2018-19.
- (3) City Council to consider adopting **Resolution No. 2018-50**, certifying City of Marina compliance with State law (Proposition 218) with respect to special assessment for Seabreeze Landscape Maintenance Assessment District for FY 2018-19.
- (4) City Council consider adopting **Resolution No. 2018-51**, approving the fee schedule for City services
- ~~(5) City Council consider adopting Resolution No. 2018 , authorizing the downtown street banner program series number four; and, authorizing City Manager to implement the Downtown Marina Street Banner Program. ***Pulled by Council Member Amadeo, becomes agenda item 11b***~~

- 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):
  - (1) City Council consider reading by title only and adopting **Ordinance No, 2018-03**, amending Subsection 3.24.010A of Section 3.24.010 entitled “Findings and Intent,” Subsection 3.24.020A of Section 3.24.020 entitled “Delegation of Authority and Direction to Manager,” and Section 3.24.040 entitled “Schedule of Fees and Service Charges” of Chapter 3.24 of the Marina Municipal Code entitled “Fee and Service Charge Revenue/Cost Comparison System.” ***Pulled by City Mayor Pro-Tem Brown for Roll Call Vote***
- m. APPROVE APPOINTMENTS: None

Council Member Amadeo pulled agenda item 8f(5) for further discussion

Mayor Pro-Tem Brown pulled agenda item 8l(1) for a Roll Call Vote

**MORTON/AMADEO: TO APPROVE THE CONSENT AGENDA MINUS 8f(5) AND 8l(1) FOR A ROLL CALL VOTE. 4-0-1(Delgado)-0 Motion Passes**

**MORTON/AMADEO: TO APPROVE AGENDA ITEM 8l(1). 4-0-1(Delgado)-0 Motion Passes by Roll Call Vote**

- 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 give direction on a request from the owner of the Marriott Springhill Suites Hotel for reconsideration of the Amendments to the Operating Covenant, Requirement to Repay Impact Fee Incentive and to pay Extension Fee. ***Item removed from the agenda by proponent.***

Public Comments:

- Mark Stevenson, Covenant Construction – April 17, 2018 the City Council considered a request by the owner of the Springhill Suites Hotel, Mr. Harvey Dadwal to forgive a development fee’s debt of \$734,000 owed on his hotel due to construction delays. Mr. Dadwal requested this debt forgiveness to elevate financial stress on his ability to refinance another \$5.5 million SBA development loan associated to a new hotel project next door. I have information that needs to be reviewed by the city council members and the city attorney that disputes Mr. Dadwal’s public request for debt forgiveness. Specifically, with our information, public record and information revealed in the public by Mr. Dadwal the hotel is financially successful. In fact, the hotel is not in financial jeopardy at all and Mr. Dadwal is misleading the public and the City of Marina for personal benefit. Mr. Dadwal was offered a very hansom incentive to build the Marina Springhill Suites, approximately \$630,000 of the hotel was completed on or before April 2016. Due to Mr. Dadwal’s constant changes throughout the project we were essentially behind schedule by 15-months and the Marina Building Dept. can confirm his continual redesign of the original construction concept. Many of these changes he initiated without approval of the building department, construction lender, construction bonding company. Requested council to consider a 30-day delay so that he can talk with the City Attorney’s office and give additional information.
- Kevin Saunders – Noted a contract is a contract and it would send a horrible precedent to forgive \$700,000.
- Cathy Anderson – Wanted to support the matter of the Marriott Springhill Suites. Hopefully you will be accommodating and helping this property owner so that it doesn’t going into any type of default. It’s a beautiful hotel. Recalls that we had a lot of rain during the initial construction period that played a part in the delays. Hopes the city will work with the owner of the Marriott Springhill Suites because it a well investment for the community to keep it up and running. It’s an asset.

- b. City Council consider adopting **Resolution No. 2018-52**, authorizing the downtown street banner program series number four; and, authorizing City Manager to implement the Downtown Marina Street Banner Program. ***Pulled by Council Member Amadeo, was agenda item 8f(5)***

Council Member Amadeo – Pulled this item due to an email from Kathy Biala and for discussion and possible changes. Would like to hear a summary of the staff report.

Council Questions: Did the EDC see the banners that said “Explore, Experience & Enjoy”; was this the recommendation of the EDC or did they have any criticisms; has there been any contact or survey done to determine whether or not this is appropriate in the eyes of the various nationalities as compared to saying Marina City of Diversity?

Public Comments:

- Ron Lebda – the Banner Committee has been working hard to try to come up with concepts and ideas to fulfil the request of the council and the community, the diversity of the city in languages. Spoken to some people and they are proud of their home language. In an effort to show diversity in Marina we came up with the languages of several different countries as an indication that they’re welcome in Marina. The Committee was face with what would fit on the banner. We are not opposed to going back and tweaking the layout but we’re trying to get a set of banners up for this time of the year because if we don’t make a decision we’re going to be into the holiday season and those banners will be put up.
- Augh Belaugh – Commented on visiting different countries and the signage they have. Likes the concept of ours but suggested we provide more languages to reflect more diversity. As for the size of the fonts it doesn’t matter when you know what your language looks like. Asked about the holiday banners and why only Christians and Jews what about the others?

**MORTON/AMADEO: TO AUTHORIZE THE DOWNTOWN STREET BANNER PROGRAM SERIES # 4 AND TO INCORPORATE THE SERIES INTO OUR DOWNTOWN STREET BANNER PROGRAM BUT TO CHANGE THE DESIGN AND THE NEW DESIGN AND ANY ALTERNATIVE BE RESUBMITTED TO COUNCIL AS QUICKLY AS POSSIBLE. 4-0-1(Delgado)-0 Motion Passes**

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.

Council Member Amadeo – Attended League of California Cities District meeting for the Monterey Bay District where the speaker spoke about the various Proposition on the June ballot or will be coming forward on the November ballot and expressed that cities throughout California are requesting that you support the ballot measure that’s on the June ballot that expressly ensures that SB-1 Transportation Bill goes solely towards transportation, that the legislature and cities and counties cannot use it for anything other than roads, bike paths, sidewalks and anything related to transportation. The League is also requesting that you vote no on the Proposition that appears to be coming in November that will limit cities ability to raise new tax revenue without a 2/3<sup>rd</sup> majority vote.

Council Member Morton – The FORA Board was mandated to come up with a transition plan prior to their sunset date of June 30, 2020. The FORA Board has been grappling with what does that transition plan look like and to date they have not created one. On June 8, 2018 from 8:00-2:00 pm at the Carpenters Hall we are slated to talk about the FORA transition. This is an important issue for the City of Marina because our tax dollars current go to FORA, the tax dollars from all of the regions currently go to fund FORA and we share 50% of our Fort Ord land sale values and FORA get to decide what those funds get to be spent on. We’re talking about millions of dollars. Hope to see you there.

13. ADJOURNMENT: The meeting adjourned at 8:15 PM

---

Anita Sharp, Deputy City Clerk

ATTEST:

---

David W. Brown, Mayor Pro-Tem