



## MINUTES

Tuesday, October 16, 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, 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
  - c. Performance Evaluation, Unrepresented Employee – City Manager

**6:50 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION**

City Attorney Robert Wellington reported out closed session: Council met at 5:30 as indicated on the agenda with regard to the three items listed having to do with initiation of litigation, real property negotiations and performance evaluation. With regards to the matters listed, Council received information, gave direction and no reportable action was taken.

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

5. SPECIAL PRESENTATIONS:

a. Excellence in Education Award to Marina High School

b. Proclamations

i. Red Ribbon Week

ii. Association of Monterey Bay Area Governments 50<sup>th</sup> Anniversary

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.*

- Evy Smith – here tonight for an update on the 118 homes at The Dunes that do not have a complete hot water recirculation system. In a letter from MCWD to Shea recommended a grunfoce valve installation and if this retrofit is properly installed would result in a fully functional hot water recirculation system. In an August 31<sup>st</sup> letter to Shea they also wrote “Shea homes should also verify the proposed retrofit meets all plumbing requirements, local codes and permitting requirements before installation”. The California Energy Code and California Plumbing Code mandatory requirements for distribution system for pipe installation in all buildings says: “a pipe installation is a mandatory requirement in the following cases. All piping associated within a domestic hot water recirculation system regardless of pipe diameter.” Given that the pipe in my house when I had my leak you can see that the pipe was not insulated. We scoped two of our homes last week to see if in fact there is insulation and there was none, therefore, we are not at code. The granfoce valve solution that’s currently being installed does not have pipe insulation so therefore it’s not valid according to California Energy Code and California Plumbing Code. Our homes with the granfoce valve still do not meet the water district code 336030 and ordinance 41. Those ordinances were out into place 27-years ago and would think that you would be able to inspect for this at this point. There are two other Plumbing Codes that have been violated. 608.3 which is a separate issue and for the thermal expansion tank. So, homes with backflow preventers do not have a thermal expansion tank, that is a liability to the city who inspected and did not see this and my understanding is the building department sent a letter to Shea and we were never told of this. And now we have the code violation with no pipe insulation. We want to know why you could have possibly missed all three (3) of these violations? We want to note that we still do not have a valid occupancy permit because we have the code violations. These are construction defects. We would like to ask that you scope some homes to see if the other 118 homes do not have pipe insulation. What is the city going to do? We’re tired of getting the runaround from the water district and the city and you not doing anything for the 118 constituents that you have.
- Jackie – I just want hot water. It takes 3-4 minutes to get hot water upstairs. Shea should have installed the right hot water system and they did not. They just want a quick fix, which isn’t up to code.

- Kevin P. Saunders – Supports medical marijuana in Marina. Did not vote for Prop 64 because it was not the right thing to do. Thinks the argument that Nancy and Frank make is legitimate, thinks there is validity to it, thinks the airport is where it would probably go and that could jeopardize major funding for a pride asset in Marina. Believes Measure V was plagiarized because Marina name was substituted for Seaside. Asking people to support medical marijuana. Accountability and transparency? Supports Bob Nolan for Mayor. It's time for a change.
- Chief's Nieto and McCoun – Thanked everybody who came out to the open house last week, it was a success, it was packed you could barely walk. Shout out to Chief Nieto because we had some folks who wanted to see some police cars and it happened. Spoke about October being Breast Cancer Awareness month. Police and Fire officers are all wearing pink t-shirts under their uniforms in support for survivors of Breast Cancer.
- Brian McMinn, Public Works Director – Friends of the Marina Parks is holding a park beautification event at Wendy Hill Park, 3240 DeForest Road on October 20<sup>th</sup> from 9:00am-12:00pm.
- Nancy Amadeo, resident – questioned Mayor Delgado about his 2004 FPPC Form 460. Back in 2004 there was organization called Marina Citizens for Accountability in Government and that organization sued the city and the developer of what's now known as Sea Haven. In 2005 I stepped forward as a member of the public and stood here and made a plea to any member of that organization to please walk away from this suite because in my mind a lawsuit was harmful to the city. Immediately after that statement Mayor Delgado who was a member of the public at that time came up to the dais spoke about the right to sue and made a few statements about why they had a right to sue. Shortly thereafter someone suggested I look at the Mayor's 460's from that time period and I did and was astounded to see that the attorney representing the organization that was suing the city received \$2500 from the mayor for professional services. My question is: What kind of professional services would be required for someone running for public office from a CEQA attorney? During that time when the lawsuit was in closed session did recuse yourself from participating in closed session as related to this litigation?
- Bob Nolan – in 2010 a temporary tax was passed to bring in revenues on a short-term basis to get us through an impending time the city was currently facing. We were promised it was only temporary and would go away after 5-years. We were asked to put trust in our leadership and city government. 8-years later we now have a ballot initiative, Measure N which not only uses the old justification for temporary tax increase but adds additional years to the already one extension back in 2014. This measure is now asking for the extension well into the future to 2036. The easiest way for government to raise money is to take it from an already established source, in this case that source is its citizens. Heard proponents of Measure N urge passage by stating 60% of the revenues generated will be by those outside Marina. 40% will be paid by Marina residents with local shopping. You'll hear "it's just a little bit more". What little bit more do you want to take out of your pockets and give away to inefficient city government, a government that still has outstanding debts which it has yet to collect. This tax is anything but temporary.
- Bruce Delgado, resident – this is a very important juncture for the city to have Measure N and P before the citizens of Marina to vote on in November. Measures N & P will bring in approximately \$2 million new dollars each year (\$500,000 from Measure P which is a hotel room tax increase of 2% and \$1.5 million from Measure N, which is a sales tax rate increase). Most people in Marina during April and May when we were collecting signature for these initiatives want our votes to cease being on poor condition. People are not pleased that 40% of the time when they call the fire department for help the fire department does not have anyone home to help them, so we have to call other cities other jurisdictions such as North County or POM to come help people. These are the things that hurt our citizens than paying \$.25 cents extra for a \$50 pair of

shoes. Is it more important for citizens who vote to save \$.25 cents on a pair of shoes and \$5 on a dishwasher or is it more important that someone is home at the fire station by hiring a second fire engine crew to respond to your needs for help when our only other crew is already out on a call. Questioning these initiatives is good, this is good democracy. We need to question both sides before we decide which way to vote on Measures N and P. for the benefit of our city agrees with the police and fire chiefs our priority is to hire a second fire engine crew. Also agrees that we need \$2.4 million each year for the next 10-years to fix our roads. Hope people will vote yes on Measure N and P.

- Frank O'Connell, resident – Pointed out that although 60% of the revenue raised from Measure N would supposedly coming from people who do not live in the city, 100% of the people living in this city will be spending money at an increased sale price, so when talking about numbers let's talk about the numbers in an accurate way that be understood. As to Measure V, pointed out that the argument for and the argument against as set forth in the voter guide, which I strongly suggest you read pro and con on Measure V, one particular thing on Measure V that really disturbs me in the rebuttal to the argument against Measure V states "*it's time to let Marina adults legally buy cannabis in Marina if they choose or avoid it if they prefer*". Measure V does not make the purchase of marijuana in Marina legal. Under federal law it still remains illegal. This wording is at best misleading to people who in fact read this. Urged the public to read both the pros and cons of all the Measures and do something that some people have a tendency not to do and that's is please vote in an informed manner.
- Gail Morton, resident – The representation that I heard was that the monies from the Measure is going to go towards the roads, and a new fire engine crew. The reality is that whatever these funds generate from these taxes will go into the general fund and every year your city council with input from the staff directors approve the budget and the budget is when the decisions are made of where the monies are going to be applied. Mentioned that in her inbox was Writ for Review from the California Supreme Court prepared by an attorney to protect our water because the CPUC said Cal-Am can come steal Marina's water. The party to this action is the City of Marina, who do you think paid the lawyer that prepared this brief? This is only step one to protect our water. So, the reality is that we have unexpected costs just to preserve our quality of life, that we need to address with our general fund monies. When I hear people advocate for these measures, that they want their pet road done or their pet whatever I think you really need to understand that everyone of us in the city of Marina should be here when the budget process is happening and needs to help this council or the replacement council decide what's in the best interest of this city and how we spend these additional funds if they come to us. There should be no representation or false promises because that's how we get criticized over and over.
- David Brown, resident – Urged the public to vote Yes on sales tax measure, Measure N which would increase the sales tax by one-half of a percent (½ %) and Measure P, which would increase the Transient Occupancy Tax from 12% to 14%, which is less that San Francisco's; and to support Measure V on the taxation of possible marijuana dispensaries. As was pointed out we have substantial expenses. We are spending a lot of money to attempt to protect our water supply from Cal-Am taking water for what is basically not open ocean intake but from our groundwater aquafer. We definitely need money for our roads, which are in critical condition and Measure N, P and V will help that. With regard to Measure N if this is not approved by voters the county will then have to option at some point of asking the voters for a similar half percent tax for some other purpose. That half percent is the amount remaining of the maximum percentage that local entities can tax. Measure P, that tax is certainly paid by out of town residents, transient occupancy tax. As far as Measure V is concerned, we are behind Del Rey Oaks, Seaside and the County in terms of obtaining tax revenue from medical and non-medical marijuana. Hope the public votes in favor of Measure N, P and V this election.

- Mayor Delgado – Thank you to Marina Police Department, Marina Recreation Department, Rooster Wheels for your involvement in the Bicycle Rodeo Event, heard it was well attended.
- City Manager Long – Announced that Marina has a new Assistant City Manager, Matthew Mogensen who started yesterday. Also announced that back in August of 2005 the city closed City Hall to the public on Wednesdays. Effective last week City Hall is now opened to the public one Wednesdays.
- Council Member Amadeo – Marina Youth Arts is having a Wine Tasting Event this Saturday from 5:00-7:00pm at Vince DiMaggio Park. We’re calling it an evening of Duets because all the wine is being paired with appropriate cheese, fruit and chocolate and our entertainment is provided by some of our local students who participate in our local drama program and they will be singing duets. \$25/advanced tickets and \$30/door. Call me at 236-2235 and I will bring your tickets to your door.
- Council Member Morton – This Friday, October 19<sup>th</sup> at 2:00pm is the FORA Board meeting at 910 Second Avenue, Carpenters Union Hall. On the agenda is the focus and anticipated vote on the transition plan. Asking the public to show up. The City of Marina has taken an official position which was communicated to FORA with our objections to the transition plan, but it takes more than just that written communication. I want to invite Brian McMinn to come back and to give the exact same speech that he gave, it was very effective, it drove home one of our major points and any of the other directors, city manager, council to have the position to of the City of Marina heard, repeated and hopefully persuade votes that this transition plan is not serving anybody’s best interest in the region.

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 90711-90749, totaling \$75,737.93  
Wire transfers from Checking and Payroll for August 2018 totaling: \$496,175.14

b. MINUTES:

- (1) September 25, 2018, Special City Council Meeting – ***Pulled by Council Member Morton***

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. 2018-118, approving acceptance of \$18,000 from State of California, Department of Alcoholic Beverage Control, ABC - OTS Grant Program, and; authorize expenditure of said \$18,000 received from State of California, Department of Alcoholic Beverage Control, and; authorize Finance Director to make necessary accounting and budgetary entries, and; authorize Chief of Police to execute grant documents on behalf of City subject to final review and approval by the City Attorney.

(2) ~~City Council consider adopting Resolution No. 2018, declaring a Shelter Crisis pursuant to SB850, Chapter 48, Statutes of 2018 and GC 8698.2. Pulled by Council Member Morton, becomes agenda item 11e~~

g. APPROVAL OF AGREEMENTS:

(1) ~~City Council consider adopting Resolution No. 2018, approving ground lease agreement between the City of Marina and Joby Aereo Inc. of Santa Cruz, California for property located at the Marina Municipal Airport; authorizing the City Manager to execute the agreement on behalf of the city subject to final review and approval by the City Attorney. Pulled from agenda by staff.~~

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE):

(1) City consider receiving Investment Reports for the City of Marina and City of Marina as Successor Agency to the Marina Redevelopment Agency for months ended July 31, August 31, and September 30.

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING): None

m. APPROVE APPOINTMENTS: None

Council Member O'Connell had questions for 8f(1) – stated in staff report minors would be used as decoys, are the minors under 21 but over 18 years of age?

Council Member Morton requested to pull agenda item 8b(1) for edits and be brought back at the next meeting for approval and also requested to pull agenda item 8f(2) for detailed questions

**AMADEO/BROWN: TO APPROVE THE CONSENT AGENDA MINUS 8b(1), 8f(2) AND 8g(1). 5-0-0-0 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 and Successor Agency Board consider adopting **Resolution No. 2018-119, and Resolution No. 2018-10 (SA/MRA)**, approving the revised Investment Policy for the City of Marina. *Continued from October 2, 2018*

Eric Front, Interim Finance Director

**Marina’s Investments** - Putting Cash to work

For more than a Decade, Marina has kept Investing very Simple: LAIF

**What’s Changed** - Short-Term Rates higher than LAIF 1% on \$30,000,000 in cash assets is \$300,000 a year; ½% would be \$150,000

**Finance proposes investing in something other than LAIF (Local Agency Investment Pool)**

But what controls the City’s investment program? State Law, City’s own policy

What are the dangers? Opportunity Risk – Will something better come along? Credit Risk – Will we get our money back? Interest Rate Risk – Will my investment lose money? Custodial Risk – Do we hold the security? Can I protect the City from these risks?

**The City is suffering from Opportunity risk now** - LAIF pays 2% vs. 1-year treasuries paying 2.6%; The City is losing out on 0.6% (*U.S. Treasuries are indeed risk free – for individuals who hold individual bonds until maturity. However, there is a risk for those who sell their bonds prior to maturity or who invest in long-dated treasury funds. As a result, even this “risk-free” investment can, in fact, be quite risky in certain situations.*)

**Risks** – *Opportunity Risk* (Need to consider options beyond LAIF); *Credit Risk* (City is limited to fixed income investments to reduce risk (no stocks)); Only High Quality Investments or Insured Deposits qualify; *Custodial Risk* (City has dedicated custodian to hold the security); *Interest Rate Risk* (Greatest Risk for most portfolios; Only occurs in fixed income if investment is sold before maturity); *Solutions* (Limit ultimate maturity; Maintain sufficient liquidity)

**For Fixed Rate Investments** - Only the principal’s resale value can change after the bond is issued.

2 Year Bond, \$100 @ 4% = Year 1 \$ 4; Year 2 \$104

Rates rise 1%. To make 4% bond yield 5%, the principal must be discounted to make up difference

2 Year Bond, \$100 @ 4%. Resale at 5% = Year 0 Principal \$98; Year 1 \$4; Year 2 \$ 104

Picked up \$2 in principal = 5% year

**Revised portfolio -**

| Proposed Investment Portfolio |      |          |       |             |          |                |                 |                    |               |
|-------------------------------|------|----------|-------|-------------|----------|----------------|-----------------|--------------------|---------------|
| 30 million dollars            |      |          |       |             |          |                |                 |                    |               |
|                               |      | Proposed | Share | Amount (MM) | Maturity | Type           | Maturity (Days) | Current Rate       | Weighted Rate |
| Now                           |      |          |       |             |          |                |                 |                    |               |
| LAIF                          | 100% | LAIF     | 50%   | 15          | 0        |                | 0               | 1.90%              | 0.95%         |
|                               |      | 1 year   | 15%   | 4.5         | 365      | T-Notes        | 54.75           | 2.50%              | 0.38%         |
|                               |      | 1.5yr    | 15%   | 4.5         | 545      | T-Notes        | 81.75           | 2.60%              | 0.39%         |
|                               |      | 2yr      | 20%   | 6           | 730      | 5-yr T-Notes   | 146             | 2.70%              | 0.54%         |
|                               |      |          |       |             |          | 1 Million NCDs |                 |                    |               |
|                               | 100% |          | 100%  |             |          |                | 282.5           |                    | 2.26%         |
| yield                         | 1.9% |          |       |             |          |                |                 | Change             | 0.35500%      |
|                               |      |          |       |             |          |                |                 | Increased Earnings | 106,500.00    |

**May move from LAIF to Short-term treasuries** - 3-month treasury bill is 28 basis points, 100 basis points equals 1%, higher than LAIF; 6 month treasury bill is 47 basis points higher than LAIF.

**Comparisons to other Agencies** - Marina's policy is most like the County of Monterey's policy; City of Monterey has 7-page policy – invests 2/3 of portfolio with money manager; Other cities are much shorter

Key Controls - Investment types, controlled by Gov. Code 53601-53659; Investment maturity; Custodial control

**Recommendations**

*Increases dollar limits* on time deposits to the current level of Federal Depository Insurance Corporation (FDIC) levels of **\$250,000**.

*Permit the use of broker dealers beyond Primary Federal Reserve Dealers* who are licensed by the SEC and have been in business for at least 5 years.

*Allow the City to work with broker/dealers located within the United States*, not just California

Revise the City portfolio investment horizon to: **Have at least \$5 million or 25% of the portfolio in investments maturing within 6 months** or less; and, **No investment longer than 5 years unless authorized by Council**

Council Questions: Preston Park Note, is this something the Council actually needs to take action on or if we approve this policy is that internal to staff to take a look at those types or that one in particular and any other similar funds of money that we're holding for a long-term purpose? If we borrowed the \$37 million at 5% and you're only going to get 3% should you paydown principal sooner? What happens with city investments with regard to liabilities? Does it rollover into our next investment? Is there a tax liability? How do we as a council determine how much of our cash we should invest and for how long? Cip Fund, how does that play into this discussion? What are the risks? Will Quarterly investment reports continue?

**MORTON/AMADEO: TO APPROVE RESOLUTION NO. 2018-119, AND RESOLUTION NO. 2018-10 (SA/MRA), APPROVING THE REVISED INVESTMENT POLICY THAT INCREASES THE DOLLAR LIMITS ON TIMED DEPOSITS TO THE LEVEL OF \$250,000 AND SPECIFICALLY ARTICULATED IN THE ATTACHED EXHIBIT; PERMIT THE USE OF BROKERAGE PERMIT THE USE OF BROKER DEALERS BEYOND PRIMARY FEDERAL RESERVE DEALERS WHO ARE LICENSED BY THE SEC AND HAVE BEEN IN BUSINESS FOR AT LEAST 5 YEARS; ALLOW THE CITY TO WORK WITH BROKER/DEALERS LOCATED WITHIN THE UNITED STATES BUT NOT LIMITED TO STATE OF CALIFORNIA; REVISE THE CITY PORTFOLIO INVESTMENT HORIZON TO: (A) HAVE AT LEAST \$5 MILLION OR 25% OF THE PORTFOLIO IN INVESTMENTS MATURING WITHIN 6 MONTHS OR LESS; AND, (B) NO INVESTMENT LONGER THAN 5 YEARS UNLESS AUTHORIZED BY COUNCIL. 5-0-0-0 Motion Passes**

- b. City Council consider adopting Resolution No. 2018-, approving the 2018 engineering and traffic survey with proposed speed limit revisions, and consider introducing Ordinance No. 2018-, for first reading by title only, and waiving further reading, amending section 10.60.010 "speed limits established" of Chapter 10.60 "Speed Limits" of Title 10 "Vehicles and Traffic" of the Municipal Code to adopt *prima facie* speed limits pursuant to engineering and traffic survey and the California Vehicle Code (CVC).

