



MINUTES

Tuesday, September 18, 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, 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 CA Govt. Code Section 54956.9 – Two potential cases
 - b. Performance Evaluation, Unrepresented Employee – City Manager

7:05 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION

Robert Rathie, Assistant City Attorney reported out closed session: Council met at 5:30 with the matters listed on the agenda which were tow matter of initiation of litigation and the performance evaluation for the City Manager. Information was received, direction was provided and no reportable action was taken.

4. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)
5. SPECIAL PRESENTATIONS:
 - a. Proclamations
 - i. California Clean Air Day

- b Presentations
 - i. Monterey Bay Economic Partnership
- 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.*

- Anne – Marina Youth Arts – Marina Youth Arts provide free after school programs for the Middle and High School in visual arts, jewelry, dancing, singing and drama and excited to start a new program in electronic media. We have a wonderful opportunity for you to help the children and support our local Marina wineries with our Evening of Duets Wine Tasting on Saturday, October 20th from 5:00-7:00 pm at Vince DiMaggio. \$250 will make you a sponsor. Tickets are \$25 in advance and \$30 at the door.
- Amy Tackett – Friends of the Marina Parks, announced a park cleanup at Wendy Hill Park on September 22, 2018 from 9:00am-12:00pm.
- Margaret-Ann Coppernol, Marina's MPC Trustee – Our city made a significant decision when it established Marina High School. Since it graduated its charter class seniors in 2010 Marina High School has accomplished miraculous successes. Its graduates have earned scholarships and admittance to the most sought-after universities in the nation. This Fall semester 100% of the freshman class has enrolled in the MPC College Dual Enrollment Program. Imagine the savings in time and money when one can shave off two years of college and go directly to a four-year university or enter the workforce fully qualified. The promise MPC offers to first-time qualifying students is free tuition, that coupled with scholarships and financial aid ensures that no student fails. Additionally, the MPC/Marina Education Center has greatly expanded its programs and services creating even more opportunities for our citizens and others. CSUMB is our partner in education and business opportunities so there is a seamless process for guided pathways for success and a prosperous life. Qualified transfer students are guaranteed entrance to CSUMB and San Jose State. Thank you to all for making this happen for our citizens and a special thank you to those who helped me initiate endowment scholarships in perpetuity and financial aid for graduating public high school's seniors.
- Bob Nolan – this past weekend had the pleasure of meeting with a small group from Cypress Square Mobile Home Park and the topic we were talking about was rent stabilization. At the last council meeting concerns were brought up about the annual registration statement and wanted to bring it back to the forefront as it's a major concern that the residents at Cypress Square have and also the return of Title 25 back to local control from Sacramento. Do we have any updates or making any progress towards that annual registration statement so that we can report back to the residents?
- Greg Fury – thanked Nancy Amadeo and David Brown for their services to the City. Made comments about Seaside Police Chief retiring after posting racial comments on social media. Also made comments on Howard Gustafson's running for Marina Coast Water District seat and his continued racial comments in an ethnically diverse community. The Community should not take

tolerate this type of behavior. Hope that when votes are cast in November that they make them count.

- Paula Pelot – Noted that we are in campaign season and noted seeing campaign signs go up all over town and some of them are unauthorized. Wanted the public to know that if someone posted a sign on your fence or in your yard that you did not ask for or authorize you can take it down. It would be nice for the city to recount the rules about placement of signs in the sidewalk area, the median strip and also the number of signs, square footage that can be posted in a yard. Asked candidate to follow up with whomever is placing your signs and make sure that they have been authorized.
- David Brown – commented on the city sign ordinance relating to campaign signs in residential R-1 areas is such that one cannot have more than 8sqft. of signage on their property, which means you can have three standard 16x24in signs because three would exceed the size limit. Stated that the sign ordinance should be revisited and amended relating to campaign signs.
- Council Member Amadeo – Marina In Motion Public Forum on Saturday, September 22, 2018 from 9:00-4:00pm in the council chamber. Candidates for Marina Mayor seat, MCWD and MPC participate.
- Council Member Morton – On September 24, 2018 from 9:00-Noon is the FORA Workshop on the Habitat Conservation Plan; FORA Board is having a special meeting on Friday, September 28th starting at 2:00pm and will be addressing the resolution and transition plan that we had our study session about on September 11th. Marina will be having a Special City Council Meeting on September 25th starting at 6:00pm to continue discussion on FORA's proposed transition plan.
- Mayor Delgado – Commented Cemex, the Monterey Peninsula Water Supply Project and the FORA Transition Plan. Wanted the public to know why it was taking so long for the Habitat Conservation Plan, in 2015 there was a court case lost by the Federal Government where the federal government was trying to be the mitigation bank for a private logging of trees/project. That was a legal development outside of our area that had a bearing on further delays because since 2015. The Fort Ord Reuse Authority, once they figured all this out and the Fish and Wildlife Service who's involved with Fort Ord trying to get that habitat conservation plan finished they have to go to a Plan B that they didn't know they were going to have to go to. Provided update on Lapis Road cleanup and well as graffiti cleanup that graffiti in non-existence in Marina. Asked the public that is they spot graffiti to call one of the City offices and report it, so the city can get it taken care of.

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 90517-90615, totaling \$183,195.44
Wire transfers from Checking and Payroll for July 2018 totaling: \$1,144,453.11

b. MINUTES:

- (1) September 5, 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~~, 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. *Pulled by Council Member Morton, becomes agenda item 11a*

g. APPROVAL OF AGREEMENTS:

- (1) City Council consider adopting **Resolution No. 2018-110**, approving a Consulting Services Contract between Richard B. Standridge, CPA Consultant and the City of Marina; and, authorizing the City Manager to execute the agreement on behalf of the City subject to final review and approval by the City Attorney, and; authorizing the Finance Director to make the necessary budgetary and accounting entries.
- (2) City Council consider adopting **Resolution No. 2018-111**, approving a Senate Bill 1 Local Partnership Program Baseline Agreement to receive grant funding for the Marina-Salinas Multimodal Corridor – Imjin Parkway Widening Project, and; authorize the City Manager to execute the agreement on behalf of the City Council subject to final review and approval by the City Attorney.

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS:

- (1) City Council consider adopting **Resolution No. 2018-112**, accepting the Del Monte Boulevard and Beach Road Improvement Project, and; authorizing filing of Notice of Completion with Monterey County Recorder’s Office.

c. MAPS: None

d. REPORTS: (RECEIVE AND FILE):

- (1) City Council consider adopting **Resolution No. 2018-113**, reviewing and accepting the Economic Development Commission FY 2017-18 Annual Report.

e. FUNDING & BUDGET MATTERS: None

f. APPROVE ORDINANCES (WAIVE SECOND READING): None

g. APPROVE APPOINTMENTS: None

Council Member Morton requested to pull agenda item 8f(1) for questions

DELGADO/BROWN: TO APPROVE THE CONSENT AGENDA MINUS 8f(1). 5-0-0-0 Motion Passes

9. PUBLIC HEARINGS:
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. 2018-114**, 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. *Pulled by Council Member Morton, was agenda item 8f(1)*

Council Member Morton – this was addressed about two-weeks ago and there were questions about whether we could charge additional funding, that the \$1-\$2 rate and retain funds and we received some answers. If in fact we join as-is stating that we don't form a separate district but just that we're going to be a part of this district with Monterey being the lead agency and in fact it's no additional funds coming into our city, if in fact our TOT ballot measure were to fail are we able then to decide if we wanted to create our own district to impose fees?

DELGADO/BROWN: TO APPROVE RESOLUTION NO. 2018-114, 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. 5-0-0-0 Motion Passes

Public Comment: None received

- b. City Council consider adopting **Resolution No. 2018-115**, receiving a presentation from the Friends of Marina Parks regarding the Glorya Jean-Tate Park Mural Project, and; providing direction on the mural.

Amy Tackett, Friends of Marina Parks

Details: Team: *Valerie Gaino, Muralist, B.A. in Visual Arts and Ruby Dudley, B.A in Fine Arts, painter* – Wall Surface: *2,000 sq feet* – Style: *Contemporary, semi-realist, vibrant, colorful* – Subject: *Environment and Community of Marina* – Budget: *\$6,900 (materials, supplies and labor)* – Estimated Completion Time: *3-4 Weeks* and might get extended depending on the number of volunteers – One Voice Program status and the consent to paint over existing 20-year old mural

The Mock Up: *About the current rendering -this is a watercolor mural project in its second stage. The actual mural is very long; there are small details yet to be added. We plan to incorporate more children and bubbles into the mural as well as details into the bubbles including representations of important fauna, such as the snowy plover, as well as keeping some symbols from the previous Native American inspired mural.*



The Process: Clean and prep the surface; measuring grid implementation; painting stages (layer of gesso, volunteer youth and community members paint first layers; artists work on shading and fine details).

The Partnerships: Friend of Marina Parks, City of Marina Recreation Department, Marina High School Art Program, Marina Youth Arts, Asian Communities of Marina and Community Foundation for Monterey County.

Council Questions: if this is a volunteer project why \$3,000 needed for labor and who get paid? What does properly maintain mean? What does that cost? Who will maintain the new mural? Would the sealant protect it if someone were to try and mar it with graffiti? Prior to painting and sealing you're prepping to reduce the coarseness of the surface, correct? If you had more funding would you like that to better seal the project or to perhaps take some steps to improve the preparation so that it might last longer? If you had more money what would you do with it to improve this project? Will the Snowy Plover be incorporated into this mural? Could we see dolphins included into the bubbles? Is the total amount of the grant \$7,000? If people wanted to donate how could they do that, who do they contact? Can they donate to Marina Youth Arts with a restricted use, so that it could go to this project?

AMADEO/MORTON: TO ADOPT RESOLUTION NO. 2018-115, RECEIVING A PRESENTATION FROM THE FRIENDS OF THE MARINA PARKS REGARDING THE GLORYA JEAN-TATE PARK MURAL PROJECT, AND THAT THE CITY WOULD OFFER WHATEVER IS NECESSARY IN TERMS OF PERMITTING AND THAT KIND OF THING SO THAT THE PROJECT CAN BE DONE. 5-0-0-0 Motion Passes

Public Comments:

- Paula Pelot – Will there be any Anti-graffiti material to put over the top of it to help protect it from graffiti. Sometimes when you do projects like this people like to come along and put their own little stamp on it.
- Joy Junsay – read a statement from Kathy Biala which provided simple US population Census information about Marina that show we are a very diversified and humble community. Hopes this council can celebrate this important aspect of our special identity that lies in our people to be reflected in our city and how we serve our diversity community. The bubbles that we talked about would have faces of biracial and the diverse community. The Recreation Commission spoke about how to add the Plover and the other things like the dolphins and possibly the whales. Asked that council look at the Recreation Commission minutes which had suggestions to be included the mural.

Substitute Motion

Brown/Delgado: to adopt Resolution No. 2018-, receiving a presentation from Friends of the Marina Parks regarding the Glorya Jean-Tate Park Mural Project, and that the city would offer whatever necessary in terms of permitting and that kind of thing so that the project can be done; and that we pay up to \$750.00 for sealant for the mural. Withdrawn by motion maker

- c. City Council continue discussion of the review and consideration of the Fort Ord Reuse Authority Proposed Transition Plan and Findings. *Continued to Special Council meeting of September 25, 2018*

Layne Long, City Manager – we were hoping to get material from Karen Tiedemann but it was not received until this morning, so nothing was provided for the packet. So, it's really more is there any further discussion in continuation from our special meeting we had on September 11th. We do have a special meeting scheduled for September 25th that we will be presenting a resolution to adopt a transition plan to submit to FORA. Do we have any further direction or guidance from the council?

Mayor Delgado – I would propose that our consultants, the people helping us pay real good attention to finding by finding by finding so that it's not just a lot of textual paragraphs, but I think that it's something Council Member Morton was recommending last time we met. That we point for point, give everything we can possibly give, be specific and bulleted and comprehensive in addition to the paragraph formatted text that I'm sure will be part of it.

