



MINUTES

Wednesday, July 6, 2016

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

TELECONFERENCE LOCATION:¹

Holiday Inn Express
1030 West Pioneer Blvd., Rm 402
Mesquite, NV

¹ Note: Pursuant to Government Code Section 54953(b), this meeting will include teleconference participation by Mayor Pro-Tem Frank O'Connell from the address above. This Notice and Agenda will be posted at the teleconference location

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: None

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

4. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)
5. SPECIAL PRESENTATIONS:
 - a. Certificate of Recognition
 - i. The Marina Shetland Baseball Regional Tournament Champions
 - b. Proclamations
 - i. Parks & Recreation Month

ii. Volunteers in Policing

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.*

- Karyn Wolfe – Shared some research on “What is Urban Sprawl as it applies to Marina”? Marina’s Vision Statement; simple definition, complete definition – Suburban Subdivisions, Shopping Centers, Office/Business Parks, City Buildings/Schools/Churches/Civic Buildings; Roadways.
- Mike Owen – restated his comments from the April 19th meeting related to the proposed UUT and the city’s need for it. What is the justification for the additional \$1 million in taxes that the city is proposing to ask the tax payers to pass in November? How close did the city get to the Mayor’s projects?
- Kevin P. Saunders – Announced his intent to run in the November 2016 election on a medicinal marijuana platform; lifting 2007 ordinance banning medical marijuana. Place it on an agenda for a vote.
- Council Member Amadeo – Attended the League of California Cities Mayor’s & Council Forum in Monterey. Attended the Economic Development and the Finance Workshops. This was a very informational conference.
- Council Member Morton – on July 8th is the Fort Ord Reuse Authority meeting at the Carpenters Union Hall. Meeting is open to the public and starts at 2:00 pm.
- Mayor Delgado – July 9th is Movie Night at the Marina Library starting at 7:00 pm. Movie is The Fifth Element; Attended the League of California Cities Mayor’s & Council Forum in Monterey – Finance Workshop. Attended the Mayor’s Association meeting last Friday, which was hosted by Del Rey Oaks where we toured the Medical Marijuana Dispensary.

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: 79097-79220, totaling \$268,641.15
Wire transfers totaling from Checking & Payroll: \$372,561.80
 - b. MINUTES:
 - (1) June 14, 2016, Special City Council Meeting
 - (2) June 21, 2016, Regular City Council Meeting
 - c. CLAIMS AGAINST THE CITY: None
 - d. AWARD OF BID:
 - (1) City Council consider adopting **Resolution No. 2016-100**, awarding the contract to Monterey Environmental Solutions and Services, of Monterey California, for the removal of asbestos pipe insulation, and; authorizing the City Manager to execute all contract documents on behalf of the City, subject to final review and approval by the City Attorney.
 - e. CALL FOR BIDS: None
 - f. ADOPTION OF RESOLUTIONS:
 - (1) City Council consider adopting **Resolution No 2016-101**, to amend Resolution 2016-81; changing the due dates for primary and rebuttal arguments for and against a ballot measure which, if approved by a majority of the electors of the City at the November 8, 2016 General Municipal Election, would amend the City Charter to allow for a four-year mayoral term commencing with the 2018 General Municipal Election; and for the City Attorney's impartial analysis of the measure.
 - g. APPROVAL OF AGREEMENTS:
 - (1) City Council consider adopting **Resolution No. 2016-102**, approving work plan and budget for Access Monterey Peninsula (AMP) for public, education and government (PEG) broadcasting services for FY 2016-17, and; authorizing the Finance Director to make the necessary budgetary and accounting entries and appropriate payments to Access Monterey Peninsula.
 - h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None
 - i. MAPS: None
 - j. REPORTS: (RECEIVE AND FILE):
 - (1) Monterey Regional Waste Management District, June 17, 2016 Highlights
 - k. FUNDING & BUDGET MATTERS: None

- l. APPROVE ORDINANCES (WAIVE SECOND READING): None
- m. APPROVE APPOINTMENTS: None

Mike Owen 8f(1) wanted to know what dates changed and why

Council Member Morton, 8d(1) asked if the funding source stated in staff report “Envelope Stabilization of the Sports Complex and Community Center budget, GL Account 462.000.000.000.00-6700.105-Capital Outlay-Construction Project # CCIP. P25.6700CN” could be placed into the resolution as #2 under the Now, Therefore it Be Resolved section.

MORTON/DELGADO: TO APPROVE THE CONSENT AGENDA WITH ADDED LANGUAGE TO 8d(1) RESOLUTION. 5-0-0-0 Motion Passes by Roll Call Vote

9. PUBLIC HEARINGS:

- a. City Council open the public hearing and take any testimony from the public, and; Consider introducing Ordinance No. 2016-, amending chapter 3.26 of the Marina Municipal Code regarding mitigation fees for new development within the City of Marina.

Mayor Delgado opened public hearing for comments:

- Mike Owen – Purpose of impact fees is to offset the damage to roads etc.... so if this is done correctly there’s a neutral impact on the developments relative to infrastructure, fire, police, etc.... to the City. Is this the correct understanding? Will there be a negative impact on the city’s budget as far as roads, fire, and police?
- Karyn Wolfe – questioned if there was double impact fees on land that is under FORA and in our city limits? It basically makes it more expensive to develop on FORA land. In particular FORA fees are by unit and not by size of unit or cost of unit. Developers are incentivized to go bigger, more expensive homes because the impact fee is smaller. What is the thinking in terms of our fee structure to mitigate that kind of an arrangement where people are motivated to build bigger for smaller impact fees? Why is the impact fees higher (doubled) for a Daycare facility than it is for a medical office?

Mayor Delgado closed public hearing

AMADEO/DELGADO: TO INTRODUCE ORDINANCE NO. 2016-, AMENDING CHAPTER 3.26 OF THE MARINA MUNICIPAL CODE REGARDING MITIGATION FEES FOR NEW DEVELOPMENT WITHIN THE CITY OF MARINA. 5-0-0-0 Motion Passes by Roll Call Vote

- b. City Council open a public hearing and take any testimony from the public; consider adopting **Resolution No. 2016-103**, authorizing an assessment not to exceed \$1,000.00 costs to be levied against Assessor’s Parcel Number 032051003000 not in compliance with “Notice to Abate”, and; direct the City Clerk to file levy with Monterey County Assessor’s office prior to August 1, 2016.

Mayor Delgado opened public hearing for comments:

- Mike Owen – What constitutes the abatement of weeds? How is a property determined to be abated?

Mayor Delgado closed public hearing

MORTON/AMADEO: TO ADOPT RESOLUTION NO. 2016-103, AUTHORIZING AN ASSESSMENT NOT TO EXCEED \$1,000.00 COSTS TO BE LEVIED AGAINST ASSESSOR'S PARCEL NUMBER 032051003000 NOT IN COMPLIANCE WITH "NOTICE TO ABATE", AND; DIRECT THE CITY CLERK TO FILE LEVY WITH MONTEREY COUNTY ASSESSOR'S OFFICE PRIOR TO AUGUST 1, 2016. 5-0-0-0 Motion Passes by Roll call Vote

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 provide direction to staff on: Whether to consider revisions to the Resident Selection Policies in the Below Market Rate Housing; and whether to explore accepting an in lieu fee in lieu of certain moderate income housing units at Marina Heights.

Below Market Rate Housing Motion

MORTON/DELGADO: TO DIRECT STAFF TO INVESTIGATE THE LEGALITY AND FEASIBILITY OF REVISING OUR PREFERENCE POLICY MAY IT BE LIMITED TO:

1. EMPLOYEES OF THE CITY OF MARINA MEETING THE FINANCIAL CRITERIA AND CHARACTERIZED AS FULLTIME EMPLOYEE OR IN THE ALTERNATIVE 25 HOURS OR MORE PER WEEK IN THE EMPLOY OF THE CITY OF MARINA; AND
2. INCLUDE MARINA EMPLOYEES WITHIN OUR PUBLIC SAFETY DEPARTMENT, AGAIN CHARACTERIZED AS FULLTIME OR IN THE ALTERNATIVE 25 HOURS OR MORE PER WEEK IN THE EMPLOY OF THE CITY OF MARINA; AND
3. EMPLOYEES OF EDUCATIONAL, PUBLIC OR PRIVATE FACILITIES INCLUDING COLLEGES AND UNIVERSITIES LOCATED WITHIN THE CITY BOUNDARY OF MARINA, AND BE FULLTIME OR IN THE ALTERNATIVE 25 HOURS OR MORE PER WEEK; AND
4. RESIDENTS EMPLOYED IN THE CITY OF MARINA BY A BUSINESS LICENSED TO DO BUSINESS IN THE CITY OF MARINA AND LOCATED IN THE CITY OF MARINA.

5-0-0-0 Motion Passes by Roll Call Vote

Public Comments:

- Karyn Wolfe – policy being discussed only applies to 35% of applicants and pointed out that is super small; 3 month requirement opens it up to anybody because all one has to do is rent an apartment for three months and then apply, this restriction is pointless. Housing Element public

policies expansions and integration; Have business been brought in knowing there's this 35% of applicants eligibility for this program? Can partial in-lieu fees be used to cover admin costs?

- Kathy Biala – Need to adhere to the Housing Element for both past and future. Hopes city has some standard for the in-lieu fee and not go project by project; glad this item will be coming back for further discussion.
- Denise Turley – Does the inclusionary police apply to volunteers in Marina, people who volunteer their time to the city over the many years?

In-lieu Fee Motion

MORTON/BROWN: THAT WE REJECT ANY FURTHER NEGOTIATION OR DISCUSSION ABOUT IN-LIEU FEES AND HAVE MARINA HEIGHTS FULFILL ITS CONTRACT OBLIGATION OF BUILDING 51 MODERATE INCOME UNITS. 5-0-0-0

Motion Passes by Roll Call Vote

Public Comments:

- Mike Owen – Supports the motion. Seems to be a lot of administrative difficulties for keeping the affordable housing and even more administrative involvement if city went in-lieu. Policies set in 2003-2004 a lot of study and work that went into setting this policy.
- Kathy Biala – Supports the motion. Glad city is not being swayed by all the reasons why we could keep kicking the can down the road. We have an obligation for the volume of affordable housing and developers have a hard time with meeting that obligation.
- Karyn Wolfe – Asked for more clarification on deed restrictions of 55 years. . Pointed out that even if we don't do the in-lieu fees we're going to have to come up with some money to support the administration of these programs. Supports building low-income housing in the Marina Heights area. RDA in compliance with other city documents.
- Denise Turley – Supports the motion. For those who qualify for home ownership provides certain benefits such as passing the home on to family members.

12. COUNCIL & STAFF INFORMATIONAL REPORTS:

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

Mayor's Association meeting in Del Rey Oaks and indicated that if anyone wanted to tour their ERAP vehicle they can do so. Del Rey Oaks turned their driving range into garden retail facility. They are also bypassing the EIR process for a mobile-home/RV park. Taking control of portions of Hwy 218. County passed their \$1.4 billion budget; a lot of mayors are against the fracking ban; TAMC Tax campaign contributions.

- 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.

Mayor Delgado – Marina Heights, what month is the estimated construction to begin on single family homes? Is there any clarification on when the Marriot Hotel incentive deadline is? Will it be open for business by July 31, 2016? When is the projected opening of the retail/restaurant cluster by REI?

Council Member Amadeo – Marina received a lot of notice at the LCC conference. The final class I took they were talking about partnering and I mentioned our Recreation Department and how they partner with community retailers to provide assistance with the Teen Center Breakfast Club and they

were quite impressed with the fact that volunteers run our program year long. The director of Food Program for the State of California stated that there are other programs that the city could probably qualify for at the state and federal levels.

City Manager Long – We will be making a job offer for our Community Development Director to someone this week and have them on board mid-August. The Public Works Director Position candidates have been narrowed down to 2 persons, need to complete background checks. The executive assistant position recruitment has not been advertised again, we are focusing on hiring the two director positions filled and focusing on filling maintenance worker positions. The recruitment for the Assistant City Manager position will take place once the other positions have been filled, a job description and salary schedule needs to be created.

13. ADJOURNMENT: The meeting adjourned at 9:55 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor