



MINUTES

WEDNESDAY, February 17, 2016

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, David W. Brown, Gail Morton, Mayor Pro-Tem/Vice Chair Frank O'Connell, 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. Real Property Negotiations
(1)Property: 2660 5th Avenue, Marina, CA 93933
Negotiating Party: David Moon, Keith Van Der Maaten
Property Negotiator: City Manager
Terms: All terms and conditions

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

City Attorney Rob Wellington reported out Closed Session: Council met at 5:30 pm as indicated on the agenda with regard to the one matter listed having to do with Real Property Negotiations. Council received information from its negotiator, gave general direction and no reportable action was taken.

4. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)
5. SPECIAL PRESENTATIONS:
 - a. 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.*

- Tom Hawkinson – Geriatric Nurse at VA Clinic. Wanted to thank the city for offering the Senior Tai-Chi class. Noted that 1 in 3 people over 65 will fall every year and will end up in the hospital, which will cost thousands of dollars. It was found out that Tai-Chi can reduce falls. Stanford University set up in a falls program which involves Tai-Chi twice a week. It reduced a lot of falls and gave functionality back to the community with a group of 90 years old with adaptable devices, after 3 months of taking Tai-Chi 90% of them no longer needed their adaptive devices.
- Michelle Saunders – Supports her son in what he is doing and support the use me medicinal marijuana. Also asked that the police stop harassing her son in this matter.
- Nobia Monsurat – Supports medical marijuana, announced intension to run for council seat in 2016 election.
- Kevin P. Saunders – Supports medical marijuana, announced intension to run for mayor seat in 2016 election.
- Mike Owen – Expressed appreciation for current policy on answering public questions; questioned why past items carried over from previous meetings are not placed at the beginning to be heard first; how many years does the city manager need to serve in order to become eligible for retirement benefits? Does the 16 years of service already served awarded in recent city manager contract count as eligibility for his retirement benefits? What was the council reasons or rational for awarding the city manager an extra 10 years of service above the six awarded retroactively to his initial contract? Is this the new norm to award prior services in contract?
- Patti Bradshaw – Commented there was a great turnout at the Marina Chamber of Commerce Flavors Event; Asked if agenda item 11c could be moved up closer to the beginning of the agenda so that the audience could participate in this item.
- Mayor Delgado – Presented a proclamation to Sid Williams related to 2016 Veterans of the Year in Monterey County.
- Sid Williams – presented the City with more Purple Heart City plaques to be placed at other entrance signs in the city.
- Council Member Amadeo – On March 9, 2016 Marina Youth Arts Drama Club performing “Peter Pan Jr. Play at Los Arboles Middle School. Marina Youth Arts is seeking donations.
- Mayor Pro-Tem O’Connell – Announced Town Hall Meeting on February 18, 2016 from 6:30-8:30 PM at the Marina Library Community Room. Slide presentation by the Marina Police and Fire Departments.
- Mayor Delgado – Thanks to Terry Siegrist for the Senior Tai-Chi program, it’s a great benefit for our seniors; commented on the International Flavors of Marina Event; Los Arboles 6th Graders and Crumpton and Olsen 5th Graders came out to the Fort Ord National Monument and help plant 2500 native plants. More planting on February 27th and March 12th from 10:00am-1:00pm.

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 77892 - 78022, totaling \$269,053.06
Wire transfers totaling: \$165,339.03
 - b. MINUTES: None
 - 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. 2016-14**, Receiving and filing City of Marina Auditor Governance letter (SAS 114), City Auditor Management letter of comments (SAS 112) for Fiscal Year ended June 30, 2015 stating the importance of the Accounting Services Manager position over internal controls.
 - (2) City Council consider adopting **Resolution No. 2016-15**, ordering the Acting City Engineer to prepare and to file a report related to maintenance of the Cypress Cove II Landscape Maintenance Assessment District for Fiscal Year 2016-2017.
 - (3) City Council consider adopting **Resolution No. 2016-16**, ordering the Acting City Engineer to prepare and to file a report related to maintenance of the Monterey Bay Estates Lighting and Landscape Maintenance Assessment District for Fiscal Year 2016-2017
 - (4) City Council consider adopting **Resolution No. 2016-17**, ordering the Acting City Engineer to prepare and to file a report related to maintenance of the Seabreeze Landscape Maintenance Assessment District for Fiscal Year 2016-2017
 - (5) City Council consider adopting **Resolution No. 2016-18**, Receiving and filing Side letter of Agreement to Memorandum of Understanding between the City of Marina and Marina Employees Association

g. APPROVAL OF AGREEMENTS:

- (1) City Council consider adopting **Resolution No. 2016-19**, Approving Amendment No. 2 amending services and extending the agreement between City of Marina and Mann Urrutia Nelson CPA of Sacramento, California, for independent auditor services, authorizing subsequent minor changes if necessary with City Attorney approval, authorizing City Manager to execute agreement on behalf of City subject to final review and approval by the City Attorney, and authorize the Finance Director to make the necessary accounting and budgetary entries.
- (2) City Council consider adopting **Resolution No. 2016-20**, Awarding construction contract to Golden Bay Fence Plus Iron Works, Inc., of Stockton, California, in the amount of \$978,824 in accordance with Federal Aviation Administration (FAA) Grant; adopting **Resolution No. 2016-21**, Approving a professional services agreement between City of Marina and Tartaglia Engineering, of Atascadero, California, in the amount of \$245,000 for preliminary engineering, engineering design, construction management and construction inspection and materials testing services; authorizing Finance Director to make necessary accounting and budgetary entries and authorizing City Manager to execute construction contract documents, professional services agreement amendment and any further required grant application documents on behalf of the City subject to final review and approval by City Attorney.
- (3) City Council consider adopting **Resolution No. 2016-22**, approving Amendment No. 3 to the Agreement between City of Marina and New Image Landscape Company of Fremont, California, to extend the contract agreement to the end of Fiscal Year 16/17 and increase the compensation payable to the Contractor by \$660, and; authorize the City Manager to execute Amendment No. 3 on behalf of the City subject to final review and approval by City Attorney

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE): None

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING): None

m. APPROVE APPOINTMENTS: None

Finance Director Lauren Lai noted a clerical error to agenda item 8g(1) on the table, it should be \$29,800 vs. \$29,080 and the total at the bottom for year one would be \$32,500.

City Manager clarified that on any type of change on employment salaries we make it effective on the next payroll date.

AMADEO/BROWN: TO APPROVE THE CONSENT AGENDA WITH CORRECTIONS TO AGENDA ITEM 8g(1) AS NOTED BY FINANCE DIRECTOR LAI. 5-0-0-0 Motion Passes

Council discussed and agreed to rearrange the “Other Action Items” to hear item 11c after item 11a.

- 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. 2016-23**, issuing a notice of compliance by Cypress Marina Heights, LP related to the Development Agreement for the Marina Heights Project. Consider adopting **Resolution No. 2016-24**, approving designating Wathen Castanos Homes as a Pre-Approved Homebuilder pursuant to the Marina Heights Option Agreement.

O’CONNELL/MORTON: THAT THE NOTICE OF COMPLIANCE BE ISSUED PROVIDED THAT THE NOTICE OF COMPLIANCE SHALL BE LIMITED TO COMPLIANCE WITH THE DEVELOPMENT AGREEMENT THAT’S RECORDED ON MARCH 30, 2004 AND SHALL NOT BE A DETERMINATION OR RESOLUTION OF ANY CREDITS OWED BY CYPRESS MARINA HEIGHTS L.P. RELATED TO THE IMPACT AND PROCESSING FEES. 5-0-0-0 Motion Passes

Public Comments:

- Mike Owen – Recalls that with the tree removal plan and replacement of 3 to1 that there was actually a plan that was supposed to be submitted by the developer for the replanting of those trees, believes in the first phase. Sounds like this is something should be complied with. Is there a tree planting plan that has been submitted by the developer?

Council Member Morton wanted to make sure that the Estoppel Agreement is consistent with the Council’s action on the Notice of Compliance, that the language mirrors exactly what we passed tonight.

AMADEO/DELGADO: TO APPROVE RESOLUTION NO. 2016-24, APPROVING DESIGNATING WATHEN CASTANOS HOMES AS A PRE-APPROVED HOMEBUILDER PURSUANT TO THE MARINA HEIGHTS OPTION AGREEMENT. 5-0-0-0 Motion Passes

Public Comments: None received.

- b. City Council consider adopting **Resolution No. 2016-25**, changing the term for election of the Mayor to four (4) years commencing with the 2018 election results; placing this matter on the 2016 election ballot; or a separate or different process for selection of the Mayor; and request that the City staff and or the City Attorney provide the City Council with the information and time schedule to complete this process. *Continued from February 2, 2016 meeting.*

O'CONNELL/BROWN: ADOPTING RESOLUTION TO CHANGE THE TERM FOR THE ELECTION OF THE MAYOR TO FOUR (4) YEARS COMMENCING WITH THE 2018 ELECTION RESULTS AND PLACING THIS MATTER ON THE 2016 ELECTION BALLOT AND REQUEST THAT THE CITY STAFF AND/OR THE CITY ATTORNEY PROVIDE THE CITY COUNCIL WITH THE INFORMATION AND TIME SCHEDULE TO COMPLETE THIS PROCESS. 3-1(Amadeo)-1(Delgado)-0. Motion Passes

Public Comments:

- Mike Owen – commended on founding fathers for Marina in 1976 who took a lot of thought in constructing the system that we have right now. Wisdom is verified and confirmed by the fact that all the other 12 cities mentioned by the mayor have 2 year terms. Commented on monies raised to run for an election and noted past council member ran without raising money and received more votes.
- Kevin Saunders – Agrees with council member Amadeo that term limit should remain at 2 years. Opposes motion. Commented on the cost to run for political seat. Comments on social media.
- Patti Bradshaw – Opposes motion, should be left the way it is. Commented on past history of Marina and how council was elected. Commented on salaries which are set by the state based on population. Council might consider having council members elected by their precinct. No political signs.
- Nobia Monsurat – Opposes motion, 2 year term limit a city our size provides opportunity for accountability. Expenditures and campaigns can be transitioned to knocking on doors and engaging with our constituents and voters in Marina every 2-years.
- Margaret Davis – Supports the motion, exhausting and unhealthy for our politics to have our mayor always being in campaign mode. This discourages, by this grueling schedule and the need to raise a lot of money it discourages qualified individuals for running for mayor. Public is welcomed to give feedback throughout the year in meetings like this.
- Elizabeth Billingsley – Opposes motion, our forefathers were right, keep it at 2 years. If the mayor doesn't want to run that's his/her choice. Nobody tells you guys to run but we elect you guys. If we don't want you we're not going to vote for you. You don't have to raise a lot of money. Do the right thing, do what the people want and then you will be elected. Keep it at every 2 years.
- Jack Stewart – Opposes motion, does not buy any of the rational that has been said. If you're going by your record the people will re-elect you. The cost of re-election is your choice. If you can't afford or can't raise the money then don't run. Believe once a person has been elected 3 times they assume ownership. Ownership is a disease. It's a matter of if the people want you back in office.

- c. City Council consider adopting **Resolution No. 2016-26**, receiving the Fiscal Year 2015-16 Mid-Year Fiscal Report; Authorizing the City Manager to execute amendments to the financial system project in accordance with the above; Authorizing Finance Director to make appropriate accounting and budgetary entries, and Provide staff with any further direction in the matter.

AMADEO/BROWN: TO APPROVE RESOLUTION NO. 2016-26, RECEIVING THE FISCAL YEAR 2015-16 MID-YEAR FISCAL REPORT; AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENTS TO THE FINANCIAL SYSTEM PROJECT IN ACCORDANCE WITH THE ABOVE; AUTHORIZING FINANCE DIRECTOR TO MAKE APPROPRIATE

ACCOUNTING AND BUDGETARY ENTRIES, AND PROVIDE STAFF WITH ANY FURTHER DIRECTION IN THE MATTER. 5-0-0-0 Motion Passes

Public Comments:

- Margaret Davis – disturbing that lands sales are still being counted as revenue or onetime revenue when council has discussed that this kind of income should be used for strategic purposes, for capital investments, improvements. Important when we’re anticipating land sales that never happen and then spend the money anyway. How can this be brought to the council to decide the issue once and for all. Cannot afford giving away big chunks of money to developers. We have a lot less money now and we’re whittling down our reserve every year still.

12. COUNCIL & STAFF INFORMATIONAL REPORTS:

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

Mayors of the county met last week in Sand City. Most of the discussion was how to divide up amongst the cities in the county the proposed revenue that would come in where a ballot tax measure were to pass on transportation to make Monterey County to 20th county in the state to be a self-help county by having a transportation sales tax. Suggested 33% on population, 33% on lane miles and 33% on sales generation over 30 years. TAMC Board to determine/approve ballot language on February 24th.

- 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 – acknowledged our Marina Employee Association President Ed Meachum for all the hard work in negotiating the contract and appreciate everything he’s done and the efforts of the Association. Reminder on the retreat, we’ll be getting an agenda out tomorrow and it will be on Friday from 6:00-9:00pm and Saturday from 9:00am-12:00pm.

Mayor Delgado – thanked the planning commission for the final decision on the Scott Negri Restaurant Project unless it gets appealed, we should have restaurants by Christmas; Marriott Hotel has sealed its roof after all the rains and window have been installed and hope to open in June/July.

13. ADJOURNMENT: The meeting adjourned at 9:30 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor