



## MINUTES

Wednesday, July 20, 2016

5:30 P.M. Closed Session

**ADJOURNED 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. 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~~

~~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~~

~~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~~

~~e. CLAIMS AGAINST THE CITY: None~~

~~d. AWARD OF BID:~~

- ~~(1) City Council consider adoption Resolution No. 2016, 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, 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 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.~~
- ~~(4) City Council consider adopting Resolution No. 2016, 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, 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, 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: None~~

~~i. MAPS: None~~

~~j. REPORTS: (RECEIVE AND FILE):~~

~~(1) City Council consider adopting Resolution No. 2016, 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, amending chapter 3.26 of the Marina Municipal Code regarding mitigation fees for new development within the City of Marina.~~

~~m. APPROVE APPOINTMENTS: None~~

~~9. PUBLIC HEARINGS:~~

~~10. OTHER ACTIONS ITEMS OF THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY: Action listed for each Agenda item is that which is requested by staff. The Successor Agency may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.~~

11. OTHER ACTION ITEMS: Action listed for each Agenda item is that which is requested by staff. The City Council may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.

**Note: No additional major projects or programs should be undertaken without review of the impacts on existing priorities (Resolution No. 2006-79 – April 4, 2006).**

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

~~b. City Council/Board Members consider adopting Resolution No. 2016 (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.~~

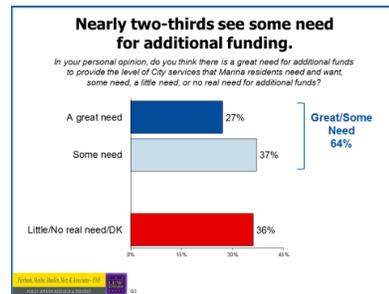
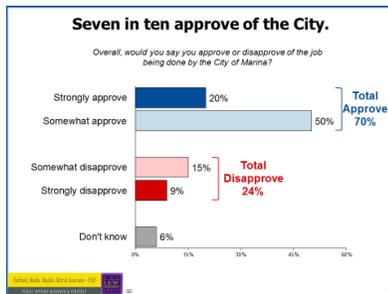
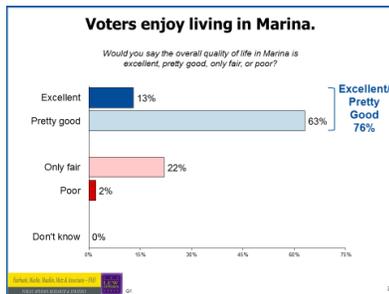
- c. City Council consider adopting Resolution No. 2016-115, receiving information regarding Utility Users Tax and Business License Tax for the City of Marina and to provide staff with further direction.

Presentation by Miranda Everitt, FM3 Research

**Methodology**

270 interviews with Marina voters likely to participate in the November 2016 election; Conducted June 29-30 and July 5-14, 2016 online, and via landline and cell phones; Margin of error of +/-6.0% at the 95% confidence interval

**Mood of the Electorate**



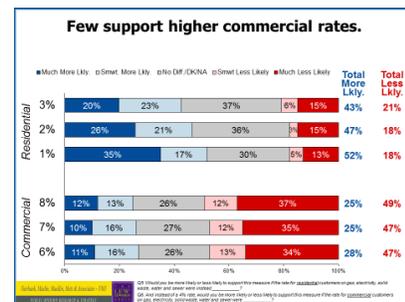
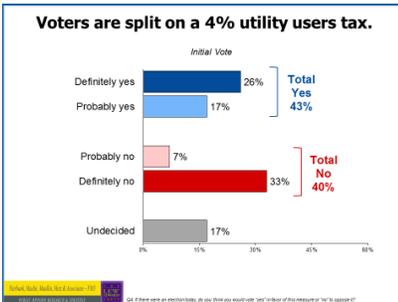
**Support for a Potential Utility Users Tax**

**Utility Users Tax Language Tested**

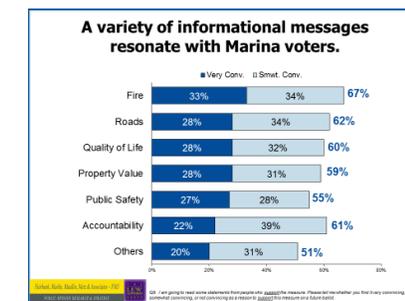
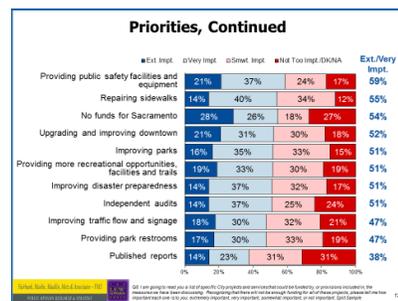
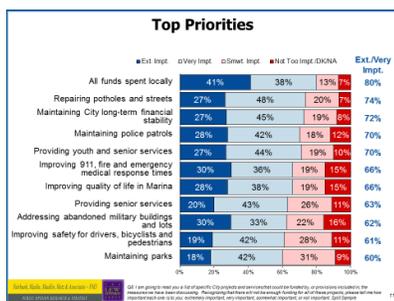
Marina Public Safety and Vital City Services Measure. To provide general City services such as:

- Police patrols;
- Improving 911/emergency medical/fire response times;
- Repairing potholes/neighborhood streets;
- Maintaining/improving parks/senior services;

Shall the City of Marina enact a utility users' tax of 4% on gas, electricity, refuse, water, sewer, video, telecommunications services, until ended by voters or reduced by City Council, generating approximately \$1 million annually, with low-income exemptions, annual reports, independent audits, all funds controlled locally?



**Measure Structure and Priorities**



**Informational Messages**

**(FIRE)** Since 2008, calls for emergency response have grown by more than one-third. But our City has just one firehouse, meaning sometimes they cannot respond to multiple fire or medical emergency calls at the same time. This measure would help maintain and improve our public safety as Marina grows.

**(ROADS)** Marina's streets and roads are in such poor condition that it takes \$1.2 million per year just to keep them from deteriorating further. Kids walk in the streets because our sidewalks are so bad. This measure provides essential funding to fix potholes, sidewalks and repair neighborhood streets and roads now, before they become even more unsafe and costly to repair.

**(QUALITY OF LIFE)** Marina is a place where people desire to work, live and raise families. However, if we are not able to address basic City services, the character of our community and its quality of life will decline. These measures will help protect and maintain essential City services that make our community a safe, beautiful place, especially as it grows.

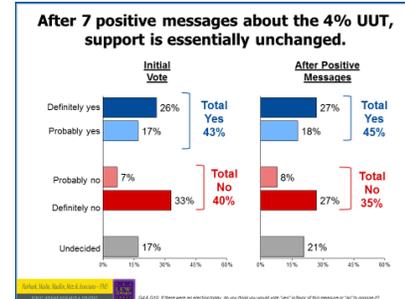
**(PROPERTY VALUE)** By improving public street and road conditions and maintaining police patrols and emergency response times, this measure will help to protect property values for Marina homeowners and businesses.

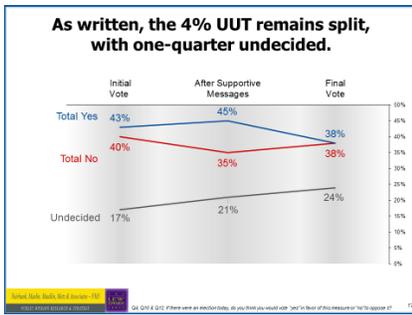
**Informational Messages, Continued**

**(PUBLIC SAFETY)** Without additional revenue, the City will not be able to restore public services, including police patrolling our neighborhoods, parks and schools. Fewer police officers will result in even longer 911 emergency response times, putting our safety at risk.

**(ACCOUNTABILITY)** This measure includes tough accountability provisions such as requiring independent audits, published reports and all funds spent locally. These fiscal safeguards will ensure funds are used as promised.

**(OTHERS)** Marina, Del Rey Oaks and Carmel are the only three cities in the County that do not have a utility users' tax. This measure would bring Marina in line with nearby cities, making it possible for the City to invest in essential public services in the same way that neighboring communities have.





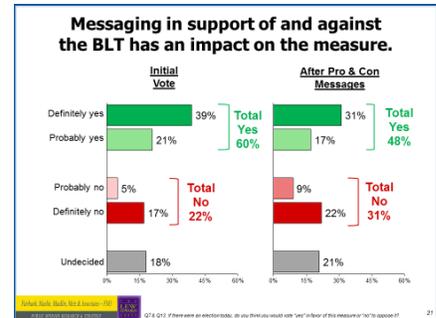
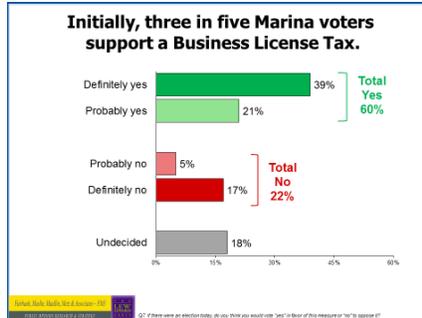
**Support for a Potential Business License Tax**

**Business License Tax Language Tested**

**Marina Business License Equity and Update Measure.** To provide general City services such as:

- Police, fire;
- Repairing potholes/streets;
- Improving parks;

Shall the City of Marina update its 38 year old business license tax rates to between 0.1% to 0.2% of gross receipts depending on business type, so small businesses pay a lower amount than larger businesses, until ended by voters or reduced by City Council, generating approximately \$600,000 annually, with annual reports, independent audits, funds controlled locally?



**Summary**

Marina’s quality of life is seen very positively; seven in ten approve of the job the City is doing; 64% see some need for additional funding, while 36% feel there is little or no need. While things like repairing potholes, maintaining police patrols and ensuring financial stability are important to most, there is relatively little intensity that these are crucial.

UUT: Voters are split on a 4% utility user’s tax measure. Support is below the vote threshold of 50%+1, with 24% undecided. - The measure begins fairly split, and gains nothing from a full battery of additional information; While a 1% residential UUT rate appeals to voters, they largely reject higher rates for commercial properties. “No” voters show slightly more interest at the 1% rate.

BLT: Initial support from voters is strong for a business license tax begins with promising support, however, it is vulnerable to negative messaging, ending with 48% support.

Council Questions: Is a 60% yes what we’re looking for on the survey? If messaging were different do you think the numbers would change? Based on your sampling would you as the consultant recommend the city put a UUT on the November 2016 ballot or wait? Would the BLT be successful to put on the November 2016 ballot? In survey do you know who was a Marina business owner? What was the negative argument used for the BLT? Was the question asked to the 300 surveyed as too if two measures were put onto a ballot which one would they favor? Why wasn’t individual surveys done for each proposed measure? BLT, was there any indicator of how to bring the vote up if a change was made? Was there any reference to the other sales tax measures being placed on ballots from other agencies? Will we be able as a city to officially share with voters of education some potential combination of services that could be afforded by those? Is there balance between having those specifics shared that are the most reasonable to occur and being vulnerable to airing on a special tax? What account/fund does the Gas tax go into? Can you have a tax measure that the money goes into the CIP rather than into the General Fund? Voter education language that can be used? Could council members as individuals, in campaigning use any language they want? Does it cost anything extra to put a ballot(s) on a general election?

**MORTON/O’CONNELL: THAT WE ADOPT RESOLUTION NO. 2016-115, RECEIVING INFORMATION REGARDING UTILITY USERS TAX AND BUSINESS LICENSE TAX FOR THE CITY OF MARINA AND TO HAVE THE STAFF BRING BACK AT OUR NEXT MEETING THE INFORMATION WITH GOING FORWARD ON THE BUSINESS LICENSE TAX SOLELY FOR THE NOVEMBER 2016 BALLOT. 4-1(Delgado)-0 Motion Passes.**

**Substitute Motion**

Delgado/Brown: that we come back in August with the number of what the city revenue would be with a 2.5% UUT, the Business License Tax as proposed and with or without a senior/low income exemption; and that the next time we meet we also get any alternative wording that staff thinks might make a significant difference. 2-3(Amadeo, Morton, O’Connell)-0-0 Substitute Motion Fails

Mayor Delgado would like staff to come back with our CIP on August 3<sup>rd</sup> as part of the packet, our annual retreat for the last two of what we concluded, what we agreed were important projects for us to embark upon and some staff effort, which would be new work but only as you can do it to give us some read as to what the 2.5% with the senior discount revenue would achieve towards the objective of our CIP and our annual retreat.

Mayor Delgado amended his motion to include: that the next time we meet we also get any alternative wording that staff thinks might make a significant difference.

Public Comments:

- Paula Pelot – Supports first motion. Believes city needs these funds. Agrees people need to feel the “pain” before they would agree to support a utility user’s tax, most likely will not pass. Suggested doing a UUT in 2018. Suggest a change in the ballot language Ordinance where it references CPI, when you do get to the language of this it should say “*CPI is defined with San Jose or Oakland, San Jose All Urban Consumers CPI parenthetically*”. This is election is all about the national election, not much attention will paid to local issues.
- Mike Owen – Supports first motion. Flashed back to the council promoting the first utility user’s tax. Per the experts the Business License tax has twice as many people in favor of it. Arguing against a utility user’s tax. This initial poster boy for this was roads and pavement and you’ve already found out that if the TAMC tax passes that’s \$400,000 specifically for roads and pavement. If the business license tax passes that \$600,000, that’s \$1 million plus an existing \$200,000 budgeted for streets and roads.

Mayor Pro-Tem O’Connell Called for the Questions – 2-3(Amadeo, Brown, Delgado)-0-0

- d. City Council consider adopting Resolution No. 2016-116, 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. **Was agenda item 8f(1)**

Council questions: If we applied for the grant and we did not have the source of funding for moving three employees into captain position can we say no when the grant is offered to us? How much money have we thrown away if we get the grant and then say we can’t afford it? What is the process in the first 5 months after receiving notification of being awarded the grant? What does hiring within mean? Is it feasible that we would hire less than 8 if we had less money towards this \$46,500? Is there options in there so if were able to come with \$23,000 that we would be able to hire 3 or 4?

**MORTON/DELGADO: TO ADOPT RESOLUTION NO. 2016-116, 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. 5-0-0-0 Motion Passes**

Public Comments: None received

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.

Council Member Amadeo – Attended the special districts leadership academy in Napa last week and will be sharing with our city manager things that wise for this action to take action on.

City Manager Long – Community Choice Energy Aggregate group meeting in Santa Cruz where Tim Flanagan with the Waste Management District represents our coalition/cities, and they are moving forward with a proposal for a JPA. Positive thing is these co-ops are moving forward across the state. If we join as a city and the citizens they would be a part of the co-op and have the ability to opt out and continue to buy their power from PG&E but being in it they have the ability to buy power that the JPA buys on the market which focuses on renewable power and cheaper than PG&E. Will be bring this to council within the next couple of months.

Mayor Delgado – thanked the 13 volunteers that came out to the Marina Library last Friday to remove weeds, watered oaks and repaired the wind screens that protects the oaks. Thanks to the public works crew for providing water supply lines from lower Locke Paddon to upper Locke Paddon by the Library. Late August will be a community volunteer service at our tennis courts on Reindollar Ave.

13. ADJOURNMENT: The Meeting adjourned at 7:15 PM

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Anita Sharp, Deputy City Clerk

ATTEST:

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Bruce C. Delgado, Mayor