



## MINUTES

Tuesday, July 19, 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 (arrived 5:45 pm), Gail Morton (arrived 6:30 pm), 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. Labor Negotiations
  - i. Marina Professional Firefighters Association
  - ii. Department Directors
    - a. Community Development Director
    - b. Finance Director
    - c. Fire Chief
    - d. Police Chief
    - e. Recreation & Cultural Services Director

City Negotiators: Layne P. Long, City Manager and Employee Relations Officer

- b. Real Property Negotiations
  - (1) Property: Cypress Knolls Property - APN:031-201-005 and APN:031-201-050  
Negotiating Party: Ryan Edwards, Rik Sagin, Glen Yonekura, Phillip Rolla, Patrick Stafford, Kevin Wolf/Cypress Partners  
Property Negotiator: City Manager  
Terms: All terms and conditions

- (2) Property: Cypress Knolls Property – APN:031-201-005  
Negotiating Party: George Powell, Ray Parks, Neil Johnson/Marina Woods LLC  
Property Negotiator: City Manager  
Terms: All terms and conditions
- (3) Property: Cypress Knolls Property – APN:031-201-005  
Negotiating Party: Bob Schaffer, Steve Fraser/Highlander LLC  
Property Negotiator: City Manager  
Terms: All terms and conditions

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

Robert Rathie, Assistant City Attorney reported out closed session: Council met in closed session on the matters listed 3a (i-ii (a-e)), Council did not meet and discuss under item 3b Real Property Negotiations, no negotiations on that item. It is expected that the item will return on an open session. No reportable action was taken.

- 4. **MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE** (Please stand)
- 5. **SPECIAL PRESENTATIONS:**
  - a **Proclamations**
    - i. **National Night Out**
  - b **Volunteers In Policing (VIP)**
  - 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.*
  - Terry Bear, Exec Dir. Veterans Transition Center – provided an update on the Light Fighter Village, 70 unit affordable housing project in Marina for low-income veterans and their families and asked for city’s help with water allocations which would help in securing the financing; announced Monterey County Homeless Veterans “Stand Down” taking place August 19-21 in Seaside.
  - Kathy Biala – Commented on the California Coastal Commissions “stop and desist” order for the CEMEX Sand Plant.
  - Resident of Eddy Street – Commented on the existing road condition on Eddy Street and the need to have it fixed. Roughest road in Marina
  - Resident of Eddy Street – Commented on the road conditions on Eddy Street.
  - Kevin P. Saunders – Announced his intent to run in the November 2016 election on a 3 tier platform (Medical Marijuana, Rent Control and Body-Cams)

- Paula Pelot – Asked what is the status of the Stop and Desist order with CEMEX? What is the City roll in the process?
- June Stein– Presented the City and the Marina Police Department with plaques for Distractive Driving.
- Mike Owen – Encourage the public to vote for the TAMC Tax measure as it would add additional monies to the General Fund for streets and roads. Showed article in Herald paper indicating PG&E to increase rates in August. Questioned Hotel incentive – “What constitutes unforeseen circumstances?”
- Jay Fagan – MPUSD Facilities Advisory Committee has elected to pursue an agreement with a qualified Bond Management company for the remaining \$55 million of the MPUSD School Bond that’s going to be utilized in 2 phases to begin additional capital improvement projects to our MPUSD area of schools. Tour with the Superintendent this Saturday from 1-3 at the Districts office and public is invited.

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 79221-79373, totaling \$707,399.61

b. MINUTES:

- (1) July 6, 2016, Regular City Council Meeting

c. CLAIMS AGAINST THE CITY: None

d. AWARD OF BID:

- (1) City Council consider adoption **Resolution No. 2016-104**, awarding the Del Monte Blvd. and Beach Rd. Improvement Project to Monterey Peninsula Engineering of Marina, California; authorize Finance Director to make necessary accounting and budgetary entries, and; authorize City Manager to execute contract documents and all change orders on behalf of City subject to final review and approval by the City Attorney.

e. CALL FOR BIDS: None

f. ADOPTION OF RESOLUTIONS:

- (1) ~~City Council consider adopting Resolution No. 2016, authorizing the City Manager to sign a letter of support for the Marina Fire Department's Staffing for Adequate Fire and Emergency Response (SAFER) grant application. *Pulled by Council Member Morton, becomes agenda item 11d*~~
- (2) City Council consider adopting **Resolution No. 2016-105**, authorizing an assessment of \$1,000.00 costs to be levied against Assessor's Parcel Number 032121018000, 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; *and* adopting **Resolution No. 2016-106**, certifying compliance with state law with respect to levying of special assessments for Fiscal Year 2016-2016.
- (3) ~~City Council consider adopting Resolution No. 2016, confirming levy of the special tax for the City of Marina Community Facilities District No. 2007-2 for Fiscal Year 2016-17 as authorized by Ordinance No. 2007-09, and; adopting Resolution No. 2016, certifying City of Marina compliance with State law (Proposition 218) with respect to a special tax for the City of Marina Community Facilities District No. 2007-2 as authorized by Ordinance No. 2007-09 for Fiscal Year 2016-17. *Pulled by Mayor Pro-Tem O'Connell, becomes agenda item 11a*~~
- (4) City Council consider adopting **Resolution No. 2016-107**, confirming levy of the special tax for the City of Marina Community Facilities District No. 2015-1 for Fiscal Year 2016-17 as authorized by Ordinance No. 2015-03, and; adopting **Resolution No. 2016-108**, certifying City of Marina compliance with State law (Proposition 218) with respect to a special tax for the City of Marina Community Facilities District No. 2015-1 as authorized by Ordinance No. 2015-03 for Fiscal Year 2016-17.

g. APPROVAL OF AGREEMENTS:

- (1) City Council consider adopting **Resolution No. 2016-109**, approving Amendment No. 1 of the Animal Sheltering Services Agreement between City of Marina and City of Salinas for City of Salinas to continue providing animal shelter services for the City of Marina for two additional years with no substantive changes except the removal of Paragraph 4, Section E, Subsection (2) "Advanced Payment" of the agreement, and: authorize City Manager to approve future animal sheltering agreements with the City of Salinas over the next six years unless City of Salinas increases their fees above ten percent over previous agreement terms, and; authorize Finance Director to make necessary accounting and budgetary entries, and; authorize City Manager to execute the agreement on behalf of City subject to final review by the City Attorney.

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: Nonei. MAPS: Nonej. REPORTS: (RECEIVE AND FILE):

- (1) City Council consider adopting **Resolution No. 2016-110**, receiving Marina Recreation & Cultural Services Commission 2015 Annual Report and 2016 Goals.

- (2) City Council receiving Investment Reports for the City of Marina and City of Marina as Successor Agency to the Marina Redevelopment Agency for months ended April 30, May 31, and June 30, 2016.

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING):

- (1) City Council consider adopting and reading by title only **Ordinance No. 2016-04**, amending chapter 3.26 of the Marina Municipal Code regarding mitigation fees for new development within the City of Marina.

m. APPROVE APPOINTMENTS: None

Mike Owen asked what are the special taxes for on agenda items 8f(3) and 8f(4)

Mayor Pro-Tem O’Connell requested to pull agenda item 8f(3) for discussion

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

Edrie De La Santos indicated that the exhibit to the resolution for agenda item 8f(4) had rounded numbers (\$101,269) and that the correct numbers of \$101,268.60 needed to be listed to satisfy the County Offices.

**DELGADO/MORTON: TO APPROVE THE CONSENT AGENDA MINUS AGENDA ITEM 8f(1) AND 8f(3) AND WITH THE MODIFICATIONS TO 8f(4) RESOLUTION AS NOTED. 5-0-0 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 consider adopting **Resolution No. 2016-111**, confirming levy of the special tax for the City of Marina Community Facilities District No. 2007-2 for Fiscal Year 2016-17 as authorized by Ordinance No. 2007-09, and; adopting **Resolution No. 2016-112**, certifying City of Marina compliance with State law (Proposition 218) with respect to a special tax for the City of Marina Community Facilities District No. 2007-2 as authorized by Ordinance No. 2007-09 for Fiscal Year 2016-17. ***Pulled by Mayor Pro-Tem O’Connell, was agenda item 8f(3)***

Mayor Pro-Tem questioned the balance in the Fund on June 30, 2013 was \$43,201 and you are requesting that since there was no levy the last couple of years that you’re proposing \$420 per 15

units? Questioned number of the adopted budget and on page 91 in FY 13-14 it shows \$6,815 paid for professional services in engineering and in FY 12-13 an additional of \$9,385 for professional services, those two numbers are considerably higher than what we're looking at in Exhibit B. In FY 13-14 the landscape maintenance was \$4,838 and in FY 12-13 it was \$9,799. You had a contract service fee in FY 14-15 of \$7,529. What is the justification for using what appears to be approximately \$16,000 per year to bring this \$43,000 down to \$10,000? Why is the administrative engineers is report going from \$1,000 in FY 15-16 to \$2,000 in FY 16-17? Can supervision fee be reduced in this district from \$1,500 to \$1,000?

**BROWN/AMADEO: TO APPROVE RESOLUTION NO. 2016-111, CONFIRMING LEVY OF THE SPECIAL TAX FOR THE CITY OF MARINA COMMUNITY FACILITIES DISTRICT NO. 2007-2 FOR FISCAL YEAR 2016-17 AS AUTHORIZED BY ORDINANCE NO. 2007-09, AND; ADOPTING RESOLUTION NO. 2016-112, CERTIFYING CITY OF MARINA COMPLIANCE WITH STATE LAW (PROPOSITION 218) WITH RESPECT TO A SPECIAL TAX FOR THE CITY OF MARINA COMMUNITY FACILITIES DISTRICT NO. 2007-2 AS AUTHORIZED BY ORDINANCE NO. 2007-09 FOR FISCAL YEAR 2016-17. 5-0-0-0 Motion Passes**

- b. City Council/Board Members consider adopting **Resolution No. 2016-113** and **Resolution No. 2016-03 (NPC)**, approving the Abrams B Housing Area Budget for FY 2016-17, and; authorizing Finance Director to make appropriate accounting and budgetary entries.

O'Connell/Morton: to approve the resolution as set forth in the staff report, page 106 and 107 with the following changes: as to paragraph 4, Whereas the change should be delete HOA President Paul Pelot it should read Tenant Association Chairperson, Paula Pelot; and the 7<sup>th</sup> Whereas should read: Whereas the City's owner distribution is proposed to be \$1,502,220 and delete rest of that paragraph relating to the \$35,000 being taken out and the amount being increased; and that alliance will contact the appropriate city staff to determine if a proper business license has been issued to do business in the City of Marina, if not the city will take the necessary steps and apply the fees as appropriate including any penalties.

Public Comments:

Paula Pelot – Alliance should be paying for the business license and not have it come as an expense to the properties; what is the total salary and salary expense projected for the Assistant City Manager position? There has to be some billing element for this position, it may be more than \$35,000 per property.

Denise Turley – Concerned about Preston and Abrams park housing bearing the brunt of the affordable housing in the county. Asked if there will be more police presence in Preston and Abrams Park.

**Substitute Motion**

**DELGADO/AMADEO: TO APPROVE RESOLUTION NO. 2016-113 AND RESOLUTION NO. 2016-03 (NPC), APPROVING THE ABRAMS B HOUSING AREA BUDGET FOR FY 2016-17, AND; AUTHORIZING FINANCE DIRECTOR TO MAKE APPROPRIATE ACCOUNTING AND BUDGETARY ENTRIES; AND MAKE CHANGES TO THE 4<sup>TH</sup> WHEREAS IN THE RESOLUTION TO DELETE HOA AND REPLACE WITH TENANTS ASSOCIATION CHAIRPERSON, PAULA PELOT. 3-2(Morton, O'Connell)-0-0 Motion Passes**

- c. City Council/Board Members consider adopting **Resolution No. 2016-114**, and **Resolution No. 2016-01 (PPSC-NPC)**, approving the Preston Park Sustainable Community Non-Profit Corporation Preston Park Housing Area Budget for FY 2016-17, and; authorizing Finance Director to make appropriate accounting and budgetary entries.

**Delgado/Amadeo: to approve Resolution No. 2016-114, and Resolution No. 2016-01 (PPSC-NPC), approving the Preston Park Sustainable Community Non-Profit Corporation Preston Park Housing Area Budget for FY 2016-17, and; authorizing Finance Director to make appropriate accounting and budgetary entries; and direct staff to come to us after they've had a chance to figure out the debt service confusion; and to make changes to the 2<sup>nd</sup> Whereas in the resolution to delete HOA and replace with Tenants Association Chairperson, Paula Pelot.**

Public Comments:

- Paula Pelot – Addressed issues concerning the utility bills and 12 water meters that water does not pass through where charges are being applied and is there an individual bill produced for each of these meters that water does not run through; How is a cost allocation plan done when directors do not account for their time? Reiterated that Preston and Abrams Park has absorbed the affordable housing component for Marina Heights, so maybe Marina Heights should be paying for part of this position; Rents – In-Place market rate rent for targeted units doesn't reflect the full range. Commented on work order issues and the need for more police presence; LED lights were not replaced by PG&E as they thought the property was privately owned and replacement will not take place in a couple of months.

10:00pm

Delgado/Amadeo: to continue the meeting until 10:30 pm

Substitute Motion

Brown/Morton: to move to finish this item or until 10:30, whichever comes first and to adjourn the meeting for the UUT and SAFER Grant to Wednesday, July 20<sup>th</sup> at 5:30 PM. 4-1(O'Connell)

Discussion took place about Brown Act posting of the agenda for an adjourned meeting. It was determined that council was able to adjourn the meeting to the following day.

**Morton/Amadeo: to reconsider substitute motion 4-1(Delgado)-0-0**

**DELGADO/BROWN: TO CONTINUE TO 10:30 OR COMPLETION OF AGENDA ITEM 11b AND ADJOURN THE MEETING TO WEDNESDAY, JULY 20<sup>TH</sup> AT 5:30 PM TO COMPLETE AGENDA ITEMS 11d AND 11e. 5-0-0-0 Motion Passes**

Public Comments continued:

- Denise Turley – asked if there was an increased presence on the property? On the \$100,000 to do the ADA on the existing office, is the building across the street ADA compliant and if so is there a possibility to swap buildings? \$600 for marketing – questioning whether the marketing that's being done is necessary with a 98% occupancy with a waiting list?

## Modified Motion

**DELGADO/AMADEO: ADOPTING RESOLUTION NO. 2016-114, AND RESOLUTION NO. 2016-01 (PPSC-NPC), APPROVING THE PRESTON PARK SUSTAINABLE COMMUNITY NON-PROFIT CORPORATION PRESTON PARK HOUSING AREA BUDGET FOR FY 2016-17, AND; AUTHORIZING FINANCE DIRECTOR TO MAKE APPROPRIATE ACCOUNTING AND BUDGETARY ENTRIES; AND DIRECT STAFF TO COME TO US AFTER THEY'VE HAD A CHANCE TO FIGURE OUT THE DEBT SERVICE CONFUSION; AND TO MAKE CHANGES TO THE 2<sup>ND</sup> WHEREAS IN THE RESOLUTION TO DELETE HOA AND REPLACE WITH TENANTS ASSOCIATION CHAIRPERSON, PAULA PELOT; AND REMOVE THE \$600 FOR MARKETING. 3-2(Morton, O'Connell)-0-0 Motion Passes**

City Council meeting adjourned at 10:20 to Wednesday, July 20, 2016 at 5:30 PM

- d. ~~City Council consider adopting Resolution No. 2016, receiving information regarding Utility Users Tax and Business License Tax for the City of Marina and to provide staff with further direction. *Continued to adjourned regular meeting of Wednesday, July 20, 2016*~~
- e. ~~City Council consider adopting Resolution No. 2016, authorizing the City Manager to sign a letter of support for the Marina Fire Department's Staffing for Adequate Fire and Emergency Response (SAFER) grant application. *Pulled by Council Member Morton, was agenda item 8f(1). Continued to adjourned regular meeting of Wednesday, July 20, 2016*~~

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: adjourned to Wednesday, July 20, 2016 at 5:30 PM

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Anita Sharp, Deputy City Clerk

ATTEST:

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Bruce C. Delgado, Mayor