Public Comments:

- d. Should the City Council place, on a future agenda for discussion and potential adoption, a city ordinance which addresses campaign reform that limits the monetary amount of contributions that may be made to candidates for citywide elected offices. O'Connell. *Continued from August 8, 2018.*

Council Member O'Connell – this was presented to me by a resident of Marina and it relates to looking at an ordinance that would reduce the amount of donations that could be made to a candidate and is you look at page two of this staff report, which is the actual existing campaign reform law, the purpose that sets forth 1.09.020(a) basically is one of the big reasons why I'm asking this council to consider by consensus my working on this and bringing it back after this coming election for the purpose of actually addressing it as to the amount and the donations that were to be made.

The thing that concerns me and one of the reasons I brought this up was because in 2016 council member Morton and I ran unopposed. This year two candidates for council are running unopposed and I think in part it's because some people just feel that they cannot compete with an incumbent who not only gets television time but has a tendency to get donations that are in excess of what most people could expect to get being an unknown person. I think if we were to consider limiting the amount of the donation we're more apt to get people who will be willing to run for an elected office and as a result it certainly help the "democracy" in this city if we were to get people who were qualified and were not refusing to run because they didn't have the funds to compete with some of the incumbents.

If we do talk about this in the future, I think we have to look at a discussion as to money being put in by the actual candidate. Some candidates would be better financially off than some people who are working 9-5 and struggling to get by with the family. These are just things that I was considering and I'm attaching with the assistance of the City Manager the Campaign Ordinance that actually does exist for purposes of review at a later time if the council feels comfortable with my addressing this after the first of the year.

I hope we've all had the opportunity to look at this. It certainly is not in cement as to the wording of any of the paragraphs or as to the amount and expansion of the ordinance or reduction of the ordinance, but I just think it's something that should be considered.

Council Questions: who/want department would do the enforceability, would it be the District Attorney's office? Where would disclosures be posted?

MORTON/AMADEO: THAT WE PUT ON A FUTURE AGENDA FOR DISCUSSION/POTENTIAL ADOPTION A CITY ORDINANCE WHICH ADDRESSES CAMPAIGN REFORM THAT ADDRESSES ANY AND ALL ISSUES, NOT ONLY THE MONETARY CONTRIBUTION BUT THE FULL SCOPE OF ISSUES THAT MAY BE RELATED TO RUNNING A CAMPAIGN; AND COME BACK A DATE CERTAIN AS DETERMINED BY THE CITY MANAGER AND COUNCIL MEMBER O'CONNELL. 5-0-0-0

Motion Passes

Public Comments:

- Paula Pelot – This ordinance works well for the City of Cotati as it's very detailed and tailored for them. Heard that at the County and State level a refusal to do this and a lot of push back from elected officials that they did not want to do it because they are in very high dollar races. There are two sides to this, it's not just the contributions it's how you spend it. Not sure if you want to get into restriction about signs. You may be jumping into areas where you're treading on First Amendment rights. You not only have to control what comes in but what goes out. Thinks it would be good if this community could be a leader on this peninsula and forward this and thinks it might help raise the consciousness of perhaps larger campaigns either at the county, state and national level. We need to help people run campaigns in an honest and even balanced way. Campaign finance reform is something we've all heard about.
- Lisa Berkley – Here in support of campaign finance reform. As somebody who was just blessed that she didn't have to run a huge campaign was a little bit daunted by the cost, that even not having to run a full campaign is a crude. In a city where our medium income is \$57,000 it's a lot of money that gets laid out and for our residents I can imagine that's its daunting. I would like to see more people involved in our city and not have finances be an obstacle for them.
- Mike Owen – when Council Member O'Connell first started talking about this a month or two ago I supported it. For the public the purpose of this chapter is to ensure that the financial strength of certain individuals or organizations does not permit them to exercise that this proportionate or controlling influence on the election of city council candidates and to ensure that the electoral process is not corrupted or appear to be corrupted by the financial strength of individuals or organizations able to make large financial contributions. That is something that a lot of people will have no objection too. The individual candidate has no limit but the \$350. People in smaller cities have concerns about big developers coming in and taking control of the city. Two years ago we did a lot of research and gathered a lot of information on the pros and cons of a 2-year mayoral term and a 4-years mayoral term. Part of the issue was campaign contributions.

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: 9:25 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor