



## MINUTES

Tuesday, August 16, 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. Conference with Legal Counsel - Anticipated Litigation – Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of CA Govt. Code Section 54956.9 – One Case

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 as indicated with regard to the one item listed, conference with legal counsel-Anticipated litigation. Council received information, gave direction to the City Manager and attorneys, no reportable action was taken.

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

5. SPECIAL PRESENTATIONS:

- a. Recreation Quarterly Awards
  - i. NFL Punt-Pass-Kick
  - ii. Elks Hoopshoot City Winners
  - iii. Elks Hotshot City Winners
  - iv. MLB Pitch-Hit-Run City Winners
  - v. Nor-Cal State Track Meet Participants
- b. 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.*

- Paula Pelot – Announced Preston and Abrams Park Annual Neighborhood Wide Garage Sale on September 10, 2016 involving 16 blocks.
- Kathy Biala – Updated Council and the public on the August 10<sup>th</sup> California Coastal Commission meeting in Santa Cruz related to the Cemex Sand Mining, indicated that Cemex selling 50 pound bags for \$4.15 at the local Home Depot. Cemex is mining approximately 200,000 cubic yards of sand mind annually. Cemex is making \$50,000,000 annually selling Marina coastal sand. Commented on the erosion on Marina beaches.
- Kevin P. Saunders – Encouraged people to register to vote; made comments on the retirement of Police Chief Rodriguez; commented on the need for medical marijuana and the surrounding cities that currently have dispensaries. Commented on Cemex mining and the need for them to quit.
- Mike Owen – Marina In Motion will host a Mayoral Form on Saturday, September 17, 2016 from 1:00-3:00PM in the Marina Council Chambers, moderator will be Linda McIntyre from the Moss Landing Harbor District and will be broadcasted on Channel 25, written questions will be submitted from the audience.
- Nourdin Khayata – Provided Council and public with brief update on the Beach Road/Del Monte Traffic control. There are predominantly 2 phases. First stage is the biggest stage and the bulk of the work will be done. Del Monte will be narrowed down to one lane in each direction (north & south) and shutting half of the intersection off and no access onto Beach Road. Detours will be set up in place. Pedestrian crossing onto Beach will be allowed. Estimated start date will be August 29, 2016.
- Mayor Pro-Tem O'Connell – Announced Town Hall Meeting on August 30, 2016 at the Marina Library Community Room starting at 6:30 PM; On August 20<sup>th</sup> from 9:00am-1:00pm Cinemark will have free showings of DreamWorks Animated films and all snacks will be \$2.00.

- Council Member Amadeo – Marina Youth Arts held their semiannual Tea fundraiser and was quite successful, thanked all the gentleman servers who participated this round and those who participate regularly. Special thanks to our Fire Chief who had been out in the field for about 3 weeks at the Soberanes fire and served at out tea.
- Mayor Delgado – August 27<sup>th</sup> Reindollar Ave Tennis Court Clean-up; Saturday, September 3, 2016 from 11:00-12:00 is the Labor Day Parade and from 11:30-4:00 Labor Day Festival at Vince DiMaggio Park; Shout-out to all the volunteers helping with the Oak Woodland Restoration Project at the Marina Library. Commented on the newly poured pad and memorial tree for Ken Gray outside the Council Chambers. Community Center Playground coming along, volunteers needed for spreading of engineered fiber-fill in Mid-Sept.

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 79504-79655, totaling \$383,660.21  
Wire transfers from Checking & Payroll for June 2016 totaling: \$1,500,950.99

b. MINUTES:

- (1) August 3, 2016, Regular City Council Meeting

c. CLAIMS AGAINST THE CITY: None

d. AWARD OF BID: None

e. CALL FOR BIDS: None

f. ADOPTION OF RESOLUTIONS: None

g. APPROVAL OF AGREEMENTS:

- (1) City Council consider adopting **Resolution No. 2016-123**, approving Amendment No. 1 to Franchise Agreement between City of Marina and GreenWaste Recovery, Inc. for Solid Waste, Recycling, and Organics Collection Service; and authorize the Mayor to execute it for and on behalf of the City.

- (2) City Council consider adopting **Resolution No. 2016-124**, approving an Agreement between the City of Marina and Diablo Engineering Group of Oakland, California, for Preliminary Engineering Services for the 2<sup>nd</sup> Avenue Extension and Patton Parkway Connection, and; authorizing the City Manager to execute the Agreement on behalf of the City subject to final review and approval by the City Attorney.
- (3) ~~City Council consider adopting Resolution No. 2016 , approving reimbursement agreement between City of Marina and the Federal Bureau of Investigation for the Federal Bureau of Investigation to reimburse the City of Marina for the planning, engineering and legal services and for construction and furnishing Building 504 at the Marina Municipal Airport for the proposed use of said building by the Federal Bureau of Investigations, and; authorize Finance Director to make necessary accounting and budgetary entries, and; authorize City Manager to execute reimbursement agreement on behalf of City subject to final review by the City Attorney. ***Pulled by Councilmember Morton, becomes agenda item 11d***~~

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS:

- (1) City Council consider adopting **Resolution No. 2016-125**, accepting the Imjin Pkwy Bike Lane Project, and; authorizing filing of Notice of Completion with Monterey County Recorder's Office.
- (2) City Council consider adopting **Resolution No. 2016-126**, accepting the 2015 Transportation Enhancement Project, and; authorizing filing of Notice of Completion with Monterey County Recorder's Office.

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE): None

k. FUNDING & BUDGET MATTERS:

- (1) ~~City Council consider adopting Resolution No. 2016 , approving appropriation of Abrams B Bond proceeds for City Capital Improvement Program (CIP) projects, and; authorize Finance Director to make necessary budgetary and accounting entries subject to final review and approval by Bond Counsel. ***Pulled by Councilmember Morton, becomes agenda item 11e***~~

l. APPROVE ORDINANCES (WAIVE SECOND READING): None

m. APPROVE APPOINTMENTS:

- (1) ~~City Council consider appointment to Economic Development Commission: James Stahl. Seat Expiring February 2018. ***Pulled by member of the public, becomes agenda item 11c***~~

Paula Pelot requested to pull agenda item 8m(1) for discussion.

Mike Owen asked for more information on item 8g(3).

Council Member Morton requested to pull agenda items 8g(3) and 8k(1) for questions.

Mayor indicated that agenda item(s) 8m(1) will become 11c; agenda item 8g(3) will become 11d and agenda item 8k(1) will become 11e.

**MORTON/AMADEO: TO APPROVE THE CONSENT AGENDA MINUS AGENDA ITEMS 8m(1), 8g(3) AND 8k(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 consider adopting **Resolution No. 2016-127**, approving an update to the Monterey County Multi-Jurisdictional Hazard Mitigation Plan, and; adopt the Monterey County Multi-Jurisdictional Hazard Mitigation Plan as an official plan of the City of Marina. ***Continued from August 3, 2016***

Council Questions on: Valuations of city properties; cost vulnerability; Lifeline Utilities-MCWD Desal Plant offline/defunct; any detriment to city by leaving MCWD Desal Plant on list;

**MORTON/AMADEO: TO ADOPT RESOLUTION NO. 2016-127, APPROVING AN UPDATE TO THE MONTEREY COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN, AND; ADOPT THE MONTEREY COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN AS AN OFFICIAL PLAN OF THE CITY OF MARINA WITHOUT ANY MODIFICATION TO SUPPLEMENT. 4-1(Brown)-0-0 Motion Passes**

Public Comments: None received

- b. City Council consider adopting Resolution No. 2016-128, delegating authority to the City Manager, or his designee, to “allow, compromise, or settle a claim” governed by the Tort Claims Act, California Government Code Sections 900 *et seq*, which do not exceed \$15,000.00; and, rescind Resolution No 2003-130, which allows the City Manager to settle claims not exceeding \$1,000.00.

Council Questions: does new proposal authorize the city manager to deny a claim; is there any limitation as to the number of claims per year that can be approved by the city manager per this resolution; Why are we going above the \$10,000.00 deductible; can these claims be put on consent agenda as they were in the past; what is current city manager limit; what is small claims limit; are claims under \$10,000 reviewed by MBASIA with an opinion upon which our city manager would be relying in accepting or rejecting a claim; limiting number of claims city manager can authorize per fiscal year;

Morton/O’Connell: that we authorize the city manager to “allow, compromise, or settle a claim” governed by the Tort Claims Act, California Government Code Sections 900 *et seq*, which do not exceed \$10,000, provided the claim has been submitted to our appropriate insurance agency for its procedural review; and rescind Resolution No. 2003-130 which allows the City Manager to settle claims not exceeding \$1,000.00; and that a list of the claims settled and amounts paid be included in the city council packages quarterly, not as just a sequential check but broken out and identified.

Substitute Motion

Brown/Amadeo: that we table this matter.

Modified Substitute Motion

**BROWN/DELGADO: TO HAVE THE CITY GO BACK TO THE PROCEDURE WHERE WHEN STAFF RECOMMENDS THAT A CLAIM BE DENIED AND ITS' \$1,000 THAT IS BE PLACED ON THE CONSENT AGENDA AS PREVIOUSLY OCCURRED. 3-2(Amadeo/Morton)-0-0 Substitute Motion Passes**

Public Comments:

- Paula Pelot – Asked what is the dimension of this problem? How many claims are we now receiving every year and how much money cumulative are they are to see how large a problem this really is or is not?
- Mike Owen – is Council member brown asking for it to stay at \$1,000? Why is the City Manager requesting that it go up to \$15,000?
- Kathy Biala – Commented on the Health industry looking at incidents and reports and sees the claim process could be a little like that. They tell us when something has gone awry in our current system. Evaluation on quarterly basis to see trends is ok. Your insurance company should be tracking this. Need to ask for trending reports on some kind of basis so we can see where the incidents/claims are coming from.

- c. City Council consider appointment to Economic Development Commission: James Stahl. Seat Expiring February 2018. *Pulled by member of the public, was agenda item 8m(1)*

Paula Pelot pulled this item due to concerns about the rating and scoring sheet being made public and the appointment process in whole. Questions on score sheet for EDC ask questions related to planning and zoning. Thinks more people would apply is rating/scoresheets were not publicized. Suggested appointment process and score sheets be looked at.

**BROWN/AMADEO: TO APPROVE APPOINTMENT AS RECOMMENDED. 5-0-0-0 Motion Passes**

- d. City Council consider adopting **Resolution No. 2016-129**, approving reimbursement agreement between City of Marina and the Federal Bureau of Investigation for the Federal Bureau of Investigation to reimburse the City of Marina for the planning, engineering and legal services and for construction and furnishing Building 504 at the Marina Municipal Airport for the proposed use of said building by the Federal Bureau of Investigations, and; authorize Finance Director to make necessary accounting and budgetary entries, and; authorize City Manager to execute reimbursement agreement on behalf of City subject to final review by the City Attorney. *Pulled by Councilmember Morton, was agenda item 8g(3)*

Council Questions: What will the FBI be doing/using this building for? Is there a downside to this agreement? It the \$90,000 adequate funding to make sure the city is reimbursed all our money? If we enter into lease negotiations and things do not work out will the city still get full reimbursement from the FBI?

**DELGADO/BROWN: TO ADOPT RESOLUTION NO. 2016-129, APPROVING REIMBURSEMENT AGREEMENT BETWEEN CITY OF MARINA AND THE FEDERAL BUREAU OF INVESTIGATION FOR THE FEDERAL BUREAU OF INVESTIGATION TO REIMBURSE THE CITY OF MARINA FOR THE PLANNING, ENGINEERING AND LEGAL SERVICES AND FOR CONSTRUCTION AND FURNISHING BUILDING 504 AT THE MARINA MUNICIPAL AIRPORT FOR THE PROPOSED USE OF SAID BUILDING BY THE FEDERAL BUREAU OF INVESTIGATIONS, AND; AUTHORIZE FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES, AND; AUTHORIZE CITY MANAGER TO EXECUTE REIMBURSEMENT AGREEMENT ON BEHALF OF CITY SUBJECT TO FINAL REVIEW BY THE CITY ATTORNEY. 5-0-0-0 Motion Passes**

Public Comments: None received

- e. City Council consider adopting **Resolution No. 2016-130**, approving appropriation of Abrams B Bond proceeds for City Capital Improvement Program (CIP) projects, and; authorize Finance Director to make necessary budgetary and accounting entries subject to final review and approval by Bond Counsel. *Pulled by Councilmember Morton, was agenda item 8k(1)*

Council Questions: Why these particular projects?

**DELGADO/AMADEO: TO ADOPT RESOLUTION NO. 2016-130, APPROVING APPROPRIATION OF ABRAMS B BOND PROCEEDS FOR CITY CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS, AND; AUTHORIZE FINANCE DIRECTOR TO MAKE NECESSARY BUDGETARY AND ACCOUNTING ENTRIES SUBJECT TO FINAL REVIEW AND APPROVAL BY BOND COUNSEL. 5-0-0-0 Motion Passes**

Public Comments: None received

12. COUNCIL & STAFF INFORMATIONAL REPORTS:

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

Mayor Delgado – Was unable to attend the last Mayor’s Association meeting, waiting for notes from meeting, will report out at next meeting.

- 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 Brown attended an AMBAG meeting last Wednesday and disturbed by an item on the agenda dealing with AMBAG seeking approval of the board for staff recommendation for applying for a state or federal grant to fund an 18 units senior housing complex at a cost of \$10 million over the Junsay Oaks 46 affordable rental units, which cost \$20 million. I raised issues and was the lone descender of standing up for Marina’s interest. Feel’s Marina’s interests are ignored and downright disrespected. Concerns about why we are even in AMBAG and would like to ask that this be on a future agenda to discontinue the city’s participation in AMBAG.

City Manager Long:

- Hampton Inn had a plan that was approved and then corporate headquarters did not approve it because they wanted an indoor pool. The plan they had approved was for an outside pool. They

have resubmitted a plan for an indoor pool for approval in the near future and then we will hopefully see construction.

- Airport Development: talking with many people and hope to bring more leases to council soon.
- Looking to secure a date to bring the CIP back to council. Council gave direction to do so by September 30<sup>th</sup>

13. ADJOURNMENT: The meeting adjourned at 8:45 PM

\_\_\_\_\_  
Anita Sharp, Deputy City Clerk

ATTEST:

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Bruce C. Delgado, Mayor