Brian McMinn, Public Works Director and Kris Kinzel, TJKM

**2018 Engineering & Traffic Survey - CVC Section 607 and 40802:** The responsibility to set speed limits on City roadways according to the standards and procedures established by Caltrans.

**CVC Section 40802:** Prima facie speed limits may not be enforced by radar unless the speed limit has been justified by an Engineering and Traffic Survey within the last five years. “At First Face/Appearance”; The speed limit that applies when no other speed limit is posted.

Street surveyed; Street direction; Date/day/time of survey; Vehicle Count; 85<sup>th</sup> & 50<sup>th</sup> percentile speeds, 10-mile pace; % and # of vehicles observed within, below and above the 10-mph pace speed; Range of speeds & standard deviation.

**Standardized Engineering Principles for reducing by 5 mph** - Roadway characteristics (e.g. grade, sight distance), Roadway activities (e.g. bicycle/pedestrian activity, parking), Crash data, 10 MPH pace.

Council Questions: Do you know when the current Engineering and Traffic Survey expires? Isn't there a provision in the VC 40802 or 40803 that allows traffic survey more than 5-years old if the officer in court testifies to certain facts? Is it the case that if radar and lidar units, if any, that are used by the police are certified and calibrated by state laboratories? The starting point for speed limits in the survey is the 85<sup>th</sup> percentile speed, correct? Do you agree that when you set the speed limit at 5 mph or more below the 85<sup>th</sup> percentile speed you have to justify it under the provisions of VC 627? Does the survey mention anything in any of the 40-pages that justify the speed limit on each segment of the street about road hazards not readily apparent to the driver? In your survey you list over 40 streets, are you aware that more than half of them are 5mph or more below the 85<sup>th</sup> percentile speed? For all the streets surveyed you listed a statewide average of accident occurrence vs. Marina's average and in every one of those streets the Marina accident rate is anywhere between 4 and up to 10 times the statewide average, why is that and what is the statewide average composed of? Page 37, Segment 14, Second Avenue recommendation is that that speed limit is to be increased, even though the design for this area is to be a walkable area, why the increase? Patton Parkway from California to the dead-end by the school speed to be increase by 10mph, why would you increase to speed limit from what already at 25mph to 35mph when that's an entrance to a high school? Imjin segment, anticipation of increasing Imjin segment from Imjin Road to Reservation Road from 45mph to 50mph when we are just now approving permitting for 1050 homes in a neighborhood adding abutments to that as that's the only entrance and exit for people that are going to be living there? Do we have to increase because of some law? Or can you override that from overriding safety concerns? # 16, Deforest there is a curve there with Windy Hill Park around that curve, when does a park get the same protective status as a school zone, if ever? Same area, what about the people backing out of their driveways with a speed limit increase to 30mph? How can California Avenue be made safer for high school students who live at Abrams and are crossing California Avenue to get to the high school by making it faster? Do you think it increases the safety of pedestrians by increasing the speed limit before we put in the crosswalk? Patton Pkwy to Crescent Ave, will stop signs be put in prior to the speed limit increase? Is it possible to put up the police message sign prior to the installation of a stop sign with a date letting people know that a stop sign will be installed there? Have anyone heard of the phenomenon of Speed Limit Creep over a period of decade? Del Monte Blvd heading north, was 35 then changed to 40 now it's back to 35, why are we going back and forth on speed limits on a single street? Why was it reduced between Del Monte and Beach? Going forward between Beach and Marina Greens Drive why drop the speed when the tenancy of drivers is to accelerate going out of town? Southbound Del Monte has no activity in terms of driveways, businesses etc., is it possible to have speed limits different on different sides of the street based on the traffic conditions?

**MORTON/BROWN: THAT THIS MATTER BE DEFERRED FOR FURTHER HEARING TO ADDRESS THE CONCERNS RAISED BY COUNCIL, CONCERNS RAISED IN THE COMMUNICATION FROM MAYOR PRO-TEM DAVID BROWN AND SET TO COME BACK AT A DATE SELECTED BY BRIAN McMINN. 5-0-0-0 Motion Passes.**

- c. City Council consider adopting **Resolution No. 2018-120**, receiving informational presentation of the city’s storm water program for permit year 5.

Edrie De La Santos

**Stormwater Management Program Overview - Permit Year 5 (2017 - 2018)  
Partners – City of Marina, Save The Whales & Environmental Compliance Specialist, LLC**

Year 5 Under Permit, 2017-2018 and Work Plan 2018-2019

**Key Accomplishments, 2017-2018**

Industrial General Permit; Municipal Staff Training; Construction Site Outreach

**Pollutant Load Project (13267) - Required** - Software Platform for Data Management = GIS Mapping Updates; Percolation Lot Assessments; Theoretical Pollutant Load Estimation and; Private Post Construction Device

**Trash Policy** = Track Selection, Full Capture Device; Application Submitted 2017; Trash Policy Plan Due 12/3/18; Long Term Monitor, Update & Report

**Public Education & Outreach** = Public Events – 5; Classroom Workshops, 1,054 Students Reached; Collaboration with MRWMD; Pre & Post Surveys 22.6% Correct Response Increase

**Public Participation** – 4 = Litter Abatement; Storm Drain Labeling

**Work Plan Objectives 18/19 – New, Continuation of all Required BMPs = Trash Policy**

Pollutant Load Project (13267); Industrial General Permit; Phase II Municipal Permit; Likely Updated Permit 2018/19

Council Questions: Do we start a new phase II 5-year permit cycle next year? Do you think it’s possible, that instead of entering into a Phase II 5-year permit starting in 2019 we will be able to enter into our own individual waste discharge permit? Will our budget go up or down under that new water discharge permit? How much money did we spend on this program this permit year? Depending on the permit are looking at spending the same amount?

**MORTON/AMADEO: TO ADOPT RESOLUTION NO. 2018-120, RECEIVING INFORMATIONAL PRESENTATION OF THE CITY’S STORM WATER PROGRAM FOR PERMIT YEAR 5. 5-0-0-0 Motion Passes**

- d. City Council consider adopting **Resolution No. 2018-121**, approving Amendment No. 2 to the agreement between City of Marina and save the whales of Seaside, California, to provide professional services for the City of Marina’s Storm Water Program, authorizing the Finance Director to make necessary accounting and budgetary entries, and authorizing the City Manager to execute the agreement on behalf of the city subject to final review and approval by the City Attorney.

Edrie DeLaSantos – Amendment 2 will be coving in Permit Year 6, because the permit years are accumulative they don’t get reduced in requirements. We’re going to continue on with all of our permit requirements. We’re adding on the addition of the trash policy which will be implemented through the 2-informed system which just means that we’re going to now be informing them on a Cloud Base on-line system rather than by paperwork that we’ve been trying to do the last five years. We will also be

implementing effectiveness assessments of the pollutant load project, those 13266. So, now that all of the public best management practices or BMP's, all those systems have been surveyed now we have to survey the private systems, so that's another element we have to do in Permit Year 6. We also need to survey elements of former Fort Ord such as Cypress Knolls, that's a large area that we have stormwater accumulation, but we don't really understand quite yet the system in that area, so the water board wants to understand where the water goes in this large chunk of the city of Marina.

Council Questions: page 3, Permit 6 cost of \$153,386 to be paid to Save the Whales for educational outreach, Exhibit A of the agreement was \$73,730. What is the change and why the increase?

**DELGADO/BROWN: TO ADOPT RESOLUTION NO. 2018-121, APPROVING AMENDMENT NO. 2 TO THE AGREEMENT BETWEEN CITY OF MARINA AND SAVE THE WHALES OF SEASIDE, CALIFORNIA, TO PROVIDE PROFESSIONAL SERVICES FOR THE CITY OF MARINA'S STORM WATER PROGRAM, AUTHORIZING THE FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES, 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 AMEND THE RESOLUTION HEADING TO REFLECT AMENDMENT 2.**

Council Member O'Connell asked for a friendly amendment to the motion relating to the resolution. Would like to see under the Now, Therefore It Be Resolved – the last two whereas's just above the Now, Therefore, which relates to the actual monetary amounts if that would be placed in the Now, Therefore Be It Resolved section. Just so that we have it actually that the council is voting to spend those amounts of money.

**Final Motion**

**DELGADO/BROWN: TO ADOPT RESOLUTION NO. 2018-121, APPROVING AMENDMENT NO. 2 TO THE AGREEMENT BETWEEN CITY OF MARINA AND SAVE THE WHALES OF SEASIDE, CALIFORNIA, TO PROVIDE PROFESSIONAL SERVICES FOR THE CITY OF MARINA'S STORM WATER PROGRAM, AUTHORIZING THE FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES, 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 AMEND THE RESOLUTION HEADING TO REFLECT AMENDMENT 2; AND TO MOVE THE LAST TWO WHEREAS IN THE RESOLUTION TO THE NOW, THEREFORE BE IT RESOLVED SECTION AS NUMBER 2 AND 3 AND CURRENT 2 AND 3 TO BECOME 4 AND 5. 5-0-0-0 Motion Passes**

- e. City Council consider adopting **Resolution No. 2018-122**, declaring a Shelter Crisis pursuant to SB850, Chapter 48, Statutes of 2018 and GC 8698.2. *Pulled by Council Member Morton, was agenda item 8f(2)*

Council Member Morton – Homeless is clearly an issue that we're trying to address, and this report indicates that at some point when the Census was taken we had 407 homeless in Marina. On page two is states: *“to encourage each member jurisdiction to obtain a Shelter Declaration”*, what is that? Is that something different from a Shelter Crisis? Under fiscal impact on page 2 it states: *“Should the City Council direct staff to pursue the grant, staff resources are required to identify a homeless or shelter project, identify an agency to manage the project, prepare the grant proposal, and to manage the project to its completion”*, is this part of what the city is undertaking tonight? On page 3, the

resolution it says: “*the City of Marina has undertaken multiple efforts at the local level to combat homelessness*” to what efforts are being referred that we’ve done? How do we make the connection to securing these funds for the homeless issue in the city of Marina?

**MORTON/AMADEO: TO APPROVE RESOLUTION NO. 2018-122, DECLARING A SHELTER CRISIS PURSUANT TO SB850, CHAPTER 48, STATUTES OF 2018 AND GC 8698.2. 5-0-0-0 Motion Passes**

12. **COUNCIL & STAFF INFORMATIONAL REPORTS:**

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

Mayor Delgado – Next meeting hosted my Marina on November 2, 2018 and will be held at I’m Thai Cuisine. Congressman Jimmy Pennetta will be our guest speaker.

- 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.

City Manager Long – we’ve completed our promotional exams for two of our Police Commander positions and Eddy Anderson has been promoted to fill one of those positions and doing background checks on the other applicant. Congratulations to Commander Eddy Anderson.

13. **ADJOURNMENT:** The meeting adjourned at 9:50 PM

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Anita Sharp, Deputy City Clerk

ATTEST:

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Bruce C. Delgado, Mayor