



## MINUTES

Wednesday, September 5, 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, Mayor/Chair Bruce C. Delgado  
  
MEMBERS ABSENT: Frank O'Connell (Excused), Mayor Pro-Tem/Vice Chair, David W. Brown (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. Conference with legal Counsel, anticipated litigation: initiation of litigation pursuant to paragraph (4) of subdivision (d) of CA Govt. Code Section 54956.9 – Two potential cases
  - b. Real Property Negotiations
    - i. Property: Marina Municipal Airport Business Park  
Negotiating Party: Joby Areo Inc  
Property Negotiator: City Manager  
Terms: All terms and conditions
    - ii. Property: Building 504 at the Marina Municipal Airport  
Negotiating Party: Wathen Castanos  
Property Negotiator: City Manager  
Terms: All terms and conditions

c. Performance Evaluation, Unrepresented Employee – City Manager

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

Robert Rathie, Assistant City Attorney reported out closed session: Council did meet on the items listed on the agenda, which were two matters of potential litigation and received information on each of those matters; also discussed one of the matters under Real Property Negotiations and received information from staff and engaged in the first steps as far as a performance evaluation for an unrepresented employee, that being the City Manager. All those things were done in closed session this evening and there was no reportable action taken.

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

5. SPECIAL PRESENTATIONS:

a. Proclamations

i. Jacobs Heart – September Childhood Cancer Awareness Month

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.*

- Alexis Williams, Marina High School Student – Came to speak about our SRO situation. A lot of student from our school really want an SRO, we even had a petition with over 180 signatures of students and staff that want an SRO on our campus to help make us feel safer. Hoping this can be added to a future agenda to reestablish the funding for an SRO. Our last SRO, Office Ball was really kind and had a really great relationship with the students.
- Paula Pelot – announced the Abrams and Preston Park Annual Garage Sale this Saturday, September 8<sup>th</sup> from 9:00am-2:00pm, all 15 blocks. Noted in reading the materials for the Measures something jumped out at me. Back in May I submitted a Public Records Request asking for information on the arrearages of Water City Roller Hockey and also if there were any arrearages for other leased properties. I did receive a response within the 10-days saying you needed until June 30<sup>th</sup> to answer me. It's been radio silence since then. So, these two items really jumped off the page at me and one of the reasons is the first one if you notice is the \$54,000. That was money owed by William Lee who is a current candidate for reelection at the Water Board. I understand that there were some bankruptcy's and some other things involved but I think that's an unusual amount of money to have accumulated. And then the Water City Roller Hockey. Lastly, still engaged with the Mobile Home Rent Stabilization that we were fortunately to get. There are a couple of concerns: 1) we are not really doing a very good job in enforcing a couple of components of our ordinance and one of them is when new people move in they're supposed to be given a document that shows they have an option to not have a lease or to have a lease. As you may recall that once a certain number of people are there and it reaches that number rent stabilization goes out

the window. So, in not offering that to people when they show up to buy-in or to bring their unit or rent an existing unit reaches a certain level then our rent stabilization goes out the window. Sharon Attebury has challenged Manny Vieira and they've withdrawn those, because they're wrong. The city should take a step where they actually have to submit the forms showing that they have done this with people. Also, we need to take back the authority to do code enforcement under Title 25 of the Mobile Home Rent Law. Right now, they have to wait for someone to come from Sacramento. It's not going to add that much of a burden to the city if we take that back. Hope you will look into that.

- Evy Smith – Here again to address the failure of the Shea Homes to install a complete hot water circulation system in 118 homes. In Phase I there are 332 homes of which 36% do not have hot water circulation systems installed and are wasting 20-30% of water every day which has been verified by the Water District. This is a violation of the MCWD Ordinance #20 and a violation District Code 336030. Our homes are not in compliance with the ordinance and code. When we were here on August 8<sup>th</sup> we were told that this is Water District ordinance and the Water District's issue. Is this accurate? Who approves the builders plans and provides the building permits to Shea for them to build 332 homes? Standard inspection timings and policies and procedures and checklists required for these inspections, correct? Inspections include foundations, framing, electrical, plumbing systems, fire and safety etc. the Codes need to be adhered to are based on the California Building Code Title 24, which are the minimum standards for buildings in California. Please explain to us how your building inspectors could have inspected 118 homes during the "rough", when the walls were still open and not see that there was no complete recirculation piping system in place as per MCWD's Ordinance 20 and District Code 336030? These ordinances and codes have been in effect since the early 1990's and has the City of Marina inspections since 1990 missed to complete recir. System in all new homes built in Marina or any redevelopment? When did you realize that our homes didn't meet California Code 608.3? What did you do when you realized that your inspections were faulty? Why weren't the 118 homeowners told that they did not have a valid final inspection on their home?
- Joel Johnson – We do not have a valid inspection because we are not in compliance with the applicable water ordinance and code regarding a complete recirculation system. Why didn't you begin to fine Shea for the non-compliance to code when you were made aware of the problem? The problem was discovered in the Fall of 2016. Shea should have been fined daily for 118 homes out of code for two years. We would like solution certified by the District, Shea and the City customized to our choice for each of 118 affected homeowners. These changes to our hot water system must ensure compliance with all applicable code and ordinances. Please be aware that some homeowners may request the retrofit of adding the piping loop. We would like individualized certified waivers from MCWD to show that each home is not in violation of Ordinance 20 and Code 3.36030 and these individual compliance waivers note that homeowners will not be fined in any way for the time the homes were not in compliance. We would like the City of Marina to provide waivers to the homeowners that they have a valid final inspection given that the city approved homes were not code/ordinance compliant. We would like to get this on an agenda to better understand how we can get a valid final inspection and get this fixed.
- Bob Nolan – Thinks it's a mistake that there are no longer SRO's in our schools. Commented on Marina High School Football Team is phenomenal and has attended their last 2 games where they have not been scored on yet. They beat a team from Oakland and they beat a team from San Jose. This Friday night the team is making a trip up to Hartford Academy in San Jose at 280 Saratoga Avenue and would encourage everybody to go and attend the game to support and cheer on Marina High School. Also attended the Mobile Home Park meeting and heard the frustration that we're not providing good service and we're not responding to their requests. Hopes this is something we improve on in the near future. Need to enforce our own ordinance on rent stabilization.

- Council Member Amadeo – Marina In Motion Public Forum for Candidate Debates on Saturday, September 22, 2018 from 9:00am-4:00pm in the Council Chambers for candidates running for MPC Board of Trustees, MCWD and Mayoral seats. First forum will be MPC from 9:00-10:30am; next will be the Mayors from 10:45-12:15pm and last will be the MCWD from 1:15-4:00pm.
- Council Member Morton – Wanted to thank all the volunteers of the Labor Day Parade and a special thanks to the Marina High School Students who made the car signs for the VIP’s riding in them; also thanked Bob McCaffrey, Marvin Lynn, Richard Avila, Athen Constantine, Cookies Cars Alberto Reyes, John and Sheila Crivello, Jonny Shioino, Nancy Nolan for the use of their cars. On Tuesday, September 11<sup>th</sup> starting at 6:00 pm will be a Special Council meeting to discuss the taking a position as a city about the Fort Ord Reuse Authority and its proposed Transition Plan and how it serves or disfavors the City of Marina and to make our own inputs and ideas in going forward as to what best meets Marina’s needs and responsibilities to the entire region for support of the Base Reuse Plan.
- Mayor Delgado – Thanks to Gail for organizing the fancy cars in the parade for the VIP’s; thanked Kathy Biala for co-chairing and thanked Natalie for her continued support for this event. Noted that the parade almost didn’t happen this year, it was just by a thread that we finally decided to do it with very few volunteers who have done it in the past. Next will also be on a thread because it takes so much effort and time but it’s not that hard if we have a good number of volunteers. To ensure that the parade and festival happen on the Saturday of Labor Day weekend next year please let me know if you would like to be involved in the planning and implementation of the parade. Thanked the Police Department, Recreation Department, Public Works Department and the Fires Department for their task in securing the event.

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 CHASE Check Numbers 90414-90516 totaling \$1,083,881.07

b. MINUTES:

- (1) August 8, 2018, Regular City Council Meeting
- (2) August 10, 2018, Special City Council Meeting
- (3) August 21, 2018, Regular City Council Meeting

c. CLAIMS AGAINST THE CITY: None

d. AWARD OF BID:

- (1) City council consider adopting **Resolution No. 2018-105**, awarding the 2018 Citywide Street Repair Project for crack sealing and slurry seals contract to Pavement Coatings Company of Woodland, California for the amount of \$201,045, and; authorizing Finance Director to make necessary accounting and budgetary entries, and; authorizing City Manager to execute contract documents and all change orders on behalf of City subject to final review and approval by the City Attorney.

e. CALL FOR BIDS: Nonef. ADOPTION OF RESOLUTIONS:

- (1) ~~City Council consider adopting Resolution No. 2018 , opposing Proposition 6, which, if approved by voters would repeal the Road Repair and Accountability Act; and Allow the City of Marina to be listed as a member on the No on Proposition 6 coalition. *Pulled by Council Member Morton, becomes agenda item 11c.*~~
- (2) ~~City Council consider adopting Resolution No. 2018 , to designate employee's contributions toward employer pension costs as an employer pick up per section 414(h)(f) of the Internal Revenue Code. *Pulled by Council Member Morton, becomes agenda item 11d*~~

g. APPROVAL OF AGREEMENTS:

- (1) City Council consider adopting **Resolution No. 2018-106**, approving grant agreement between City of Marina and Federal Aviation Administration (FAA) for the Airport Improvement Program (AIP) 2018 designated project – Extend Taxiway B east to threshold of Runway 29 (Design Only), at Marina Municipal Airport in the amount of \$145,530, and; approving professional services agreement between City of Marina and Tartaglia Engineering, of Atascadero, California, in the amount of \$151,700 for airport engineering services for the design phase of the project, and; authorizing application for and acceptance of a State match grant in the amount of \$7,277, and; increasing appropriations in FY 2018-19 Budget, Airport Capital Project Fund 460 in the amount of \$161,700, and; increasing appropriations in FY 2018-19 Airport Operations Fund 555 in the amount of \$8,894, and; authorizing the Finance Director to make necessary accounting and budgetary entries, and; authorizing City Manager to execute Agreements on behalf of the City subject to final review and approval by the City Attorney.

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: Nonei. MAPS: Nonej. REPORTS: (RECEIVE AND FILE): Nonek. FUNDING & BUDGET MATTERS: Nonel. APPROVE ORDINANCES (WAIVE SECOND READING): Nonem. APPROVE APPOINTMENTS: None

Council Member Morton on the minutes of August 8, 2018, page 9, the motion was that we take concerns of the council as they relate to “fire access to the 4<sup>th</sup> and 5<sup>th</sup> floors” the concerns of the

council were much broader with regard to that project included the street design, parking, the fact that it dead ended at DeForest, it removed a cul-de-sac. This does not reflect the totality of the concerns that were to be addressed. So, should these come back and take another stab at it; also requested to pull agenda items 8f(1) and 8f(2).

Mayor Delgado asked the Deputy Clerk if printed the motion as you read it to be over the audio or was this a summary of what you remembered?

Deputy City Clerk – it’s what’s on the tape.

Mayor Delgado – We can’t change the motion that was on the tape, but we can get through other ways direction to staff to have a more complete address of issues besides just 4<sup>th</sup> and 5<sup>th</sup> floor access.

**DELGADO/MORTON: TO APPROVE THE CONSENT AGENDA MINUS 8f(1) AND 8f(2). 3-0-2(O’Connell, Brown)-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. 2018-, approving consent to the City of Monterey to form the Monterey County Tourism Improvement District (MCTID) and include the City of Marina in the MCTID

Marilyn Lidyoff, Economic Development Coordinator

Monterey County Tourism Improvement District (MCTID) - The State law provides cities with the ability to form special benefit assessment districts for the purpose of business improvement, subject to the support of a majority of affected businesses.

The existing district was formed in 2006 pursuant to the Property and Business Improvement Area Law of 1989 ('89 Law), which includes the City of Marina. This effort seeks to modernize the district by disestablishing the '89 Law district and re-establishing the MCTID pursuant to the Property and Business Improvement District law of 1994 ('94 Law). If established, the district would generate between \$24 and \$30 million over five years for promotion of travel and tourism specific to Monterey County.

Currently, under the '89 Law, the MCCVB is the MCTID Advisory Board to the City of Monterey, which is subject to legal challenges by outside agencies. With the new plan ('94 Law), there is an MCTID Oversight Committee comprised of a hotel representative from within Monterey County Tourism Improvement District (MCTID) boundaries including a representative from Marina.

The MCTID is a benefit assessment district proposed to help fund marketing and sales promotion efforts for Monterey County lodging businesses.

The proposed MCTID includes all lodging businesses located within the boundaries of the unincorporated areas of Monterey County and the cities of Carmel-by-the-Sea, Del Rey Oaks, Marina, Monterey, Pacific Grove, Salinas, Sand City and Seaside.

The City of Monterey is working with the Monterey County Convention and Visitors Bureau and local lodging businesses to form the MCTID. The Marina City Council must give consent to the Monterey City Council for the City of Marina to be included in the MCTID. The MCTID management district plan sets forth the assessment rate. The assessment rate is planned to remain the same in the Management District Plan (MDP) at the current rate of \$1 per occupied room for limited service and \$2 for full service. Further, while there is no plan to increase the assessment rate, the MDP allows for an increase (with maximums) in the event of unforeseen circumstances that would seriously affect the programs operated with TID funds. Any increase in the rate would require a super majority vote of the MCTID Oversight Committee.

The MCTID Oversight Committee shall have full decision-making authority over all programs and activities funded by the MCTID. The MCTID specifically targets hotel promotion and booking room nights; whereas, the Transient Occupancy Tax (TOT) promotes the city's general venues, i.e. points of interest, representation to trade show and other client engagements activities, travel trade and meeting markets, city events, Visitor Center referrals, familiarization tours to name a few.

In the event the City of Marina does not approve consent to the City of Monterey to form the Monterey County Tourism Improvement District (MCTID) and include the City of Marina in the MCTID, the following negative impacts will occur: *The City of Marina will be removed from the new district; Marina lodging properties will be excluded from TID funded activities and programs. Marina will not have a voting representative on the TID Oversight Committee and the Committee and MCCVB Board will discuss next steps.*

There will be no fiscal impact as the rate is anticipated to remain the same in the MDP at the current rate of \$1 per occupied room for limited service and \$2 for full service

Council Questions: We're currently members of the MCCVB, correct? If we voted against this would we no longer be part of MCCVB and not receive the benefits? Are these two different entities? On the current district do we have representation or is it controlled by Monterey? This is going to be a new entity with 15 voting members, correct? If we have one vote, how is our city adequately represented or represented differently than it is under the existing system? How is my representative going to influence the decisions made by our organization that has one vote? How does our representative get selected? If it's a 5-year duration is the same representative for 5-years? Under the 1989 law the hoteliers are charging \$1 for non-full service and \$2 for full service per room night, correct? Does the new plan have the same fee? How much money is this generated in FY 17-18? It was cited in the staff report a couple of times that it's \$1 it's subject to legal challenges every year as to the exercise of discretion by this committee and cited as being an adverse issue, why is that a bad thing to be able to challenge what happens annually in the decisions about oversight of \$4.1 million? Has this organization been challenged under the 1989 law? If the City of Marina has one representative that wishes to challenge the exercise over \$4.1 million and how's that spent, that is solely through this representative and one vote of 13? Is it a requirement that as long as Marina belongs to this it will always have a voting representative on the board? Why are Salinas and Pacific Grove in different zones? What is the breakdown of the 12% TOT tax that is applicable to Marina hotels goes?

Assistant City Attorney Rathie - By the City of Monterey being the lead agency and the district functions essentially like the ones we have for landscape and lighting maintenance, I mean it's an assessment district, so the assessment has to be proportionate to the benefit and can be challenged. Is

there any liability for Marina since we're not the forming entity... is there any liability for us from a challenge like that?

Council Questions continued: do you think it's a good idea to have an additional TID setup like Salinas and Pacific Grove? Is there a drawback to it? If we have our City Attorney look into the liability issue and it turns out that there's a big liability and we give our consent tonight can we withdraw it later or if we say yes now are we in it for 5-years no matter what? In our resolution it has us approving these representatives by name and by their hotel, in fact you're just asking that we're approving participation and the City of Marina would have one seat?

**MORTON/AMADEO: THAT WE CONTINUE THIS MATTER SO THAT IT MAY COME BACK WITH the ANSWERS TO OUR LEGAL COUNSEL'S QUESTION REGARD TO EXPOSURE FOR LEGAL LIABILITY AND TO LOOK AT ADVANTAGES AND DISADVANTAGES OF MODELING OUR STRUCTURE AFTER CITY OF SALINAS OR PACIFIC GROVE. 3-0-2(O'Connell, Brown)-0 Motion Passes**

Public Comments: None received.

- b. City Council consider adopting **Resolution No. 2018-107**, adopting this revised Marina Emergency Operations Plan and adopt the National Incident Management System.

Doug McCoun, Fire Chief – tonight we have a before you a plan to ensure that we have the most economical and economical use of all the resources (materials, personnel) for the protection of the city residents and visitors in a time of an emergency. There are four components to this plan that we're going to talk about tonight. 1.) Mitigation – that's where we're going to take actions to strengthen facilities, such as generators, making sure we're earthquake prepared safely; making sure the sewers systems are working properly; 2.) Preparedness – like this plan, setting up our emergency operations centers and things like that; 3.) Our Response – our responses are things that we do on a daily basis with all our daily emergencies; 4.) Recovery – what happens after we have a big emergency.

This Plan is designed to incorporate all our facilities and personnel into an efficient organization capable of reacting swiftly and adequately. The basic tenants of mutual-aid is mutual-aid. We have a professional police force, fire department, our public works, community development that on a daily basis we assist each other, and we respond to a wide range of emergency incidents. But if during a major incident such as an earthquake, tsunami we're going to be quickly overwhelmed, we're going to need help. When that happens, we're going to activate the plan. We will be working with our operations center and other resources that we don't have readily available to mitigate the incident. This is one of the basic component of why we need to have this plan.

Part of this plan that is before you tonight is too adopt the Federal Emergency National Incident Management System FE-NIMS and I cannot find where we actually adopted it back on 2000-2001. We've been using it and following it, practicing it and that's why it's on this plan too.

This plan outlines what each department is supposed to do and talks about preparedness through recovery and the objective is to incorporate and coordinate all of the facilities and personnel into an efficient organization and to address the needs of the citizens and visitors in the event of an emergency.

The City's emergency management goals are as follows: Provide effective life and safety measures, reduce property loss, and protect the environment; Provide the basis for the direction and control of emergency operations; Plan for the continuation of government in the aftermath of a disaster; Provide for the rapid resumption of impacted businesses and community services; Provide accurate

documentation and records required for cost recovery; Provide for the protection, use, and distribution of resources, and coordinate operations with the emergency service organizations of other jurisdictions.

The Plan is compliant with the State Emergency Management System and the National Incident Management System.

Approving the Plan causes no fiscal impact at this time, however, if the City were to be noncompliant with NIMS and without a EOP, the City could lose thousands if not millions of dollars in state and federal reimbursements.

Council Questions: has everyone who signed the staff report reviewed this and believe it's fully to the best of our ability to protect our citizens if a disaster happens? Is there anything else that we should be addressing that's not in this plan? How well do we coordinate our plan with other cities plans so that we are not only dealing with our community, but we are able to coordinate with other communities to get the best possible result for everyone? If our communication lines go down during a major event, how is that line of communication stabilized so that you can do the work you need to do within our city or throughout the region? Does this get put on our website if we approve this tonight? If there is a power outage, how do you all get this plan when you're sitting in your home? What's the backup plan? If any of our leadership team lives outside of Marina how do you deal with them not being able to gain access during a major event (flood, earthquake)? How do we prepare to get to people on the 4<sup>th</sup> and 5<sup>th</sup> stories we may have in town if we don't have a ladder truck, we don't have access to mutual-aid and we have multiple locations that we can't reach that need us immediately?

**DELGADO/AMADEO: TO APPROVE RESOLUTION NO. 2018-107, ADOPTING THIS REVISED MARINA EMERGENCY OPERATIONS PLAN AND ADOPT THE NATIONAL INCIDENT MANAGEMENT SYSTEM. 3-0-2(O'Connell, Brown)-0 Motion Passes**

Public Comments:

- Jonathan – this system started in the 70's as the Incident Command Center in Southern California as a result of many catastrophic and fatal fires and it has blossomed into something the that he rest of the nation has come upon and it is vital for FEMA reimbursement, post incidents. Been on a number of incidents where they have plans but they have never been active or tested before until there is actually an incident. Suggested that the first time that the EOC is opened is not during an incident and suggested that some kind a training component be added to your motion.

- c. City Council consider adopting **Resolution No. 2018-108**, opposing Proposition 6, which, if approved by voters would repeal the Road Repair and Accountability Act; and Allow the City of Marina to be listed as a member on the No on Proposition 6 coalition. *Pulled by Council Member Morton, was agenda item 8f(1).*

Council Member Amadeo – didn't really have questions, just wanted to have a presentation so the public would understand the relevance of this item.

Brian McMinn, Public Works Director – In April of 2017 the California State Legislature passed the Road Repair and Accountability Act, also known as Senate Bill 1 (SB1). SB1 made the first adjustment of gas tax since 1993 by increasing the tax by 12 cents per gallon for gasoline and 20 cents per gallon for diesel fuel. SB1 also raised vehicle license fees by \$25 to \$175 per vehicle depending upon the vehicles value. It has already started to generate much needed revenue for the repair of roads and congestion.

Due to the dissatisfaction with the tax and fee increases resulting from SB1 a significant number of voters signed a petition to place Proposition 6 on the November ballot. If passed by voters in

November, the Proposition 6 ballot initiative will repeal the gas tax increase, repeal the car registration fee increase, and mandate that any future gas tax increase be approved only by voters.

The impact of Proposition 6 passing would mean that approximately \$52 billion of revenue would not be realized in the state of California over the next 10-years. The California statewide local streets and roads need assessment, which was published in 2016 identified over \$70 million in needed road and bridge repairs and that's not addressing congestion.

In June Proposition 69 passed which put a lockbox on all the Gas Tax Funding which guaranteed that any of these revenues generated through the Gas Tax increases could only go towards street and road projects within the state of California.

Council Questions – how much funding would the City of Marina be losing if Proposition passes?

Council Member Morton – Right now we're dependent on this \$380,000 that is estimated to be generated that comes to the city, that we had the digression to use it for road repairs or however we wish, correct? Currently we are in line for a \$19 million grant for the Imjin Parkway Widening Project and that funding would be gone as well if this measure passes, correct? The City of Marina, not only do we have a problem with road maintenance, but we also have, like Imjin Widening, road improvements that this gas tax measure that's currently in place and if not repealed will support us in fulfilling? If the city adopts this resolution stating that we oppose Prop 6 because we are dependent on the funds it generates are we able to put our position on the city website?

**MORTON/AMADEO: TO ADOPT RESOLUTION NO. 2018-108, OPPOSING PROPOSITION 6, WHICH, IF APPROVED BY VOTERS WOULD REPEAL THE ROAD REPAIR AND ACCOUNTABILITY ACT; AND ALLOW THE CITY OF MARINA TO BE LISTED AS A MEMBER ON THE NO ON PROPOSITION 6 COALITION; AND ASK THE VOTERS TO NOT REPEAL THE ROAD REPAIR ACCOUNTABILITY ACT; ALLOW THE CITY OF MARINA TO BE LISTED AS A MEMBER OF THE NO ON PROPOSITION 6 COALITION; AND TO POST THIS ACTION ON THE CITY'S WEBSITE.**

Public Comments: None received

- d. City Council consider adopting **Resolution No. 2018-109**, to designate employee's contributions toward employer pension costs as an employer pick-up per section 414(h)(2) of the Internal Revenue Code. *Pulled by Council Member Morton, was agenda item 8f(2)*

Council Member Morton – the question that I had was that I understand what you're trying to do is that the employee portion of the CalPERS will be withheld from the employee prior to taxes and this measure would be effective if we adopt this it would be effective as of the date of the retroactive raise or as of today? So what happens to our retroactivity when we gave these raises? When we approved this increase to offset the CalPERS there was an effective date that was prior to today, correct? So, if this is effective as of today what did we do in those gap funds?

**MORTON/DELGADO: TO APPROVE RESOLUTION NO. 2018-109, TO DESIGNATE EMPLOYEE'S CONTRIBUTIONS TOWARD EMPLOYER PENSION COSTS AS AN EMPLOYER PICK-UP PER SECTION 414(H)(2) OF THE INTERNAL REVENUE CODE. 3-0-2(O'Connell, Brown)-0 Motion Passes.**

Public Comments:

- Paula Pelot – Why didn't this happen before, who was at fault, why did it happen? Who dropped the ball? Confused as to why this didn't happen before. Sounds like this has created an extra tax burden on employees.

12. COUNCIL & STAFF INFORMATIONAL REPORTS:

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

Mayor Delgado – Next Mayor Association meeting to take place this Friday.

- 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 at 9:20 PM

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

ATTEST:

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